

By: Representative Miles

To: Transportation

HOUSE BILL NO. 1041

1 AN ACT TO AMEND SECTION 63-1-82, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT PERSONS APPLING FOR THE ISSUANCE, RENEWAL, TRANSFER
3 OR UPGRADE OF A COMMERCIAL DRIVER'S LICENSE WITH A HAZARDOUS
4 MATERIAL ENDORSEMENT SHALL PAY THE DEPARTMENT OF PUBLIC SAFETY AN
5 ADDITIONAL FEE PLUS ACTUAL COSTS THAT THE DEPARTMENT INCURS IN
6 PERFORMING BACKGROUND CHECKS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 63-1-82, Mississippi Code of 1972, is
9 amended as follows:

10 63-1-82. (1) Each commercial driver's license shall be
11 marked "Commercial Driver's License" or "CDL" and shall, to the
12 maximum extent practicable, be tamper proof. Each such license
13 shall include thereon, but not be limited to, the following
14 information:

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

16 (b) The licensee's color photograph;

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

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

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

25 (f) The licensee's signature;

26 (g) The class or type of commercial motor vehicle or
27 vehicles which the licensee is authorized to drive together with
28 any endorsements or restrictions;

29 (h) The name of this state; and

30 (i) The dates between which the license is valid.

31 (2) The holder of a valid commercial driver's license may
32 drive all vehicles in the class for which that license is issued
33 and all lesser classes of vehicles, including any vehicle for
34 which an operator's license or commercial driver's license issued
35 under Article 1 of this chapter authorizes a person to drive.
36 However, vehicles which require an endorsement may not be driven
37 unless the proper endorsement appears on the license.

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

40 (a) Class A. Any combination of vehicles with a gross
41 vehicle weight rating of twenty-six thousand one (26,001) pounds
42 or more, provided the gross vehicle weight rating of the vehicle
43 or vehicles being towed is in excess of ten thousand (10,000)
44 pounds;

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

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

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

55 (ii) Vehicles used in the transportation of
56 hazardous materials which are required to be placarded under the
57 Hazardous Materials Transportation Act, 49 USCS Appx., Section
58 1801 et seq.; and

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

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

65 (a) "H" authorizes the driver to drive a vehicle
66 transporting hazardous materials;

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

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

70 (d) "P" authorizes driving vehicles carrying
71 passengers;

72 (e) "N" authorizes driving tank vehicles;

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

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

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

81 (5) Before issuing a commercial driver's license, the
82 Commissioner of Public Safety shall obtain driving record
83 information through the Commercial Driver License Information
84 System.

85 (6) Within ten (10) days after issuing a commercial driver's
86 license, the Commissioner of Public Safety shall notify the
87 Commercial Driver License Information System of that fact,
88 providing all information required to ensure identification of the
89 person.

90 (7) The fee charged for the issuance of each original and
91 each renewal of a Class A, B or C commercial driver's license
92 shall be Thirty-eight Dollars (\$38.00) plus the applicable
93 photograph fee. In addition, a fee of Five Dollars (\$5.00) shall
94 be charged for each endorsement or restriction entered on a
95 commercial driver's license under subsection (4) of this section.

96 However, the fee charged for each original and renewal of a
97 commercial driver's license with an "S" restriction shall be the
98 same as the fee for a Class D commercial driver's license in
99 addition to all application fees.

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

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

109 (10) Every person applying for renewal of a commercial
110 driver's license shall complete the application form required by
111 Section 63-1-81, Mississippi Code of 1972, providing updated
112 information and required certifications and paying the appropriate
113 fees. If the applicant wishes to retain a hazardous materials
114 endorsement, the written test for a hazardous materials
115 endorsement must be taken and passed.

116 (11) A fee of Thirty-seven Dollrs (\$37.00), plus actual
117 costs involved in conducting background record checks of
118 applicants before issuing renewal, transfer or upgrade of a
119 commercial driver's license with a hazardous material endorsement
120 for the purpose of determining that the applicant does not pose a
121 security threat warranting denial of such endorsement, shall be
122 charged in addition to all other fees for the issuance of each
123 original and each renewal of a Class A, B or C commercial driver's
124 license. The fees collected under this subsection shall be
125 deposited into a special fund in the State Treasury. Monies in
126 the fund may be expended, upon legislative appropriation, solely
127 for the purpose of paying administrative costs and expenses
128 incurred by the department in performing background checks.

129 (12) The Commissioner of Public Safety, by rule or
130 regulation, shall establish a driver's license photograph fee
131 which shall be the actual cost of the photograph rounded off to
132 the next highest dollar. Monies collected for the photograph fee
133 shall be deposited into a special photograph fee account which the
134 Department of Public Safety shall use to pay the actual cost of
135 producing the photographs. Any monies collected in excess of the
136 actual costs of the photography shall be deposited to the General
137 Fund of the State of Mississippi.

138 **SECTION 2.** This act shall take effect and be in force from
139 and after July 1, 2005.