

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.

