

By: Representative Mims (By Request)

To: Transportation

HOUSE BILL NO. 845

1 AN ACT TO AMEND SECTIONS 63-1-9 AND 63-1-21, MISSISSIPPI CODE
2 OF 1972, TO PROVIDE FOR THE ISSUANCE OF DRIVER TRAINING PERMITS TO
3 PERSONS AT LEAST FOURTEEN AND ONE-HALF YEARS OF AGE; TO INCREASE
4 THE MINIMUM AGE OF PERSONS WHO MAY BE ISSUED TEMPORARY DRIVING
5 PERMITS, INTERMEDIATE LICENSES AND REGULAR DRIVERS' LICENSES; TO
6 REQUIRE AN APPLICANT FOR A MISSISSIPPI DRIVER'S LICENSE WHO HOLDS
7 AN OUT-OF-STATE DRIVER'S LICENSE TO VERIFY COMPLETION OF SIMILAR
8 TRAINING IN THE LICENSING STATE; AND FOR RELATED PURPOSES.

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

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

12 63-1-9. (1) No driver's license, intermediate license or
13 temporary learning permit shall be issued pursuant to this
14 article:

15 (a) To any person under the age of eighteen (18) years
16 except as provided in this article.

17 (b) To any person whose license to operate a motor
18 vehicle on the highways of Mississippi has been previously revoked
19 or suspended by this state or any other state and/or territory of
20 the United States or the District of Columbia, and such revocation
21 or suspension period has not expired.

22 (c) To any person who is an habitual drunkard or who is
23 addicted to the use of other narcotic drugs.

24 (d) To any person who would not be able by reason of
25 physical or mental disability, in the opinion of the commissioner
26 or other person authorized to grant an operator's license, to
27 operate a motor vehicle on the highways with safety. However,
28 persons who have one (1) arm or leg, or have arms or legs
29 deformed, and have their car provided with mechanical devices
30 whereby they are able to drive in a safe manner over the highways,

31 if otherwise qualified, shall receive an operator's license the
32 same as other persons. Moreover, deafness shall not be a bar to
33 obtaining a license.

34 (e) To any person who is under the age of seventeen
35 (17) years to drive any motor vehicle while in use as a school bus
36 for the transportation of pupils to or from school, or to drive
37 any motor vehicle while in use as a public or common carrier of
38 persons or property.

39 (f) To any person as an operator who has previously
40 been adjudged to be afflicted with and suffering from any mental
41 disability and who has not at time of application been restored to
42 mental competency.

43 (g) To any unmarried person under the age of eighteen
44 (18) years who does not at the time of application present a
45 diploma or other certificate of high school graduation or a
46 general education development certificate issued to the person in
47 this state or any other state, or documentation that the person:

48 (i) Is enrolled and making satisfactory progress
49 in a course leading to a general education development
50 certificate;

51 (ii) Is enrolled in school in this state or any
52 other state;

53 (iii) Is enrolled in a "nonpublic school," as such
54 term is defined in Section 37-13-91(2)(i); or

55 (iv) Is unable to attend any school program due to
56 circumstances deemed acceptable as set out in Section 63-1-10.

57 (h) To any person under the age of eighteen (18) years
58 who has been convicted under Section 63-11-30.

59 (2) All permits and licenses issued on or before June 30,
60 2004, shall be valid according to the terms upon which issued.

61 From and after July 1, 2004:

62 (a) A driver training permit may be issued to any
63 person who is at least fourteen and one-half (14 1/2) years of age
64 who otherwise meets the requirements of this article.

65 (b) A temporary driving permit may be issued to any
66 person who is at least sixteen (16) years of age who otherwise
67 meets the requirements of this article and who has held a driver
68 training permit for at least twelve (12) months without any
69 conviction under Section 63-11-30, or of a moving violation. Any
70 conviction under Section 63-11-30, or of a moving violation shall
71 restart the twelve-month requirement for the holding of a driver
72 training permit before an applicant can qualify for a temporary
73 driving permit.

74 (c) An intermediate license may be issued to any person
75 who is at least seventeen (17) years of age who otherwise meets
76 the requirements of this article, who has completed an advanced
77 driver's education course of at least forty (40) hours as
78 determined by the Department of Public Safety and who has held a
79 temporary driving permit for at least twelve (12) months without
80 any conviction under Section 63-11-30 or of a moving violation.
81 Any conviction under Section 63-11-30 or of a moving violation
82 shall restart the twelve-month requirement for the holding of a
83 temporary driving permit before an applicant can qualify for an
84 intermediate license.

85 (d) A driver's license may be issued to any person who
86 is at least eighteen (18) years of age who otherwise meets the
87 requirements of this article and who has held an intermediate
88 license for at least twelve (12) months without any conviction
89 under Section 63-11-30 or of a moving violation. Any conviction
90 under Section 63-11-30 or of a moving violation shall restart the
91 six-month requirement for the holding of an intermediate license
92 before an applicant can qualify for a driver's license. However,
93 a person who is at least twenty-one (21) years of age who has been
94 issued a temporary driving permit and who has never been convicted

95 under Section 63-11-30 or of a moving violation shall not be
96 required to have held an intermediate license.

97 (e) An applicant for a Mississippi driver's license
98 who, at the time of application, is at least eighteen (18) years
99 of age and who has held a valid motor vehicle driver's license
100 issued by another state for at least six (6) months shall not be
101 required to hold a temporary driving permit or an intermediate
102 license before being issued a driver's license if the applicant
103 verifies that he has completed similar training in the licensing
104 state, as determined by the Department of Public Safety.

105 (3) The commissioner shall ensure that the temporary driving
106 permit, intermediate license and driver's license issued under
107 this article are clear, distinct and easily distinguishable from
108 one another.

109 **SECTION 2.** Section 63-1-21, Mississippi Code of 1972, is
110 amended as follows:

111 63-1-21. (1) Every applicant for a new or original driver's
112 or operator's license, except persons holding an out-of-state
113 license, shall first obtain a temporary driving permit upon the
114 payment of a fee of One Dollar (\$1.00) to the Department of Public
115 Safety and upon the successful completion of the examination
116 provided for in Section 63-1-33 and the payment of the fee for
117 such examination provided for in Section 63-1-43.

118 (2) A driver training permit entitles the holder to drive a
119 motor vehicle other than a motorcycle on private property or other
120 areas as may be designated by the Department of Public Safety or
121 on training areas approved by the department when accompanied by a
122 parent, guardian or certified driver's education instructor.

123 (3) A temporary driving permit entitles the holder, provided
124 the permit is in his immediate possession, to drive a motor
125 vehicle other than a motorcycle on the highways of the State of
126 Mississippi only when accompanied by a licensed operator who is at
127 least thirty (30) years of age and who is actually occupying the

128 seat beside the driver. A temporary driving permit may be issued
129 to any applicant who is at least sixteen (16) years of age. A
130 temporary driving permit shall be valid for a period of one (1)
131 year from the date of issue.

132 (4) An intermediate license allows unsupervised driving from
133 dawn to dusk. At all other times the intermediate licensee must
134 be supervised by a parent, guardian or other person age twenty-one
135 (21) years or older who holds a valid driver's license under this
136 article and who is actually occupying the seat beside the driver.

137 (5) The fee for issuance of an intermediate license shall be
138 Five Dollars (\$5.00).

139 Except as otherwise provided by Section 63-1-6, every
140 applicant for a restricted motorcycle operator's license or a
141 motorcycle endorsement shall first obtain a temporary motorcycle
142 driving permit upon the payment of a fee of One Dollar (\$1.00) to
143 the Department of Public Safety, and upon the successful
144 completion of the examination provided for in Section 63-1-33, and
145 payment of the fee for said examination provided for in Section
146 63-1-43. All applicants for such temporary permit shall (a) be at
147 least fifteen (15) years of age; (b) operate a motorcycle only
148 under the direct supervision of a person at least twenty-one (21)
149 years of age who possesses either a valid driver's or operator's
150 license with a motorcycle endorsement or a valid restricted
151 motorcycle operator's license; (c) be prohibited from transporting
152 a passenger on a motorcycle; (d) be prohibited from operating a
153 motorcycle upon any controlled access highway; and (e) be
154 prohibited from operating a motorcycle during the hours of 6:00
155 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall
156 be valid for the same period of time and may be renewed upon the
157 same conditions as temporary driving permits issued for vehicles
158 other than motorcycles.

159 **SECTION 3.** This act shall take effect and be in force from
160 and after July 1, 2004.