

By: Senator(s) Harden

To: Highways and
Transportation

SENATE BILL NO. 2173

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. Proof of residence shall not be
76 required of applicants under eighteen (18) years of age. * * * An
77 applicant for an original license, who is eighteen (18) years of
78 age or older, may show proof of residence in this state by
79 presenting to the license examiner at least two (2) of the
80 following documents:

81 (a) A utility bill, including telephone service,
82 showing a valid residential address;

83 (b) A bank statement showing a valid Mississippi
84 address;

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

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

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

92 (f) A Mississippi motor vehicle registration showing a
93 valid Mississippi address;

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

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

97 (i) A copy of a residential lease showing a valid
98 Mississippi address; or

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

102 (3) If an applicant is unable to provide at least two (2) of
103 the documents described in subsection (2) of this section, he may
104 provide one of the documents described in subsection (2) of this
105 section and one (1) of the following documents:

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

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

110 (c) An Employment Authorization Card (EAC) issued to
111 the applicant by the United States Immigration and Naturalization
112 Service;

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

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

118 (4) The documents described in subsections (1) and (2) of
119 this section must include the applicant's name or the name of the
120 applicant's spouse, if the applicant has a spouse, or if the
121 applicant is a minor, the name of a parent or legal guardian.

122 These documents must also show the valid residence address of the
123 applicant being used on the application for the Mississippi
124 driver's license.

125 (5) Unless the applicant is not a United States citizen and
126 does not possess a social security number issued by the United
127 States government, each application or filing made under this
128 section shall include the social security number(s) of the

129 applicant in accordance with Section 93-11-64, Mississippi Code of
130 1972.

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

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

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

162 application that his submission of the application will serve as
163 his consent to registration with the Selective Service System, if
164 so required. The commissioner also shall notify any male
165 applicant under the age of eighteen (18) that he will be
166 registered upon turning age eighteen (18) as required by federal
167 law.

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