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

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

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

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

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

(b) The licensee's color photograph;

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

(d) The licensee's date of birth;

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

(f) The licensee's signature;

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

(h) The name of this state; and
(i) The dates between which the license is valid.

(2) The holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued and all lesser classes of vehicles, including any vehicle for which an operator's license or commercial driver's license issued under Article 1 of this chapter authorizes a person to drive.

However, vehicles which require an endorsement may not be driven unless the proper endorsement appears on the license.

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

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

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

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

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

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

(d) Class D. All other vehicles or combination of vehicles which are not included in Class A, Class B or Class C and for which a commercial license is required to be issued as provided by Section 63-1-43, Mississippi Code of 1972.
(4) Commercial driver's licenses may be issued with the following endorsements and restrictions:

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

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

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

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

(e) "N" authorizes driving tank vehicles;

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

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

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

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

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

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

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

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

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

(11) A fee of Thirty-seven Dollars ($37.00), plus actual costs involved in conducting background record checks of applicants before issuing renewal, transfer or upgrade of a commercial driver's license with a hazardous material endorsement for the purpose of determining that the applicant does not pose a security threat warranting denial of such endorsement, shall be charged in addition to all other fees for the issuance of each original and each renewal of a Class A, B or C commercial driver's license. The fees collected under this subsection shall be deposited into a special fund in the State Treasury. Monies in the fund may be expended, upon legislative appropriation, solely for the purpose of paying administrative costs and expenses incurred by the department in performing background checks.
The Commissioner of Public Safety, by rule or regulation, shall establish a driver's license photograph fee which shall be the actual cost of the photograph rounded off to the next highest dollar. Monies collected for the photograph fee shall be deposited into a special photograph fee account which the Department of Public Safety shall use to pay the actual cost of producing the photographs. Any monies collected in excess of the actual costs of the photography shall be deposited to the General Fund of the State of Mississippi.

SECTION 2. This act shall take effect and be in force from and after its passage.