

By: Senator(s) Tollison

To: Judiciary, Division B

SENATE BILL NO. 2560

1 AN ACT TO AMEND SECTION 63-1-79, MISSISSIPPI CODE OF 1972, TO
2 ALLOW DIABETICS TO OBTAIN A COMMERCIAL DRIVER'S LICENSE UNDER
3 CERTAIN CONDITIONS; TO AMEND SECTION 63-1-82, MISSISSIPPI CODE OF
4 1972, TO REQUIRE AN ENDORSEMENT OF A DIABETIC'S COMMERCIAL LICENSE
5 TO RESTRICT COMMERCIAL DRIVING TO INTRASTATE ONLY; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 63-1-79, Mississippi Code of 1972, is
9 amended as follows:

10 63-1-79. (1) Except as otherwise provided in this article,
11 no person shall be issued a commercial driver's license under this
12 article unless that person is a resident of this state, is
13 twenty-one (21) years of age or older, has passed a knowledge and
14 skills test for driving a commercial motor vehicle which complies
15 with minimum standards established by applicable federal
16 regulations, and has satisfied all other requirements of the CMVSA
17 in addition to other requirements imposed by state law or federal
18 regulation. The tests shall be prescribed and conducted by the
19 Commissioner of Public Safety. Notwithstanding the minimum age
20 requirements for issuance of a commercial driver's license under
21 this article, any person seventeen (17) years of age or older who
22 otherwise meets all requirements for issuance of a commercial
23 driver's license may be issued a commercial driver's license with
24 an endorsement thereon which authorizes the licensee to drive a
25 commercial motor vehicle within the geographic boundaries of this
26 state only.

27 (2) Notwithstanding the provisions of subsection (1) of this
28 section, the Commissioner of Public Safety may authorize another
29 person, including an agency, department, institution, political

30 subdivision or instrumentality of this or another state, an
31 employer, a private driver training facility or other private
32 institution, to administer the skills test specified by this
33 section, provided:

34 (a) The test is the same which would otherwise be
35 administered by the Commissioner of Public Safety; and

36 (b) Such person has entered into an agreement with this
37 state which complies with requirements of applicable federal
38 regulations.

39 (3) Notwithstanding the provisions of subsection (1) of this
40 section, the Commissioner of Public Safety shall waive the
41 knowledge test and/or skills test specified in this section for a
42 commercial driver's license applicant who meets any waiver
43 requirements of applicable federal regulations.

44 (4) A commercial driver's license or commercial driver
45 instruction permit shall not be issued to a person while the
46 person is subject to a disqualification from driving a commercial
47 motor vehicle or while the person's driver's license is suspended,
48 revoked or cancelled in any state; nor may a commercial driver's
49 license be issued to a person who has a commercial driver's
50 license issued by any other state unless the person first
51 surrenders all such licenses, which must be returned to the
52 issuing state or states for cancellation.

53 (5) (a) A commercial driver instruction permit may be
54 issued to an individual who has passed the vision and written
55 tests required for the class of commercial driver's license
56 applied for under this article.

57 (b) Unless the Commissioner of Public Safety waives the
58 skills test for a commercial driver's license applicant as
59 provided under this article, any person applying for a commercial
60 driver's license under this article shall be required to obtain a
61 commercial driver instruction permit before applying for or
62 obtaining such commercial driver's license.

63 (c) A commercial driver instruction permit shall not be
64 issued for a period to exceed six (6) months. Only three (3)
65 renewals shall be granted within a three-year period. The holder
66 of a commercial driver instruction permit may, unless otherwise
67 disqualified, drive a commercial motor vehicle only when
68 accompanied by the holder of a commercial driver's license valid
69 for the type of vehicle driven who occupies a seat beside the
70 individual for the purpose of giving instruction in driving the
71 commercial motor vehicle.

72 (6) Notwithstanding any requirement imposed by state law or
73 state or federal regulations restricting the issuance of a
74 commercial driver's license to a person suffering from diabetes, a
75 person suffering from diabetes may be issued a commercial driver's
76 license if the person otherwise meets all qualifications for
77 issuance provided:

78 (a) The driver is physically examined every year,
79 including an examination by a board-certified/eligible
80 endocrinologist attesting to the fact that the driver is:

81 (i) Free of insulin reactions (an individual is
82 free of insulin reactions if that individual does not have severe
83 hypoglycemia or hypoglycemia unawareness, and has less than one
84 (1) documented, symptomatic hypoglycemic reaction per month);

85 (ii) Able to and has demonstrated willingness to
86 properly monitor and manage the person's diabetes; and

87 (iii) Not likely to suffer any diminution in
88 driving ability due to the person's diabetic condition.

89 (b) The driver agrees to and complies with the
90 following conditions:

91 (i) A source of rapidly absorbable glucose shall
92 be carried at all times while driving;

93 (ii) Blood glucose levels shall be self-monitored
94 one (1) hour prior to driving and at least once every four (4)

95 hours while driving or on duty prior to driving using a portable
96 glucose monitoring device equipped with a computerized memory;

97 (iii) Submit blood glucose logs to the
98 endocrinologist or medical examiner at the annual examination or
99 when otherwise directed by the Department of Public Safety;

100 (iv) Provide a copy of the endocrinologist's
101 report to the medical examiner at the time of the annual medical
102 examination; and

103 (v) Provide a copy of the annual medical
104 certification to the person's employer for retention in the
105 driver's qualification file and retain a copy of the certification
106 on his person while driving for presentation to a duly authorized
107 federal, state or local enforcement official.

108 (c) The commercial license issued under this subsection
109 (6) will bear an endorsement restricting commercial driving on the
110 license to driving only within the boundaries of Mississippi.

111 **SECTION 2.** Section 63-1-82, Mississippi Code of 1972, is
112 amended as follows:

113 63-1-82. (1) Each commercial driver's license shall be
114 marked "Commercial Driver's License" or "CDL," and shall, to the
115 maximum extent practicable, be tamper proof. Each such license
116 shall include thereon, but not be limited to, the following
117 information:

118 (a) The name and residential address of the licensee;

119 (b) The licensee's color photograph;

120 (c) A physical description of the licensee, including
121 his sex, height, weight, eye and hair color;

122 (d) The licensee's date of birth;

123 (e) Except for a nonresident commercial driver's
124 license, the licensee's social security number; and any other
125 identifying information which the Commissioner of Public Safety,
126 by rule or regulation, determines necessary and essential for the
127 purposes of complying with the provisions of this article;

- 128 (f) The licensee's signature;
- 129 (g) The class or type of commercial motor vehicle or
130 vehicles which the licensee is authorized to drive together with
131 any endorsements or restrictions;
- 132 (h) The name of this state; and
- 133 (i) The dates between which the license is valid.

134 (2) The holder of a valid commercial driver's license may
135 drive all vehicles in the class for which that license is issued
136 and all lesser classes of vehicles, including any vehicle for
137 which an operator's license or commercial driver's license issued
138 under Article 1 of this chapter authorizes a person to drive.
139 However, vehicles which require an endorsement may not be driven
140 unless the proper endorsement appears on the license.

141 (3) Commercial driver's licenses may be issued with the
142 following classifications:

143 (a) Class A. Any combination of vehicles with a gross
144 vehicle weight rating of twenty-six thousand one (26,001) pounds
145 or more, provided the gross vehicle weight rating of the vehicle
146 or vehicles being towed is in excess of ten thousand (10,000)
147 pounds;

148 (b) Class B. Any single vehicle with a gross vehicle
149 weight rating of twenty-six thousand one (26,001) pounds or more,
150 and any such vehicle towing a vehicle not in excess of ten
151 thousand (10,000) pounds;

152 (c) Class C. Any single vehicle with a gross vehicle
153 weight rating of less than twenty-six thousand one (26,001) pounds
154 or any such vehicle towing a vehicle with a gross vehicle weight
155 rating not in excess of ten thousand (10,000) pounds comprising:

156 (i) Vehicles designed to transport sixteen (16) or
157 more passengers, including the driver; and

158 (ii) Vehicles used in the transportation of
159 hazardous materials which are required to be placarded under the

160 Hazardous Materials Transportation Act, 49 USCS Appx., Section
161 1801 et seq.; and

162 (d) Class D. All other vehicles or combination of
163 vehicles which are not included in Class A, Class B or Class C and
164 for which a commercial license is required to be issued as
165 provided by Section 63-1-43, Mississippi Code of 1972.

166 (4) Commercial driver's licenses may be issued with the
167 following endorsements and restrictions:

168 (a) "H" authorizes the driver to drive a vehicle
169 transporting hazardous materials;

170 (b) "K" restricts the driver to vehicles not equipped
171 with air brakes;

172 (c) "T" authorizes driving double and triple trailers;

173 (d) "P" authorizes driving vehicles carrying
174 passengers;

175 (e) "N" authorizes driving tank vehicles; * * *

176 (f) "X" represents a combination of hazardous materials
177 and tank vehicle endorsements;

178 (g) "S" restricts the driver to school buses being
179 operated for the purpose of transporting pupils to and from school
180 or to school-related functions and/or to all other vehicles not
181 requiring a commercial driver's license; and

182 (h) "I" restricts driving which requires a commercial
183 license to intrastate driving only.

184 (5) Before issuing a commercial driver's license, the
185 Commissioner of Public Safety shall obtain driving record
186 information through the Commercial Driver License Information
187 System.

188 (6) Within ten (10) days after issuing a commercial driver's
189 license, the Commissioner of Public Safety shall notify the
190 Commercial Driver License Information System of that fact,
191 providing all information required to ensure identification of the
192 person.

193 (7) The fee charged for the issuance of each original and
194 each renewal of a Class A, B or C commercial driver's license
195 shall be Thirty-eight Dollars (\$38.00) plus the applicable
196 photograph fee. In addition, a fee of Five Dollars (\$5.00) shall
197 be charged for each endorsement or restriction entered on a
198 commercial driver's license under subsection (4) of this section.
199 However, the fee charged for each original and renewal of a
200 commercial driver's license with an "S" restriction shall be the
201 same as the fee for a Class D commercial driver's license in
202 addition to all application fees.

203 (8) If a commercial driver instruction permit or commercial
204 driver's license is lost or destroyed, or if the holder of a
205 commercial driver's license changes his name, mailing address or
206 residence, an application for a duplicate permit or license shall
207 be made as provided by Section 63-1-37, Mississippi Code of 1972.

208 (9) All commercial driver's licenses issued under the
209 provisions of this article shall be issued for a period of not
210 more than four (4) years and shall expire at midnight on the last
211 day of the licensee's month of birth.

212 (10) Every person applying for renewal of a commercial
213 driver's license shall complete the application form required by
214 Section 63-1-81, Mississippi Code of 1972, providing updated
215 information and required certifications and paying the appropriate
216 fees. If the applicant wishes to retain a hazardous materials
217 endorsement, the written test for a hazardous materials
218 endorsement must be taken and passed.

219 (11) The Commissioner of Public Safety, by rule or
220 regulation, shall establish a driver's license photograph fee
221 which shall be the actual cost of the photograph rounded off to
222 the next highest dollar. Monies collected for the photograph fee
223 shall be deposited into a special photograph fee account which the
224 Department of Public Safety shall use to pay the actual cost of
225 producing the photographs. Any monies collected in excess of the

226 actual costs of the photography shall be deposited to the General
227 Fund of the State of Mississippi.

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