

By: Representative Brown

To: Transportation

HOUSE BILL NO. 1005

1 AN ACT TO AMEND SECTIONS 63-1-9 AND 63-1-21, MISSISSIPPI CODE
2 OF 1972, TO PROHIBIT THE HOLDER OF A MISSISSIPPI DRIVER'S LICENSE,
3 TEMPORARY DRIVING PERMIT OR INTERMEDIATE LICENSE WHO IS UNDER THE
4 AGE OF EIGHTEEN FROM DRIVING FROM MIDNIGHT TO 4:00 A.M.; TO AMEND
5 SECTION 63-1-51, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
6 SUSPENSION OF A DRIVER'S LICENSE, TEMPORARY DRIVING PERMIT OR
7 INTERMEDIATE LICENSE FOR VIOLATING THE PRECEDING PROVISIONS; AND
8 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 2000, shall be valid according to the terms upon which issued.
61 From and after July 1, 2000:

62 (a) A temporary driving permit may be issued to any
63 person who is at least fifteen (15) years of age who otherwise
64 meets the requirements of this article.

65 (b) An intermediate license may be issued to any person
66 who is at least fifteen (15) years of age who otherwise meets the
67 requirements of this article and who has held a temporary driving
68 permit for at least six (6) months without any conviction under
69 Section 63-11-30 or of a moving violation. Any conviction under
70 Section 63-11-30 or of a moving violation shall restart the
71 six-month requirement for the holding of a temporary driving
72 permit before an applicant can qualify for an intermediate
73 license.

74 (c) A driver's license may be issued to any person who
75 is at least sixteen (16) years of age who otherwise meets the
76 requirements of this article and who has held an intermediate
77 license for at least six (6) months without any conviction under
78 Section 63-11-30 or of a moving violation. Any conviction under
79 Section 63-11-30 or of a moving violation shall restart the
80 six-month requirement for the holding of an intermediate license
81 before an applicant can qualify for a driver's license. However,
82 a person who is at least seventeen (17) years of age who has been
83 issued a temporary driving permit and who has never been convicted
84 under Section 63-11-30 or of a moving violation shall not be
85 required to have held an intermediate license.

86 (d) An applicant for a Mississippi driver's license
87 who, at the time of application, is at least sixteen (16) years of
88 age and who has held a valid motor vehicle driver's license issued
89 by another state for at least six (6) months shall not be required
90 to hold a temporary driving permit or an intermediate license
91 before being issued a driver's license.

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

94 this article are clear, distinct and easily distinguishable from
95 one another.

96 (4) (a) The holder of a Mississippi driver's license who is
97 under the age of eighteen (18), is prohibited from driving from
98 midnight to 4:00 a.m. except in the case of an emergency, when
99 traveling to and from work, when traveling to or from a
100 school-sponsored event or when traveling with a parent or legal
101 guardian.

102 (b) The holder of a Mississippi driver's license who is
103 under the age of eighteen (18), is limited to driving with a
104 certain number of passengers in the motor vehicle. If the holder
105 of a Mississippi driver's license is age seventeen (17), the
106 driver is limited to carrying only three (3) passengers. If the
107 holder of a Mississippi driver's license is age sixteen (16), the
108 driver is limited to carrying only one (1) passenger. However,
109 these passenger restrictions shall not apply to family members.

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

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

119 (2) (a) A temporary driving permit entitles the holder,
120 provided the permit is in his immediate possession, to drive a
121 motor vehicle other than a motorcycle on the highways of the State
122 of Mississippi only when accompanied by a licensed operator who is
123 at least twenty-one (21) years of age and who is actually
124 occupying the seat beside the driver. A temporary driving permit
125 may be issued to any applicant who is at least fifteen (15) years

126 of age. A temporary driving permit shall be valid for a period of
127 one (1) year from the date of issue.

128 (b) The holder of a Mississippi temporary driving
129 permit who is under the age of eighteen (18), is prohibited from
130 driving from midnight to 4:00 a.m. except in the case of an
131 emergency, when traveling to and from work, when traveling to or
132 from a school-sponsored event or when traveling with a parent or
133 legal guardian.

134 (c) The holder of a Mississippi temporary driving
135 permit who is under the age of eighteen (18), is limited to
136 driving with a certain number of passengers in the motor vehicle.
137 If the holder of a Mississippi temporary driving permit is age
138 seventeen (17), the driver is limited to carrying only three (3)
139 passengers. If the holder of a Mississippi temporary driving
140 permit is age sixteen (16), the driver is limited to carrying only
141 one (1) passenger. However, these passenger restrictions shall
142 not apply to family members.

143 (3) (a) An intermediate license allows unsupervised driving
144 from 6:00 a.m. to 10:00 p.m. At all other times the intermediate
145 licensee must be supervised by a parent, guardian or other person
146 age twenty-one (21) years or older who holds a valid driver's
147 license under this article and who is actually occupying the seat
148 beside the driver.

149 (b) The holder of a Mississippi intermediate license
150 who is under the age of eighteen (18), is prohibited from driving
151 from midnight to 4:00 a.m. except in the case of an emergency,
152 when traveling to and from work, when traveling to or from a
153 school-sponsored event or when traveling with a parent or legal
154 guardian.

155 (c) The holder of a Mississippi intermediate license
156 who is under the age of eighteen (18), is limited to driving with
157 a certain number of passengers in the motor vehicle. If the
158 holder of a Mississippi intermediate license is age seventeen

159 (17), the driver is limited to carrying only three (3) passengers.
160 If the holder of a Mississippi intermediate license is age sixteen
161 (16), the driver is limited to carrying only one (1) passenger.
162 However, these passenger restrictions shall not apply to family
163 members.

164 (4) The fee for issuance of an intermediate license shall be
165 Five Dollars (\$5.00).

166 Except as otherwise provided by Section 63-1-6, every
167 applicant for a restricted motorcycle operator's license or a
168 motorcycle endorsement shall first obtain a temporary motorcycle
169 driving permit upon the payment of a fee of One Dollar (\$1.00) to
170 the Department of Public Safety, and upon the successful
171 completion of the examination provided for in Section 63-1-33, and
172 payment of the fee for said examination provided for in Section
173 63-1-43. All applicants for such temporary permit shall (a) be at
174 least fifteen (15) years of age; (b) operate a motorcycle only
175 under the direct supervision of a person at least twenty-one (21)
176 years of age who possesses either a valid driver's or operator's
177 license with a motorcycle endorsement or a valid restricted
178 motorcycle operator's license; (c) be prohibited from transporting
179 a passenger on a motorcycle; (d) be prohibited from operating a
180 motorcycle upon any controlled access highway; and (e) be
181 prohibited from operating a motorcycle during the hours of 6:00
182 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall
183 be valid for the same period of time and may be renewed upon the
184 same conditions as temporary driving permits issued for vehicles
185 other than motorcycles.

186 **SECTION 3.** Section 63-1-51, Mississippi Code of 1972, is
187 amended as follows:

188 63-1-51. (1) It shall be the duty of the trial judge, upon
189 conviction of any person holding a license issued pursuant to this
190 article where the penalty for a traffic violation is as much as
191 Ten Dollars (\$10.00), to mail a copy of abstract of the court

192 record or provide an electronically or computer generated copy of
193 abstract of the court record immediately to the commissioner at
194 Jackson, Mississippi, showing the date of conviction, penalty,
195 etc., so that a record of same may be made by the Department of
196 Public Safety. The commissioner shall forthwith revoke the
197 license of any person for a period of one (1) year upon receiving
198 a duly certified record of each person's convictions of any of the
199 following offenses when such conviction has become final:

200 (a) Manslaughter or negligent homicide resulting from
201 the operation of a motor vehicle;

202 (b) Any felony in the commission of which a motor
203 vehicle is used;

204 (c) Failure to stop and render aid as required under
205 the laws of this state in event of a motor vehicle accident
206 resulting in the death or personal injury of another;

207 (d) Perjury or the willful making of a false affidavit
208 or statement under oath to the department under this article or
209 under any other law relating to the ownership or operation of
210 motor vehicles;

211 (e) Conviction, or forfeiture of bail not vacated, upon
212 three (3) charges of reckless driving committed within a period of
213 twelve (12) months;

214 (f) Contempt for failure to pay a fine or fee or to
215 respond to a summons or citation pursuant to a charge of a
216 violation of this title.

217 (2) The commissioner shall revoke the license issued
218 pursuant to this article of any person convicted of negligent
219 homicide, in addition to any penalty now provided by law.

220 (3) In addition to the reasons specified in this section,
221 the commissioner shall be authorized to suspend the license issued
222 to any person pursuant to this article for being out of compliance
223 with an order for support, as defined in Section 93-11-153. The
224 procedure for suspension of a license for being out of compliance

225 with an order for support, and the procedure for the reissuance or
226 reinstatement of a license suspended for that purpose, and the
227 payment of any fees for the reissuance or reinstatement of a
228 license suspended for that purpose, shall be governed by Section
229 93-11-157 or 93-11-163, as the case may be. If there is any
230 conflict between any provision of Section 93-11-157 or 93-11-163
231 and any provision of this article, the provisions of Section
232 93-11-157 or 93-11-163, as the case may be, shall control.

233 (4) A person holding a Mississippi driver's license,
234 temporary driving permit or intermediate license who violates the
235 provisions of Sections 63-1-9(4), 63-1-21(2)(b), (2)(c), (3)(b) or
236 (3)(c), upon conviction, shall be punished as follows:

237 (a) Upon the first conviction, the driver shall attend
238 a driver improvement clinic that must be completed within ninety
239 (90) days. If the person fails to attend the clinic within ninety
240 (90) days, his or her driver's license, temporary driving permit
241 or intermediate license shall be suspended until the clinic is
242 completed.

243 (b) Upon the second conviction, the person shall have
244 his or her Mississippi driver's license, temporary driving permit
245 or intermediate license suspended for ninety (90) days.

246 (c) Upon the third conviction, the person shall have
247 his or her Mississippi driver's license, temporary driving permit
248 or intermediate license revoked for a period of one (1) year or
249 until the person reaches age eighteen (18), whichever is longer.

250 **SECTION 4.** This act shall take effect and be in force from
251 and after July 1, 2005.