

By: Representative Fleming

To: Transportation

## HOUSE BILL NO. 144

1 AN ACT TO AMEND SECTION 63-1-21, MISSISSIPPI CODE OF 1972, TO  
2 PROHIBIT THE HOLDER OF A TEMPORARY DRIVING PERMIT, AN INTERMEDIATE  
3 LICENSE OR A TEMPORARY MOTORCYCLE DRIVING PERMIT FROM USING A  
4 CELLULAR TELEPHONE OR INTERACTIVE WIRELESS COMMUNICATION DEVICE  
5 WHILE OPERATING A MOVING PASSENGER MOTOR VEHICLE ON A PUBLIC ROAD,  
6 STREET OR HIGHWAY IN THIS STATE; AND FOR RELATED PURPOSES.

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

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

10 63-1-21. (1) Every applicant for a new or original driver's  
11 or operator's license, except persons holding an out-of-state  
12 license, shall first obtain a temporary driving permit upon the  
13 payment of a fee of One Dollar (\$1.00) to the Department of Public  
14 Safety and upon the successful completion of the examination  
15 provided for in Section 63-1-33 and the payment of the fee for  
16 such examination provided for in Section 63-1-43.

17 (2) A temporary driving permit entitles the holder, provided  
18 the permit is in his immediate possession, to drive a motor  
19 vehicle other than a motorcycle on the highways of the State of  
20 Mississippi only when accompanied by a licensed operator who is at  
21 least twenty-one (21) years of age and who is actually occupying  
22 the seat beside the driver. A temporary driving permit may be  
23 issued to any applicant who is at least fifteen (15) years of age.  
24 A temporary driving permit shall be valid for a period of one (1)  
25 year from the date of issue.

26 (3) An intermediate license allows unsupervised driving from  
27 6:00 a.m. to 10:00 p.m. At all other times the intermediate  
28 licensee must be supervised by a parent, guardian or other person  
29 age twenty-one (21) years or older who holds a valid driver's

30 license under this article and who is actually occupying the seat  
31 beside the driver.

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

34 (5) Except as otherwise provided by Section 63-1-6, every  
35 applicant for a restricted motorcycle operator's license or a  
36 motorcycle endorsement shall first obtain a temporary motorcycle  
37 driving permit upon the payment of a fee of One Dollar (\$1.00) to  
38 the Department of Public Safety, and upon the successful  
39 completion of the examination provided for in Section 63-1-33, and  
40 payment of the fee for said examination provided for in Section  
41 63-1-43. All applicants for such temporary permit shall (a) be at  
42 least fifteen (15) years of age; (b) operate a motorcycle only  
43 under the direct supervision of a person at least twenty-one (21)  
44 years of age who possesses either a valid driver's or operator's  
45 license with a motorcycle endorsement or a valid restricted  
46 motorcycle operator's license; (c) be prohibited from transporting  
47 a passenger on a motorcycle; (d) be prohibited from operating a  
48 motorcycle upon any controlled access highway; and (e) be  
49 prohibited from operating a motorcycle during the hours of 6:00  
50 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall  
51 be valid for the same period of time and may be renewed upon the  
52 same conditions as temporary driving permits issued for vehicles  
53 other than motorcycles.

54 (6) The holder of a temporary driving permit, an  
55 intermediate license or a temporary motorcycle driving permit  
56 shall not use a cellular telephone or interactive wireless  
57 communication device while operating a moving passenger motor  
58 vehicle on a public road, street or highway in this state. The  
59 term "use" as used in this subsection means talking or listening  
60 to another person on a cellular telephone or interactive wireless  
61 communication device or operating its keys, buttons or other  
62 controls.

63           **SECTION 2.** This act shall take effect and be in force from  
64 and after July 1, 2004.