

By: Senator(s) Harden

To: Highways and
Transportation

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2786

1 AN ACT TO AMEND SECTION 63-1-35, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE REQUIREMENT THAT AN APPLICANT FOR A DRIVER'S
3 LICENSE PRESENT HIS SOCIAL SECURITY NUMBER TO THE DEPARTMENT OF
4 PUBLIC SAFETY SHALL NOT BE APPLICABLE TO A PERSON WHO FILES AN
5 AFFIDAVIT WITH THE DEPARTMENT AFFIRMING THAT HE HAS NEVER BEEN
6 ISSUED A SOCIAL SECURITY NUMBER; TO AMEND SECTION 63-1-19,
7 MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE TYPES OF DOCUMENTS THAT
8 AN APPLICANT FOR A MISSISSIPPI DRIVER'S LICENSE MAY PROVIDE TO THE
9 DRIVER'S LICENSE EXAMINER IN ORDER TO SHOW PROOF OF RESIDENCE; AND
10 FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 63-1-35, Mississippi Code of 1972, is
13 amended as follows:

14 63-1-35. (1) The Commissioner of Public Safety shall
15 prescribe the form of licenses issued pursuant to this article
16 which shall, among other features, include a driver's license
17 number assigned by the Department of Public Safety which, at the
18 option of the licensee, may or may not be the social security
19 number of the licensee. A licensee who chooses not to use his
20 social security number as his driver's license number, except as
21 otherwise provided under subsection (2) of this section, shall
22 list his social security number with the department which shall
23 cross reference the social security number with the driver's
24 license number for purposes of identification. Additionally, each
25 license shall bear a full face color photograph of the licensee in
26 such form that the license and the photograph cannot be separated.
27 Such photograph shall be taken so that one (1) exposure will
28 photograph the applicant and the application simultaneously on the
29 same film. The department shall use a process in the issuance of
30 a license with a color photograph which shall prevent as nearly as
31 possible any alteration, counterfeiting, duplication,



32 reproduction, forging or modification of such license or the
33 superimposition of a photograph without ready detection. Such
34 photograph shall be replaced by the department at the time of
35 renewal. Driver licenses, including photographs appearing
36 thereon, may be renewed by electronic means according to rules and
37 regulations promulgated by the commissioner. The Department of
38 Public Safety may accept bank credit cards and debit cards in
39 payment of fees for driver license renewals that are processed by
40 electronic means and, if authorized by general law, may charge an
41 additional fee for the use of such cards.

42 (2) An applicant who does not have, or who states that he
43 has never been issued, a social security number as required under
44 subsection (1) of this section, shall complete an affidavit, under
45 penalty of perjury, affirming that he has never been issued a
46 social security number.

47 (3) The commissioner shall prescribe the form of licenses
48 issued pursuant to this article to licensees who are not United
49 States citizens and who do not possess a social security number
50 issued by the United States government. The licenses of such
51 persons shall include a number and any other identifying features
52 the commissioner prescribes.

53 **SECTION 2.** Section 63-1-19, Mississippi Code of 1972, is
54 amended as follows:

55 63-1-19. (1) * * * Every applicant for a license or permit
56 issued pursuant to this article, or for renewal of such license or
57 permit, shall file an application for such license, permit or
58 renewal, on a form provided by the Department of Public Safety,
59 with the commissioner or an official license examiner of the
60 department. All persons not holding valid, unexpired licenses
61 issued in this state shall be required to secure an original
62 license, except those specifically exempted from licensing under
63 Section 63-1-7. The application shall state the name, date of
64 birth, the social security number of the applicant unless the



65 applicant is not a United States citizen and does not possess a
66 social security number issued by the United States government,
67 sex, race, color of eyes, color of hair, weight, height and
68 residence address, and whether or not the applicant's privilege to
69 drive has been suspended or revoked at any time, and, if so, when,
70 by whom, and for what cause, and whether any previous application
71 by him has been denied, and whether he has any physical defects
72 which would interfere with his operating a motor vehicle safely
73 upon the highways.

74 (2) Every applicant for an original license shall show proof
75 of residence in this state. * * * An applicant for an original
76 license may show proof of residence in this state by presenting to
77 the license examiner at least two (2) of the following
78 documents: * * *

79 (a) A utility bill, including telephone service,
80 showing a valid residential address;

81 (b) A bank statement showing a valid Mississippi
82 address;

83 (c) An acceptable employer verification, such as an
84 employment identification card, a letter from the employer on its
85 official letterhead or a payroll check or payroll check stub;

86 (d) An automobile, life or health insurance policy
87 showing a valid Mississippi address;

88 (e) A driver's license issued by the State of
89 Mississippi to a parent, legal guardian or spouse;

90 (f) A Mississippi motor vehicle registration showing a
91 valid Mississippi address;

92 (g) An Internal Revenue Service Tax Reporting W-2 Form;

93 (h) A receipt for personal or real estate taxes paid
94 within the last year showing a valid Mississippi address;

95 (i) A copy of a residential lease showing a valid
96 Mississippi address; or



97 (j) If the applicant is a student enrolled in a public
98 or private school in Mississippi, a photo student identification
99 and acceptable documentation that the student resides on campus.

100 (3) If an applicant is unable to provide at least two (2) of
101 the documents described in subsection (2) of this section, he may
102 provide one of the documents described in subsection (2) of this
103 section and one of the following documents:

104 (a) The Individual Taxpayer Identification Number
105 (ITIN) issued by the Internal Revenue Service;

106 (b) Form I-94 issued to the applicant by the United
107 States Immigration and Naturalization Service;

108 (c) An Employment Authorization Card (EAD) issued to
109 the applicant by the United States Immigration and Naturalization
110 Service;

111 (d) A Permanent Residence Card issued to the applicant
112 by the United States Immigration and Naturalization Service; or

113 (e) A stamp in a foreign passport issued by the United
114 States Immigration and Naturalization Service showing evidence of
115 lawful admission for permanent residence.

116 (4) The documents described in subsection (1) and (2) of
117 this section must include the applicant's name or the name of the
118 applicant's spouse, if the applicant has a spouse, or if the
119 applicant is a minor, the name of a parent or legal guardian.
120 These documents must also show the valid residence address of the
121 applicant being used on the application for the Mississippi
122 driver's license.

123 (5) Unless the applicant is not a United States citizen and
124 does not possess a social security number issued by the United
125 States government, each application or filing made under this
126 section shall include the social security number(s) of the
127 applicant in accordance with Section 93-11-64, Mississippi Code of
128 1972.



129 (6) No person who is illegally in the United States or
130 Mississippi shall be issued a license. The application of a
131 person who is not a United States citizen and who does not possess
132 a social security number issued by the United States government
133 shall state the name, date of birth, sex, race, color of eyes,
134 color of hair, weight, height and residence address, and whether
135 or not the applicant's privilege to drive has been suspended or
136 revoked at any time, and, if so, when, by whom, and for what
137 cause, and whether any previous application by him has been
138 denied, and whether he has any physical defects which would
139 interfere with his operating a motor vehicle safely upon the
140 highways. The commissioner shall adopt and promulgate such rules
141 and regulations as he deems appropriate requiring additional
142 documents, materials, information or physical evidence to be
143 provided by the applicant as may be necessary to establish the
144 identity of the applicant and that the applicant is not present in
145 the United States or the State of Mississippi illegally.

146 (7) (a) Any male who is at least eighteen (18) years of age
147 but less than twenty-six (26) years of age and who applies for a
148 permit or license or a renewal of a permit or license under this
149 chapter shall be registered in compliance with the requirements of
150 Section 3 of the Military Selective Service Act, 50 USCS Appx 451
151 et seq., as amended.

152 (b) The department shall forward in an electronic
153 format the necessary personal information of the applicant to the
154 Selective Service System. The applicant's submission of the
155 application shall serve as an indication that the applicant either
156 has already registered with the Selective Service System or that
157 he is authorizing the department to forward to the Selective
158 Service System the necessary information for registration. The
159 commissioner shall notify the applicant on, or as a part of, the
160 application that his submission of the application will serve as
161 his consent to registration with the Selective Service System, if



162 so required. The commissioner also shall notify any male
163 applicant under the age of eighteen (18) that he will be
164 registered upon turning age eighteen (18) as required by federal
165 law.

166 **SECTION 3.** This act shall take effect and be in force from
167 and after July 1, 2003.

