

By: Representative Fleming

To: Transportation

HOUSE BILL NO. 61

1 AN ACT TO AMEND SECTIONS 63-1-43 AND 63-1-47, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT THE DRIVER'S LICENSE OF A PERSON WHO
3 IS EIGHTY-FIVE YEARS OF AGE OR OLDER SHALL EXPIRE AND MUST BE
4 RENEWED EVERY TWO YEARS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 63-1-43, Mississippi Code of 1972, is
7 amended as follows:

8 63-1-43. (1) The fee for receiving the application and
9 issuing the regular driver's or operator's license and the fee for
10 renewing the license shall be:

11 (a) Eighteen Dollars (\$18.00) plus the applicable
12 photograph fee for each applicant for a four-year license;

13 (b) Three Dollars (\$3.00) plus the applicable
14 photograph fee for each applicant for a one-year license, except
15 as provided in paragraph (c) of this subsection; * * *

16 (c) Eight Dollars (\$8.00) plus the applicable
17 photograph fee for a one-year license for each applicant who is
18 not a United States citizen and who does not possess a social
19 security number issued by the United States government; and

20 (d) Nine Dollars (\$9.00) plus the applicable photograph
21 fee for a two-year license.

22 All originals and renewals of regular operators' licenses
23 shall be in compliance with Section 63-1-47.

24 (2) The fee for receiving the application and issuing a
25 motorcycle endorsement shall be Five Dollars (\$5.00). Motorcycle
26 endorsements shall be valid for the same period of time as the
27 applicant's operator's license.

28 (3) The fee for receiving the application and issuing a
29 restricted motorcycle operator's license and the fee for renewing
30 such license shall be:

31 (a) Eleven Dollars (\$11.00) plus the applicable
32 photograph fee for a four-year license; and

33 (b) Eight Dollars (\$8.00) plus the applicable
34 photograph fee for a one (1) year license.

35 All originals and renewals of restricted motorcycle licenses
36 shall be valid for the same period of time that an original
37 regular driver's license may be issued to such person in
38 compliance with Section 63-1-47.

39 (4) From and after January 1, 1990, every person who makes
40 application for an original license or a renewal license to
41 operate a vehicle as a common carrier by motor vehicle, taxicab,
42 passenger coach, dray, contract carrier or private commercial
43 carrier as such terms are defined in Section 27-19-3, except for
44 those vehicles for which a Class A, B or C license is required
45 under Article 2 of this chapter, shall, in lieu of the regular
46 driver's license above provided for, apply for and obtain a Class
47 D commercial driver's license. Except as otherwise provided in
48 subsection (5) of this section, the fee for the issuance of a
49 Class D commercial driver's license shall be Twenty-three Dollars
50 (\$23.00) plus the applicable photograph fee for a period of four
51 (4) years; however, except as required under Article 2 of this
52 chapter, no driver of a pickup truck shall be required to have a
53 commercial license regardless of the purpose for which the pickup
54 truck is used.

55 Except as otherwise provided in subsection (5) of this
56 section, all originals and renewals of commercial licenses issued
57 under this section shall be valid for a period of four (4) years,
58 in compliance with Section 63-1-47. Only persons who operate the
59 above-mentioned vehicles in the course of the regular and
60 customary business of the owner shall be required to obtain a

61 Class D commercial operator's license, and persons operating such
62 vehicles for private purposes or in emergencies shall not be
63 required to obtain such license.

64 (5) The original and each renewal of a commercial driver's
65 license issued under this section to a person who is not a United
66 States citizen and who does not possess a social security number
67 issued by the United States government shall be issued for a
68 period of one (1) year for a fee of Eight Dollars (\$8.00) plus the
69 applicable photograph fee and shall expire one (1) year from the
70 date of issuance. Such person may renew a commercial license
71 issued under this section within thirty (30) days of expiration of
72 the license.

73 (6) The Commissioner of Public Safety, by rule or
74 regulation, shall establish a driver's license photograph fee
75 which shall be the actual cost of the photograph rounded off to
76 the next highest dollar. Monies collected for the photograph fee
77 shall be deposited into a special photograph fee account which the
78 Department of Public Safety shall use to pay the actual cost of
79 producing the photographs. Any monies collected in excess of the
80 actual costs of the photography shall be deposited to the General
81 Fund of the State of Mississippi.

82 **SECTION 2.** Section 63-1-47, Mississippi Code of 1972, is
83 amended as follows:

84 63-1-47. (1) Except as otherwise provided in this section,
85 each applicant for an original license issued pursuant to this
86 article, who is entitled to issuance of same, and who is eighteen
87 (18) years of age or older, shall be issued a four-year license
88 which will expire at midnight on the licensee's birthday.

89 (a) Except as otherwise provided in this section, all
90 renewal licenses of operators eighteen (18) years of age or older
91 shall be for four-year periods and may be renewed any time within
92 six (6) months before the expiration of the license upon

93 application and payment of the required fee, unless required to be
94 reexamined.

95 (b) From and after January 1, 1990, no commercial
96 driver's license shall be issued under the provisions of this
97 article for any commercial motor vehicle, the lawful operation of
98 which requires the driver to obtain a Class A, B or C commercial
99 driver's license under Article 2 of this chapter; however, from
100 time to time, the holder of a commercial license may apply for a
101 commercial driver's license under Article 2 of this chapter; and,
102 if he fails to pass the required test for such license, he shall
103 be entitled to an extension of his license that shall be valid for
104 one hundred twenty (120) days or until he again is tested under
105 Article 2 of this chapter, whichever occurs first. The extension
106 shall entitle the license holder to operate all vehicles which
107 such license authorized him to operate prior to taking the
108 required test. The first extension shall be without charge;
109 however, a fee of Fifteen Dollars (\$15.00) shall be imposed for
110 any subsequent extension. No extension shall be valid past March
111 31, 1992.

112 (2) Any commercial driver's license issued under this
113 article before January 1, 1990, which expires after March 31,
114 1992, shall be void on April 1, 1992, for the operation of any
115 commercial vehicle requiring a commercial license to be issued
116 under Article 2 of this chapter; however, if the holder of any
117 such license applies for a commercial driver's license under
118 Article 2 of this chapter, passes the required tests for such
119 license, pays all applicable fees under Article 2 of this chapter
120 except the Forty Dollars (\$40.00) license fee and otherwise meets
121 all requirements for the issuance of such license, then such
122 person shall be issued a license under Article 2 of this chapter
123 which shall expire on the expiration date of the commercial
124 driver's license being replaced.

125 (3) The fee for the issuance of an original and renewals of
126 a Class D commercial driver's license under this article to an
127 applicant who is not a United States citizen and who does not
128 possess a social security number issued by the United States
129 government and the period for which such license will be valid and
130 expire shall be as prescribed in Section 63-1-43.

131 (4) The Commissioner of Public Safety shall notify, by
132 United States mail addressed to the last known address of record
133 with the Department of Public Safety, all holders of a commercial
134 driver's license issued under this article before January 1, 1990,
135 and which expire after March 31, 1992, that such license will be
136 void on and after April 1, 1992, for the operation of any vehicle
137 for which a commercial driver's license is required to be issued
138 under Article 2 of this chapter.

139 (5) Any person holding a valid commercial driver's license
140 issued under this article before January 1, 1990, shall continue
141 thereafter, until expiration of such license, to be entitled to
142 operate all vehicles which such license authorized him to operate
143 immediately before January 1, 1990, except that from and after
144 April 1, 1992, such license shall not entitle the licensee to
145 operate a commercial motor vehicle the lawful operation of which
146 requires a commercial driver's license under Article 2 of this
147 chapter.

148 (6) Except as otherwise provided in this article, each
149 applicant for an original driver's license issued pursuant to this
150 article, who is entitled to issuance of same, being under eighteen
151 (18) years of age, shall be issued a one-year license which will
152 expire at midnight on the licensee's birthday. Renewal drivers'
153 licenses of operators under the age of eighteen (18) shall be for
154 one-year periods and may be renewed any time within two (2) months
155 before the expiration of the license upon application and payment
156 of the required fee, unless required to be reexamined. An
157 intermediate license shall be valid for one (1) year from its date

158 of issue and may be renewed any time within fourteen (14) days
159 before expiration of the license. All applications by an operator
160 under the age of eighteen (18) must be accompanied by
161 documentation that the applicant is in compliance with the
162 education requirements of Section 63-1-9(1)(g), and the
163 documentation must be dated no more than thirty (30) days prior to
164 the date of application.

165 (7) Any license issued under this article to a person who is
166 not a United States citizen and who does not possess a social
167 security number issued by the United States government shall
168 expire one (1) year from the date of issuance and may be renewed,
169 if such person is otherwise qualified to renew such license,
170 within thirty (30) days of expiration. The fee for any such
171 license and for renewal shall be as prescribed in Section 63-1-43.

172 (8) All renewal licenses of operators who, at the time of
173 renewal, are eighty-five (85) years of age or older shall be for
174 two-year periods and may be renewed any time within six (6) months
175 before the expiration of the license upon application and payment
176 of the required fee, unless required to be reexamined.

177 **SECTION 3.** This act shall take effect and be in force from
178 and after July 1, 2005.