

By: Representative Read

To: Transportation

HOUSE BILL NO. 1284

1 AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO
 2 ESTABLISH AND OPERATE A MOTORCYCLE OPERATOR SAFETY PROGRAM FOR THE
 3 PURPOSE OF ASSISTING MOTORCYCLE OPERATORS TO MEET THE REQUIREMENTS
 4 FOR LICENSED DRIVING OF MOTORCYCLES IN THE STATE; TO AUTHORIZE THE
 5 COMMISSIONER OF PUBLIC SAFETY TO ADOPT RULES AND REGULATIONS,
 6 PRESCRIBE FEES, ESTABLISH COURSE REQUIREMENTS AND APPOINT A
 7 MOTORCYCLE SAFETY COORDINATOR FOR THE PROGRAM; TO PRESCRIBE THE
 8 QUALIFICATIONS OF THE COORDINATOR AND PROGRAM INSTRUCTORS; TO
 9 ESTABLISH A MOTORCYCLE OPERATOR SAFETY FUND; TO AMEND SECTION
 10 27-19-43, MISSISSIPPI CODE OF 1972, TO INCREASE THE ANNUAL
 11 REGISTRATION FEE FOR MOTORCYCLES; TO AMEND SECTION 63-1-21,
 12 MISSISSIPPI CODE OF 1972, TO INCREASE THE APPLICATION FEE FOR A
 13 MOTORCYCLE LEARNER'S PERMIT; TO AMEND SECTION 63-1-43, MISSISSIPPI
 14 CODE OF 1972, TO INCREASE THE FEE FOR AN ORIGINAL OR RENEWAL
 15 MOTORCYCLE DRIVER'S LICENSE; AND FOR RELATED PURPOSES.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

17 **SECTION 1.** The following terms as used in this act have the
 18 meanings ascribed to them in this section unless the context
 19 clearly requires otherwise:

20 (a) "Commissioner" means the Commissioner of Public
 21 Safety.

22 (b) "Coordinator" means the Statewide Motorcycle Safety
 23 Coordinator provided for in Section 4 of this act.

24 (c) "Department" means the Department of Public Safety.

25 (d) "Motorcycle" means every motor vehicle having a
 26 seat or saddle for the use of the rider and designed to travel on
 27 not more than three (3) wheels in contact with the ground, but
 28 excluding tractors and mopeds.

29 (e) "Operator" means any person who drives, operates or
 30 is in actual physical control of a motorcycle.

31 (f) "Program" means a motorcycle operator safety
 32 training program provided for in Section 2 of this act.



33 **SECTION 2.** (1) The department shall set up, establish and
34 operate a motorcycle operator safety training program for the
35 purpose of assisting motorcycle operators to meet the requirements
36 for licensed driving of motorcycles in this state.

37 (2) The coordinator, with the approval of the commissioner,
38 may set up, establish and operate additional motorcycle operator
39 safety training programs.

40 (3) Any programs established under this section shall
41 provide courses on motorcycle operator safety. The programs shall
42 be based on the Motorcycle Safety Foundation Motorcycle Rider
43 Course or its equivalent in quality, utility and merit.

44 (4) The department shall issue a certificate of completion
45 to each person who satisfactorily completes the motorcycle
46 operator safety training program.

47 **SECTION 3.** The commissioner may adopt, promulgate and
48 establish rules and regulations for the operation of any
49 motorcycle operator safety training program created under this
50 act; may provide for the entrance and enrollment of students; may
51 prescribe fees for the course; and may prescribe the ages,
52 requirements and conditions under which students may be received
53 for instruction in any such program.

54 **SECTION 4.** (1) The commissioner shall appoint a Statewide
55 Motorcycle Safety Coordinator who shall carry out and enforce the
56 provisions of this act and the rules and regulations of the
57 department. The coordinator must hold a valid regular driver's
58 license with a motorcycle endorsement.

59 (2) The coordinator may also:

60 (a) Promote motorcycle safety throughout the state;

61 (b) Provide consultation to the various departments of
62 state government and local political subdivisions relating to
63 motorcycle safety; and

64 (c) Do any other thing deemed necessary by the
65 commissioner to promote motorcycle safety in the state.



66 **SECTION 5.** Every person who desires to qualify as an
67 instructor in a motorcycle operator safety training program must
68 meet the following requirements:

69 (a) Be of good moral character;

70 (b) Give satisfactory performance on a written, oral,
71 performance or combination examination administered by the
72 coordinator testing both knowledge of the field of motorcycle
73 operator education and skills necessary to instruct and impart
74 motorcycle driving skills and safety to students. The instructor
75 training program shall provide for a course of instruction based
76 on the Motorcycle Safety Foundation's Instructor Course or its
77 equivalent in quality, utility and merit. This course of
78 instruction shall be held periodically based on the applications
79 received and the need for instructors, and an examination fee
80 prescribed by the coordinator must be charged;

81 (c) Be physically able to operate safely a motorcycle
82 and to instruct others in the operation of motorcycles; and

83 (d) Hold a valid regular driver's license with a
84 motorcycle endorsement.

85 **SECTION 6.** (1) The Motorcycle Operator Safety Fund is
86 established in the State Treasury and appropriated on a continual
87 basis to the department which shall administer the monies. Money
88 in the fund shall only be used for administration and
89 implementation of the program.

90 (2) At the end of each fiscal year, monies remaining in the
91 fund shall be retained in the fund and shall not revert to the
92 General Fund. The interest and income earned on money in the
93 fund, after deducting any applicable charges, must be credited to
94 the fund.

95 (3) In addition to the program course tuition fees, the
96 following revenue shall be credited to the fund:

97 (a) Five Dollars (\$5.00) of the annual registration fee
98 for each registered motorcycle as provided under Section 27-29-43;



99 (b) One Dollar (\$1.00) of the application fee for a
100 motorcycle learner's permit as provided under Section 63-1-21; and

101 (c) Five Dollars (\$5.00) of the fee for each original
102 or renewal motorcycle driver's license or endorsement as provided
103 under Section 63-1-43.

104 **SECTION 7.** Section 27-19-43, Mississippi Code of 1972, is
105 amended as follows:

106 27-19-43. (1) License tags, substitute tags and decals for
107 individual fleets and for private carriers of passengers, school
108 buses (excluding school buses owned by a school district in the
109 state), church buses, taxicabs, ambulances, hearses, motorcycles
110 and private carriers of property, and private commercial carriers
111 of property of a gross weight of ten thousand (10,000) pounds and
112 less, shall be sold and issued by the tax collectors of the
113 several counties.

114 (2) Applications for license tags for motor vehicles in a
115 corporate fleet registered under Section 27-19-66, and
116 applications for all other license tags, substitute tags and
117 decals shall be filed with the commission or the local tax
118 collector of the respective counties and forwarded to the
119 commission for issuance to the applicant. All tags and decals for
120 vehicles owned by the state or any agency or instrumentality
121 thereof, and vehicles owned by a fire protection district, school
122 district or a county or municipality, and all vehicles owned by a
123 road, drainage or levee district shall be issued by the
124 commission.

125 (3) In addition to the privilege taxes levied herein, there
126 shall be collected the following registration or tag fee:

127 (a) For the issuance of both a license tag and two (2)
128 decals, a fee of Five Dollars (\$5.00).

129 (b) For the issuance of up to two (2) decals only, a
130 fee of Three Dollars and Seventy-five Cents (\$3.75).



131 (c) For the issuance of both a license tag and two (2)
132 decals for motorcycles, a fee of Ten Dollars (\$10.00) of which
133 Five Dollars (\$5.00) shall be credited to the fund established in
134 Section 6 of this act.

135 (d) For the issuance of up to two (2) decals only for
136 motorcycles, a fee of Eight Dollars and Seventy-five Cents
137 (\$8.75), of which Five Dollars (\$5.00) shall be credited to the
138 fund established in Section 6 of this act.

139 No tag or decal shall be issued either by a tax collector or
140 by the commission without the collection of such registration fee
141 except substitute tags and decals and license tags for vehicles
142 owned by the State of Mississippi.

143 Beginning July 1, 1987, and until the date specified in
144 Section 65-39-35, there shall be levied a registration fee of Five
145 Dollars (\$5.00) in addition to the regular registration fee
146 imposed in paragraphs (a) and (b) of this subsection. Such
147 additional registration fee shall be levied in the same manner as
148 the regular registration fee.

149 **SECTION 8.** Section 63-1-21, Mississippi Code of 1972, is
150 amended as follows:

151 63-1-21. (1) Every applicant for a new or original driver's
152 or operator's license, except persons holding an out-of-state
153 license, shall first obtain a temporary driving permit upon the
154 payment of a fee of One Dollar (\$1.00) to the Department of Public
155 Safety and upon the successful completion of the examination
156 provided for in Section 63-1-33 and the payment of the fee for
157 such examination provided for in Section 63-1-43.

158 (2) A temporary driving permit entitles the holder, provided
159 the permit is in his immediate possession, to drive a motor
160 vehicle other than a motorcycle on the highways of the State of
161 Mississippi only when accompanied by a licensed operator who is at
162 least twenty-one (21) years of age and who is actually occupying
163 the seat beside the driver. A temporary driving permit may be



164 issued to any applicant who is at least fifteen (15) years of age.
165 A temporary driving permit shall be valid for a period of one (1)
166 year from the date of issue.

167 (3) An intermediate license allows unsupervised driving from
168 6:00 a.m. to 10:00 p.m. At all other times the intermediate
169 licensee must be supervised by a parent, guardian or other person
170 age twenty-one (21) years or older who holds a valid driver's
171 license under this article and who is actually occupying the seat
172 beside the driver.

173 (4) The fee for issuance of an intermediate license shall be
174 Five Dollars (\$5.00).

175 Except as otherwise provided by Section 63-1-6, every
176 applicant for a restricted motorcycle operator's license or a
177 motorcycle endorsement shall first obtain a temporary motorcycle
178 driving permit upon the payment of a fee of Two Dollars (\$2.00),
179 of which One Dollar (\$1.00) shall be credited to the fund
180 established under Section 6 of this act, to the Department of
181 Public Safety, and upon the successful completion of the
182 examination provided for in Section 63-1-33, and payment of the
183 fee for said examination provided for in Section 63-1-43. All
184 applicants for such temporary permit shall (a) be at least fifteen
185 (15) years of age; (b) operate a motorcycle only under the direct
186 supervision of a person at least twenty-one (21) years of age who
187 possesses either a valid driver's or operator's license with a
188 motorcycle endorsement or a valid restricted motorcycle operator's
189 license; (c) be prohibited from transporting a passenger on a
190 motorcycle; (d) be prohibited from operating a motorcycle upon any
191 controlled access highway; and (e) be prohibited from operating a
192 motorcycle during the hours of 6:00 p.m. through 6:00 a.m.
193 Temporary motorcycle driving permits shall be valid for the same
194 period of time and may be renewed upon the same conditions as
195 temporary driving permits issued for vehicles other than
196 motorcycles.



197 **SECTION 9.** Section 63-1-43, Mississippi Code of 1972, is
198 amended as follows:

199 63-1-43. (1) The fee for receiving the application and
200 issuing the regular driver's or operator's license and the fee for
201 renewing the license shall be:

202 (a) Eighteen Dollars (\$18.00) plus the applicable
203 photograph fee for each applicant for a four-year license;

204 (b) Three Dollars (\$3.00) plus the applicable
205 photograph fee for each applicant for a one-year license, except
206 as provided in paragraph (c) of this subsection; and

207 (c) Eight Dollars (\$8.00) plus the applicable
208 photograph fee for a one-year license for each applicant who is
209 not a United States citizen and who does not possess a social
210 security number issued by the United States government.

211 All originals and renewals of regular operators' licenses
212 shall be in compliance with Section 63-1-47.

213 (2) The fee for receiving the application and issuing a
214 motorcycle endorsement shall be Ten Dollars (\$10.00), of which
215 Five Dollars (\$5.00) shall be credited to the fund established in
216 Section 6 of this act. Motorcycle endorsements shall be valid for
217 the same period of time as the applicant's operator's license.

218 (3) The fee for receiving the application and issuing a
219 restricted motorcycle operator's license and the fee for renewing
220 such license shall be:

221 (a) Sixteen Dollars (\$16.00), of which Five Dollars
222 (\$5.00) shall be credited to the fund established in Section 6 of
223 this act plus the applicable photograph fee for a four-year
224 license; and

225 (b) Thirteen Dollars (\$13.00), of which Five Dollars
226 (\$5.00) shall be credited to the fund established in Section 6 of
227 this act plus the applicable photograph fee for a one-year
228 license.



229 All originals and renewals of restricted motorcycle licenses
230 shall be valid for the same period of time that an original
231 regular driver's license may be issued to such person in
232 compliance with Section 63-1-47.

233 (4) From and after January 1, 1990, every person who makes
234 application for an original license or a renewal license to
235 operate a vehicle as a common carrier by motor vehicle, taxicab,
236 passenger coach, dray, contract carrier or private commercial
237 carrier as such terms are defined in Section 27-19-3, except for
238 those vehicles for which a Class A, B or C license is required
239 under Article 2 of this chapter, shall, in lieu of the regular
240 driver's license above provided for, apply for and obtain a Class
241 D commercial driver's license. Except as otherwise provided in
242 subsection (5) of this section, the fee for the issuance of a
243 Class D commercial driver's license shall be Twenty-three Dollars
244 (\$23.00) plus the applicable photograph fee for a period of four
245 (4) years; however, except as required under Article 2 of this
246 chapter, no driver of a pickup truck shall be required to have a
247 commercial license regardless of the purpose for which the pickup
248 truck is used.

249 Except as otherwise provided in subsection (5) of this
250 section, all originals and renewals of commercial licenses issued
251 under this section shall be valid for a period of four (4) years,
252 in compliance with Section 63-1-47. Only persons who operate the
253 above-mentioned vehicles in the course of the regular and
254 customary business of the owner shall be required to obtain a
255 Class D commercial operator's license, and persons operating such
256 vehicles for private purposes or in emergencies shall not be
257 required to obtain such license.

258 (5) The original and each renewal of a commercial driver's
259 license issued under this section to a person who is not a United
260 States citizen and who does not possess a social security number
261 issued by the United States government shall be issued for a



262 period of one (1) year for a fee of Eight Dollars (\$8.00) plus the
263 applicable photograph fee and shall expire one (1) year from the
264 date of issuance. Such person may renew a commercial license
265 issued under this section within thirty (30) days of expiration of
266 the license.

267 (6) The Commissioner of Public Safety, by rule or
268 regulation, shall establish a driver's license photograph fee
269 which shall be the actual cost of the photograph rounded off to
270 the next highest dollar. Monies collected for the photograph fee
271 shall be deposited into a special photograph fee account which the
272 Department of Public Safety shall use to pay the actual cost of
273 producing the photographs. Any monies collected in excess of the
274 actual costs of the photography shall be deposited to the General
275 Fund of the State of Mississippi.

276 **SECTION 10.** This act shall take effect and be in force from
277 and after July 1, 2003.

