

By: Representative Mims

To: Transportation

HOUSE BILL NO. 898

1 AN ACT TO AMEND SECTION 63-1-9, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE AGE OF PERSONS WHO MAY BE ISSUED TEMPORARY DRIVING
3 PERMITS, INTERMEDIATE DRIVER'S LICENSES AND REGULAR DRIVER'S
4 LICENSES; TO AMEND SECTION 63-1-21, MISSISSIPPI CODE OF 1972, TO
5 REVISE THE TIME DURING WHICH HOLDERS OF INTERMEDIATE DRIVER'S
6 LICENSES MAY OPERATE A VEHICLE WITHOUT SUPERVISION; TO PROVIDE
7 THAT THE HOLDER OF A TEMPORARY DRIVING PERMIT OR AN INTERMEDIATE
8 LICENSE MAY PROVIDE TRANSPORTATION FOR THE ELDERLY AND THE
9 DISABLED EVEN IF THE ELDERLY OR DISABLED PASSENGER DOES NOT HOLD A
10 VALID DRIVER'S LICENSE AND IS NOT SEATED BESIDE THE DRIVER; AND
11 FOR RELATED PURPOSES.

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

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

15 63-1-9. (1) No driver's license, intermediate license or
16 temporary learning permit shall be issued pursuant to this
17 article:

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

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

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

27 (d) To any person who would not be able by reason of
28 physical or mental disability, in the opinion of the commissioner
29 or other person authorized to grant an operator's license, to
30 operate a motor vehicle on the highways with safety. However,
31 persons who have one (1) arm or leg, or have arms or legs

32 deformed, and have their car provided with mechanical devices
33 whereby they are able to drive in a safe manner over the highways,
34 if otherwise qualified, shall receive an operator's license the
35 same as other persons. Moreover, deafness shall not be a bar to
36 obtaining a license.

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

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

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

51 (i) Is enrolled and making satisfactory progress
52 in a course leading to a general education development
53 certificate;

54 (ii) Is enrolled in school in this state or any
55 other state;

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

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

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

62 (2) All permits and licenses issued on or before June 30,
63 2005, shall be valid according to the terms upon which issued.
64 From and after July 1, 2005:

65 (a) A temporary driving permit may be issued to any
66 person who is at least fourteen and one-half (14 1/2) years of age
67 who otherwise meets the requirements of this article.

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

77 (c) A driver's license may be issued to any person who
78 is at least seventeen (17) years of age who otherwise meets the
79 requirements of this article and who has held an intermediate
80 license for at least twelve (12) months without any conviction
81 under Section 63-11-30 or of a moving violation. Any conviction
82 under Section 63-11-30 or of a moving violation shall restart the
83 twelve-month requirement for the holding of an intermediate
84 license before an applicant can qualify for a driver's license.
85 However, a person who is at least eighteen (18) years of age who
86 has been issued a temporary driving permit and who has never been
87 convicted under Section 63-11-30 or of a moving violation shall
88 not be required to have held an intermediate license.

89 (d) An applicant for a Mississippi driver's license
90 who, at the time of application, is at least seventeen (17) years
91 of age and who has held a valid motor vehicle driver's license
92 issued by another state for at least twelve (12) months shall not
93 be required to hold a temporary driving permit or an intermediate
94 license before being issued a driver's license.

95 (3) The commissioner shall ensure that the temporary driving
96 permit, intermediate license and driver's license issued under

97 this article are clear, distinct and easily distinguishable from
98 one another.

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

101 63-1-21. (1) Every applicant for a new or original driver's
102 or operator's license, except persons holding an out-of-state
103 license, shall first obtain a temporary driving permit upon the
104 payment of a fee of One Dollar (\$1.00) to the Department of Public
105 Safety and upon the successful completion of the examination
106 provided for in Section 63-1-33 and the payment of the fee for
107 such examination provided for in Section 63-1-43.

108 (2) Except as otherwise provided in subsection (5) of this
109 section, a temporary driving permit entitles the holder, provided
110 the permit is in his immediate possession, to drive a motor
111 vehicle other than a motorcycle on the highways of the State of
112 Mississippi only when accompanied by a licensed operator who is at
113 least twenty-five (25) years of age and who is actually occupying
114 the seat beside the driver. A temporary driving permit may be
115 issued to any applicant who is at least fourteen and one-half (14
116 1/2) years of age. A temporary driving permit shall be valid for
117 a period of one (1) year from the date of issue.

118 (3) An intermediate license allows unsupervised driving from
119 one-half (1/2) hour after dawn until one-half (1/2) hour before
120 dusk. Except as otherwise provided in subsection (5) of this
121 section, at all other times the intermediate licensee must be
122 supervised by a parent, guardian or other person age twenty-one
123 (21) years or older who holds a valid driver's license under this
124 article and who is actually occupying the seat beside the driver.

125 (4) Any holder of a temporary driving permit or an
126 intermediate license may provide transportation for the elderly
127 and the disabled even if the elderly or disabled passenger does
128 not hold a valid driver's license and is not seated beside the
129 driver.

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

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

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