

By: Representative Miles

To: Transportation;
Judiciary B

HOUSE BILL NO. 1130

1 AN ACT TO AMEND SECTIONS 63-1-7 AND 63-1-78, MISSISSIPPI CODE
 2 OF 1972, TO CLARIFY WHICH MILITARY PERSONNEL ARE NOT REQUIRED TO
 3 HAVE A DRIVER'S LICENSE WHILE OPERATING MOTOR VEHICLES FOR
 4 MILITARY PURPOSES; TO AMEND SECTION 63-1-75, MISSISSIPPI CODE OF
 5 1972, TO INCLUDE CERTAIN ADDITIONAL TRAFFIC VIOLATIONS IN THE
 6 DEFINITION OF THE TERM "SERIOUS TRAFFIC VIOLATION" FOR PURPOSES OF
 7 THE MISSISSIPPI COMMERCIAL DRIVER'S LICENSE LAW AND TO PROVIDE
 8 THAT SUCH VIOLATIONS INCLUDE VIOLATIONS WHILE OPERATING A MOTOR
 9 VEHICLE THAT IS NOT A COMMERCIAL MOTOR VEHICLE; TO AMEND SECTION
 10 63-1-83, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COMMISSIONER OF
 11 PUBLIC SAFETY TO SUSPEND THE COMMERCIAL DRIVER'S LICENSE OF A
 12 PERSON THAT IS CONVICTED OF OPERATING A COMMERCIAL MOTOR VEHICLE
 13 WITHOUT A COMMERCIAL DRIVER'S LICENSE OR WITHOUT THE PROPER TYPE
 14 OF LICENSE OR ENDORSEMENT; TO AMEND SECTION 63-1-82, MISSISSIPPI
 15 CODE OF 1972, TO REVISE CERTAIN ENDORSEMENTS AND RESTRICTIONS FOR
 16 COMMERCIAL DRIVER'S LICENSES; TO AMEND SECTION 63-9-11,
 17 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE HOLDER OF A
 18 COMMERCIAL DRIVER'S LICENSE SHALL NOT BE ELIGIBLE TO PARTICIPATE
 19 IN A TRAFFIC SAFETY VIOLATOR COURSE AND HAVE CERTAIN MISDEMEANOR
 20 TRAFFIC VIOLATIONS REMOVED FROM HIS DRIVING RECORD; TO AMEND
 21 SECTION 63-9-17, MISSISSIPPI CODE OF 1972, TO DECREASE THE PERIOD
 22 OF TIME THAT A COURT HAS AFTER CONVICTION OF A PERSON FOR
 23 VIOLATING A LAW REGULATING THE OPERATION OF VEHICLES TO SEND TO
 24 THE DEPARTMENT OF PUBLIC SAFETY AN ABSTRACT OF THE RECORD OF THE
 25 CASE; TO INCREASE FROM THREE TO TEN THE YEARS THAT THE DEPARTMENT
 26 OF PUBLIC SAFETY IS REQUIRED TO KEEP AND MAINTAIN A PERSON'S
 27 TRAFFIC VIOLATION RECORDS; TO AMEND SECTIONS 63-1-19 AND 63-1-81,
 28 MISSISSIPPI CODE OF 1972, TO REQUIRE DRIVER'S LICENSE AND DRIVER'S
 29 PERMIT HOLDERS AND APPLICANTS TO NOTIFY THE DEPARTMENT OF PUBLIC
 30 SAFETY WHENEVER THERE IS A CHANGE IN THE ADDRESS OR NAME OF THE
 31 HOLDER OR APPLICANT; AND FOR RELATED PURPOSES.

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

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

35 63-1-7. No license issued pursuant to this article shall be
 36 required of:

37 (a) Active duty military personnel; members of the
 38 military reserves; members of the National Guard on active duty,
 39 including personnel on full-time National Guard duty, personnel on
 40 part-time National Guard training and National Guard military

41 technicians; and active duty United States Coast Guard personnel
42 while operating a motor vehicle for military purposes.

43 (b) Any nonresident person who has in his immediate
44 possession a valid license to drive a motor vehicle on the
45 highways of his home state or country, issued to him by the proper
46 authorities of his home state or country, or of any nonresident
47 person whose home state or country does not require the licensing
48 of a person to operate a motor vehicle on the highways but does
49 require him to be duly registered. Such person being eighteen
50 (18) years of age or older may operate a motor vehicle in the
51 state for a period of sixty (60) days without securing a license.
52 However, any nonresident person operating a motor vehicle in this
53 state shall be subject to all the provisions of this article,
54 except as specified above.

55 (c) Any person while operating a road roller, road
56 machinery or any farm tractor or implement of husbandry
57 temporarily drawn, moved or propelled on the highways.

58 (d) Any engineer or motorman using tracks for road or
59 street, though used in the streets.

60 (e) Any person while operating an electric personal
61 assistive mobility device as defined in Section 63-3-103.

62 **SECTION 2.** Section 63-1-78, Mississippi Code of 1972, is
63 amended as follows:

64 63-1-78. (1) Except as otherwise specifically provided in
65 this article, the provisions of this article shall be inapplicable
66 to the following persons and vehicles:

67 (a) Those operators of a farm vehicle which is:

68 (i) Controlled by a farmer and operated by the
69 farmer, an employee of the farmer or a member of the farmer's
70 family;

71 (ii) Used to transport agricultural products,
72 aquacultural products, unprocessed forestry products, farm

73 machinery or farm supplies, or any combination thereof, to or from
74 a farm;

75 (iii) Not used in the operations of a common or
76 contract motor carrier; and

77 (iv) Used within one hundred fifty (150) miles of
78 the person's farm;

79 (b) Those persons who drive or operate emergency or
80 fire equipment which is necessary to the preservation of life or
81 property or the execution of emergency governmental functions;

82 (c) Commercial motor vehicles when operated in pursuit
83 of military purposes by * * * active duty military personnel;
84 members of the military reserves; members of the National Guard on
85 active duty, including personnel on full-time National Guard duty,
86 personnel on part-time training and National Guard military
87 technicians; and active duty United States Coast Guard personnel;

88 (d) Those persons who hold a valid Class D commercial
89 driver's license as provided under Section 63-1-82; and

90 (e) Any vehicle which is used strictly and exclusively
91 to transport personal possessions or family members for
92 nonbusiness purposes.

93 (2) The provisions of subsection (1) of this section shall
94 not be construed as exempting any person or vehicle from the
95 provisions of the Highway Safety Patrol and Driver's License Law
96 of 1938, the Mississippi Implied Consent Law or the provisions of
97 any other laws of this state.

98 **SECTION 3.** Section 63-1-75, Mississippi Code of 1972, is
99 amended as follows:

100 63-1-75. The following words, as used in this article, shall
101 have the meanings herein ascribed unless the context clearly
102 requires otherwise:

103 (a) "Alcohol" means any substance containing any form
104 of alcohol including, but not limited to, ethanol, methanol,
105 propanol and isopropanol;

106 (b) "Alcohol concentration" means the concentration of
107 alcohol in a person's blood, breath or urine. When expressed as a
108 percentage it means:

109 (i) The number of grams of alcohol per one hundred
110 (100) milliliters of blood; or

111 (ii) The number of grams of alcohol per two
112 hundred ten (210) liters of breath; or

113 (iii) The number of grams of alcohol per
114 sixty-seven (67) milliliters of urine;

115 (c) "Commercial driver's license" means a license
116 issued in accordance with the requirements of this article to an
117 individual which authorizes the individual to drive a Class A, B
118 or C commercial motor vehicle;

119 (d) "Commercial Driver License Information System"
120 means the information system established pursuant to the CMVSA to
121 serve as a clearinghouse for locating information related to the
122 licensing and identification of commercial motor vehicle drivers;

123 (e) "Commercial driver instruction permit" means a
124 permit issued pursuant to Section 63-1-79;

125 (f) "Commercial motor vehicle" means a motor vehicle
126 designed or used to transport passengers or property:

127 (i) If the vehicle has a gross vehicle weight
128 rating of twenty-six thousand one (26,001) or more pounds, or such
129 lesser rating as determined by applicable federal regulations; or

130 (ii) If the vehicle is designed to transport
131 sixteen (16) or more passengers, including the driver; or

132 (iii) If the vehicle is transporting hazardous
133 materials and is required to be placarded in accordance with the
134 Hazardous Materials Transportation Act, 49 Code of Federal
135 Regulations, Part 172, Subpart F;

136 (g) "Controlled substance" means any substance so
137 classified under Section 102(6) of the Controlled Substances Act,
138 21 USCS 802(6), and includes all substances listed on Schedules I

139 through V of 21 Code of Federal Regulations, Part 1308, as they
140 may be revised from time to time, any substance so classified
141 under Sections 41-29-113 through 41-29-121, Mississippi Code of
142 1972, and any other substance which would impair a person's
143 ability to operate a motor vehicle;

144 (h) "Conviction" means an unvacated adjudication of
145 guilt, or a determination that a person has violated or failed to
146 comply with the law in a court of original jurisdiction or an
147 authorized administrative tribunal, an unvacated forfeiture of
148 bail or collateral deposited to secure the person's appearance in
149 court, a plea of guilty or nolo contendere accepted by the court
150 or tribunal, the payment of a fine or court cost, or violation of
151 a condition of release without bail, regardless of whether or not
152 the penalty is rebated, suspended or probated;

153 (i) "Disqualification" means a withdrawal of the
154 privilege to drive a commercial motor vehicle, including a
155 suspension, cancellation or revocation of a person's driver's
156 license or driving privileges and an out-of-service order;

157 (j) "Drive" means to drive, operate or be in physical
158 control of a motor vehicle;

159 (k) "Driver" means any person who drives, operates or
160 is in physical control of a commercial motor vehicle or who is
161 required to hold a commercial driver's license;

162 (l) "Driver's license" means a license issued by a
163 state to an individual which authorizes the individual to drive a
164 motor vehicle;

165 (m) "Felony" means any offense under state or federal
166 law that is punishable by death or imprisonment for a term of one
167 (1) year or more;

168 (n) "Foreign jurisdiction" means any jurisdiction other
169 than a state or the United States;

170 (o) "Gross vehicle weight rating" means the value
171 specified by the manufacturer as the maximum loaded weight of a

172 single or a combination (articulated) vehicle, or registered gross
173 weight, whichever is greater. The gross vehicle weight rating of
174 a combination (articulated) vehicle (commonly referred to as the
175 "gross combination weight rating") is the gross vehicle weight
176 rating of the power unit plus the gross vehicle weight rating of
177 the towed unit or units;

178 (p) "Hazardous materials" has the meaning as that found
179 in Section 103 of the Hazardous Materials Transportation Act, 49
180 Appx. USCS 1801 et seq.;

181 (q) "Motor vehicle" means every vehicle which is
182 self-propelled and every vehicle which is propelled by electric
183 power obtained from overhead trolley wires but not operated upon
184 rails, except vehicles moved solely by human power, motorized
185 wheelchairs and electric assistive mobility devices, as such term
186 is defined in Section 63-3-103;

187 (r) "Nonresident commercial driver's license" means a
188 commercial driver's license issued by a state to an individual who
189 resides in a foreign jurisdiction;

190 (s) "Out-of-service order" means a temporary
191 prohibition against driving a commercial motor vehicle;

192 (t) "Serious traffic violation" means a conviction when
193 operating a * * * motor vehicle of:

194 (i) Excessive speeding, involving a single charge
195 of any speed fifteen (15) miles per hour or more above the posted
196 speed limit or such other minimum speed above the posted speed
197 limit as prescribed by the CMVSA or federal regulations
198 promulgated pursuant thereto;

199 (ii) Reckless driving as defined under state or
200 local law;

201 (iii) Improper or erratic traffic lane changes;

202 (iv) Following the vehicle ahead too closely;

203 (v) A violation of any state or local law related
204 to motor vehicle traffic control resulting in a fatal accident

205 other than a parking violation, a vehicle weight violation or a
206 vehicle defect; * * *

207 (vi) Operating a commercial motor vehicle without
208 obtaining a commercial driver's license;

209 (vii) Operating a commercial motor vehicle without
210 a commercial driver's license in the driver's possession;

211 (viii) Operating a commercial motor vehicle
212 without the proper class of commercial driver's license and/or
213 endorsements for the specific vehicle group being operated or for
214 the passengers or type of cargo being transported; and

215 (ix) Any other violation of a state or local law
216 which the United States Secretary of Transportation determines by
217 regulation to be a serious traffic violation under the CMVSA;

218 (u) "State" means a state of the United States and the
219 District of Columbia;

220 (v) "United States" means the fifty (50) states and the
221 District of Columbia.

222 **SECTION 4.** Section 63-1-83, Mississippi Code of 1972, is
223 amended as follows:

224 63-1-83. (1) From and after April 1, 1992, it shall be a
225 violation of this article and the Commissioner of Public Safety
226 shall suspend for a period of one (1) year the commercial driver's
227 license and commercial motor vehicle driving privileges of any
228 person whom he determines to have committed a first violation of:

229 (a) Driving a commercial motor vehicle for which a
230 commercial driver instruction permit or commercial driver's
231 license is required under this article while under the influence
232 of alcohol or a controlled substance;

233 (b) Driving a commercial motor vehicle for which a
234 commercial driver instruction permit or commercial driver's
235 license is required under this article while the alcohol
236 concentration of the person's blood, breath or urine is four
237 one-hundredths percent (.04%) or more;

238 (c) Knowingly and willfully leaving the scene of an
239 accident involving a commercial motor vehicle for which a
240 commercial driver instruction permit or commercial driver's
241 license is required under this article, if the vehicle was driven
242 by such person;

243 (d) Using a commercial motor vehicle for which a
244 commercial driver instruction permit or commercial driver's
245 license is required under this article in the commission of any
246 felony as defined in this article; * * *

247 (e) Refusing to submit to a test to determine the
248 driver's alcohol concentration while driving a commercial motor
249 vehicle for which a commercial driver instruction permit or
250 commercial driver's license is required under this article; or

251 (f) Operating a commercial motor vehicle without a
252 commercial driver's license or without the proper type of license
253 or endorsement.

254 If any of the violations in subsection (1) of this section
255 occurred while transporting hazardous materials required to be
256 placarded under the Hazardous Materials Transportation Act, the
257 commissioner shall suspend the commercial driver's license of such
258 person for a period of three (3) years.

259 (2) The Commissioner of Public Safety shall suspend the
260 commercial driver's license of a person for life, or such lesser
261 minimum period of time as shall be required under applicable
262 federal law or regulations, if a person is determined to have
263 committed two (2) or more of the violations specified in
264 subsection (1) of this section or any combination of such
265 violations arising from two (2) or more separate incidents. The
266 provisions of this subsection (2) shall apply only to violations
267 occurring on or after April 1, 1992.

268 (3) The Commissioner of Public Safety shall suspend for life
269 the commercial driver's license of any person who uses a
270 commercial motor vehicle for which a commercial driver instruction

271 permit or commercial driver's license is required under this
272 article in the commission of any felony involving the manufacture,
273 distribution or dispensing of a controlled substance, or
274 possession with intent to manufacture, distribute or dispense a
275 controlled substance. The provisions of this subsection (3) shall
276 apply only to violations occurring on or after April 1, 1992.

277 (4) The Commissioner of Public Safety shall suspend for a
278 period of sixty (60) days the commercial driver's license of any
279 person convicted of two (2) serious traffic violations, or one
280 hundred twenty (120) days if convicted of three (3) serious
281 traffic violations, committed in a commercial motor vehicle for
282 which a commercial driver instruction permit or commercial
283 driver's license is required under this article arising from
284 separate incidents occurring within a period of three (3) years.
285 The provisions of this subsection (4) shall apply only to
286 violations occurring on or after April 1, 1992.

287 (5) In addition to the reasons specified in this section for
288 suspension of the commercial driver's license, the Commissioner of
289 Public Safety shall be authorized to suspend the commercial
290 driver's license of any person for being out of compliance with an
291 order for support, as defined in Section 93-11-153. The procedure
292 for suspension of a commercial driver's license for being out of
293 compliance with an order for support, and the procedure for the
294 reissuance or reinstatement of a commercial driver's license
295 suspended for that purpose, and the payment of any fees for the
296 reissuance or reinstatement of a commercial driver's license
297 suspended for that purpose, shall be governed by Section 93-11-157
298 or 93-11-163, as the case may be. If there is any conflict
299 between any provision of Section 93-11-157 or 93-11-163 and any
300 provision of this article, the provisions of Section 93-11-157 or
301 93-11-163, as the case may be, shall control.

302 **SECTION 5.** Section 63-1-82, Mississippi Code of 1972, is
303 amended as follows:

304 63-1-82. (1) Each commercial driver's license shall be
305 marked "Commercial Driver's License" or "CDL" and shall, to the
306 maximum extent practicable, be tamper proof. Each such license
307 shall include thereon, but not be limited to, the following
308 information:

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

310 (b) The licensee's color photograph;

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

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

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

319 (f) The licensee's signature;

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

323 (h) The name of this state; and

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

325 (2) The holder of a valid commercial driver's license may
326 drive all vehicles in the class for which that license is issued
327 and all lesser classes of vehicles, including any vehicle for
328 which an operator's license or commercial driver's license issued
329 under Article 1 of this chapter authorizes a person to drive.
330 However, vehicles which require an endorsement may not be driven
331 unless the proper endorsement appears on the license.

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

334 (a) Class A. Any combination of vehicles with a gross
335 vehicle weight rating of twenty-six thousand one (26,001) pounds
336 or more, provided the gross vehicle weight rating of the vehicle

337 or vehicles being towed is in excess of ten thousand (10,000)
338 pounds;

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

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

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

349 (ii) Vehicles used in the transportation of
350 hazardous materials which are required to be placarded under the
351 Hazardous Materials Transportation Act, 49 USCS Appx., Section
352 1801 et seq.; and

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

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

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

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

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

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

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

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

369 (g) "S" authorizes driving school buses * * * operated
370 for the purpose of transporting pupils to and from school or to
371 school-related functions * * *; and

372 (h) "F" restricts driving which requires a commercial
373 license to intrastate driving only.

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

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

383 (7) The fee charged for the issuance of each original and
384 each renewal of a Class A, B or C commercial driver's license
385 shall be Thirty-eight Dollars (\$38.00) plus the applicable
386 photograph fee. In addition, a fee of Five Dollars (\$5.00) shall
387 be charged for each endorsement * * * entered on a commercial
388 driver's license under subsection (4) of this section. * * *

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

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

398 (10) Every person applying for renewal of a commercial
399 driver's license shall complete the application form required by
400 Section 63-1-81, Mississippi Code of 1972, providing updated
401 information and required certifications and paying the appropriate

402 fees. If the applicant wishes to retain a hazardous materials
403 endorsement, the written test for a hazardous materials
404 endorsement must be taken and passed.

405 (11) The Commissioner of Public Safety, by rule or
406 regulation, shall establish a driver's license photograph fee
407 which shall be the actual cost of the photograph rounded off to
408 the next highest dollar. Monies collected for the photograph fee
409 shall be deposited into a special photograph fee account which the
410 Department of Public Safety shall use to pay the actual cost of
411 producing the photographs. Any monies collected in excess of the
412 actual costs of the photography shall be deposited to the General
413 Fund of the State of Mississippi.

414 **SECTION 6.** Section 63-9-11, Mississippi Code of 1972, is
415 amended as follows:

416 63-9-11. (1) It is a misdemeanor for any person to violate
417 any of the provisions of Chapter 3, 5 or 7 of this title, unless
418 such violation is by such chapters or other law of this state
419 declared to be a felony.

420 (2) Every person convicted of a misdemeanor for a violation
421 of any of the provisions of such chapters for which another
422 penalty is not provided shall for first conviction thereof be
423 punished by a fine of not more than One Hundred Dollars (\$100.00)
424 or by imprisonment for not more than ten (10) days; for a second
425 such conviction within one (1) year thereafter such person shall
426 be punished by a fine of not more than Two Hundred Dollars
427 (\$200.00) or by imprisonment for not more than twenty (20) days or
428 by both such fine and imprisonment; upon a third or subsequent
429 conviction within one (1) year after the first conviction such
430 person shall be punished by a fine of not more than Five Hundred
431 Dollars (\$500.00) or by imprisonment for not more than six (6)
432 months or by both such fine and imprisonment.

433 (3) (a) Whenever a person not covered under Section 63-1-55
434 is charged with a misdemeanor violation of any of the provisions

435 of Chapter 3, 5 or 7 of this title, the person shall be eligible
436 to participate in not less than four (4) hours of a traffic safety
437 violator course and thereby have no record of the violation on the
438 person's driving record if the person meets all the following
439 conditions:

440 (i) The defendant has a valid Mississippi driver's
441 license or permit.

442 (ii) The defendant has not had a conviction of a
443 violation under Chapter 3, 5 or 7 of this title within three (3)
444 years before the current offense; any conviction entered before
445 October 1, 2002, does not constitute a prior offense for the
446 purposes of this subsection (3).

447 (iii) The defendant's public and nonpublic driving
448 record as maintained by the Department of Public Safety does not
449 indicate successful completion of a traffic safety violator course
450 under this section in the three-year period before the offense.

451 (iv) The defendant files an affidavit with the
452 court stating that this is the defendant's first conviction in
453 more than three (3) years or since October 1, 2002, whichever is
454 the lesser period of time; the defendant is not in the process of
455 taking a course under this section; and the defendant has not
456 completed a course under this section that is not yet reflected on
457 the defendant's public or nonpublic driving record.

458 (v) The offense charged is for a misdemeanor
459 offense under Chapter 3, 5 or 7 of this title.

460 (vi) The defendant pays the applicable fine, costs
461 and any assessments required by law to be paid upon conviction of
462 such an offense.

463 (vii) The defendant pays to the court an
464 additional fee of Ten Dollars (\$10.00) to elect to proceed under
465 the provisions of this subsection (3).

466 (b) (i) 1. An eligible defendant may enter a plea of
467 nolo contendere or guilty in person or in writing and present to

468 the court, in person or by mail postmarked on or before the
469 appearance date on the citation, an oral or written request to
470 participate in a course under this subsection (3).

471 2. The court shall withhold acceptance of the
472 plea and defer sentencing in order to allow the eligible defendant
473 ninety (90) days to successfully complete not less than four (4)
474 hours of a court-approved traffic safety violator course at the
475 cost of the defendant. Upon proof of successful completion
476 entered with the court, the court shall dismiss the prosecution
477 and direct that the case be closed. The only record maintained
478 thereafter shall be the nonpublic record required under Section
479 63-9-17 solely for use by the courts in determining eligibility
480 under this subsection (3).

481 (ii) If a person pleads not guilty to a
482 misdemeanor offense under any of the provisions of Chapter 3, 5 or
483 7 of this title but is convicted, and the person meets all the
484 requirements under paragraph (a) of this subsection, upon request
485 of the defendant the court shall suspend the sentence for such
486 offense to allow the defendant forty-five (45) days to
487 successfully complete not less than four (4) hours of a
488 court-approved traffic safety violator course at his own cost.
489 Upon successful completion by the defendant of the course, the
490 court shall set the conviction aside, dismiss the prosecution and
491 direct that the case be closed. The court on its own motion shall
492 expunge the record of the conviction, and the only record
493 maintained thereafter shall be the nonpublic record required under
494 Section 63-9-17 solely for use by the courts in determining an
495 offender's eligibility under this subsection (3).

496 (c) An out-of-state resident shall be allowed to
497 complete a substantially similar program in his home state,
498 province or country provided the requirements of this subsection
499 (3) are met, except that the necessary valid driver's license or
500 permit shall be one issued by the home jurisdiction.

501 (d) A court shall not approve a traffic safety violator
502 course under this subsection (3) that does not supply at least
503 four (4) hours of instruction, an instructor's manual setting
504 forth an appropriate curriculum, student workbooks, some
505 scientifically verifiable analysis of the effectiveness of the
506 curriculum and provide minimum qualifications for instructors.

507 (e) A court shall inform a defendant making inquiry or
508 entering a personal appearance of the provisions of this
509 subsection (3).

510 (f) The Department of Public Safety shall cause notice
511 of the provisions of this subsection (3) to be available on its
512 official web site.

513 (g) Failure of a defendant to elect to come under the
514 provisions of this subsection (3) for whatever reason, in and of
515 itself, shall not invalidate a conviction.

516 (h) No employee of the sentencing court shall
517 personally benefit from a defendant's attendance of a traffic
518 safety violator course. Violation of this prohibition shall
519 result in termination of employment.

520 (i) The additional fee of Ten Dollars (\$10.00) imposed
521 under this subsection (3) shall be forwarded by the court clerk to
522 the State Treasurer for deposit into a special fund created in the
523 State Treasury. Monies in the special fund may be expended by the
524 Department of Public Safety, upon legislative appropriation, to
525 defray the costs incurred by the department in maintaining the
526 nonpublic record of persons who are eligible for participation
527 under the provisions of this subsection (3).

528 (4) The provisions of subsection (3) of this section shall
529 not be applicable to violation of any of the provisions of Chapter
530 3, 5 or 7 of this title committed by the holder of a commercial
531 driver's license issued under the Mississippi Commercial Driver's
532 License Law, regardless of whether the violation occurred while
533 operating a commercial motor vehicle or some other motor vehicle.

534 **SECTION 7.** Section 63-9-17, Mississippi Code of 1972, is
535 amended as follows:

536 63-9-17. (1) Every court shall keep a full record of the
537 proceedings of every case in which a person is charged with any
538 violation of law regulating the operation of vehicles on the
539 highways, streets or roads of this state.

540 (2) Unless otherwise sooner required by law, within five (5)
541 days after the conviction of a person upon a charge of violating
542 any law regulating the operation of vehicles on the highways,
543 streets or roads of this state, every court in which such
544 conviction was had shall prepare and immediately forward to the
545 Department of Public Safety an abstract of the record of said
546 court covering the case in which said person was so convicted,
547 which abstract must be certified by the person so authorized to
548 prepare the same to be true and correct.

549 (3) Said abstract must be made upon a form approved by the
550 Department of Public Safety, and shall include the name and
551 address of the party charged, the registration number of the
552 vehicle involved, the nature of the offense, the date of hearing,
553 the plea, the judgment, and if the fine was satisfied by
554 prepayment or appearance bond forfeiture, and the amount of the
555 fine or forfeiture, as the case may be.

556 (4) Every court shall also forward a like report to the
557 Department of Public Safety upon the conviction of any person of
558 manslaughter or other felony in the commission of which a vehicle
559 was used.

560 (5) Every court shall also forward a like report to the
561 Department of Public Safety after the satisfactory completion by a
562 defendant of an approved traffic safety violator course under
563 Section 63-9-11, and the department shall make and maintain a
564 private, nonpublic record to be kept for a period of ten (10)
565 years. The record shall be solely for the use of the courts in
566 determining eligibility under Section 63-9-11, as a first-time

567 offender, and shall not constitute a criminal record for the
568 purpose of private or administrative inquiry. Reports forwarded
569 to the Department of Public Safety under this subsection shall be
570 exempt from the provisions of the Mississippi Public Records Act
571 of 1983.

572 (6) The failure by refusal or neglect of any such judicial
573 officer to comply with any of the requirements of this section
574 shall constitute misconduct in office and shall be grounds for
575 removal therefrom.

576 (7) The Department of Public Safety shall keep copies of all
577 abstracts received hereunder for a period of three (3) years at
578 its main office and the same shall be open to public inspection
579 during reasonable business hours. This subsection shall not apply
580 to nonpublic records maintained solely for the use of the courts
581 in determining offender eligibility.

582 **SECTION 8.** Section 63-1-19, Mississippi Code of 1972, is
583 amended as follows:

584 * * *

585 63-1-19. (1) (a) Every applicant for a license or permit
586 issued pursuant to this article, or for renewal of such license or
587 permit, shall file an application for such license, permit or
588 renewal, on a form provided by the Department of Public Safety,
589 with the commissioner or an official license examiner of the
590 department. All persons not holding valid, unexpired licenses
591 issued in this state shall be required to secure an original
592 license, except those specifically exempted from licensing under
593 Section 63-1-7. The application shall state the name, date of
594 birth, the social security number of the applicant unless the
595 applicant is not a United States citizen and does not possess a
596 social security number issued by the United States government,
597 sex, race, color of eyes, color of hair, weight, height and
598 residence address, and whether or not the applicant's privilege to
599 drive has been suspended or revoked at any time, and, if so, when,

600 by whom, and for what cause, and whether any previous application
601 by him has been denied, and whether he has any physical defects
602 which would interfere with his operating a motor vehicle safely
603 upon the highways.

604 (b) Every applicant for an original license shall show
605 proof of domicile in this state. The commissioner shall
606 promulgate any rules and regulations necessary to enforce this
607 requirement and shall prescribe the means by which an applicant
608 for an original license may show domicile in this state. Proof of
609 domicile shall not be required of applicants under eighteen (18)
610 years of age.

611 (c) Unless the applicant is not a United States citizen
612 and does not possess a social security number issued by the United
613 States government, each application or filing made under this
614 section shall include the social security number(s) of the
615 applicant in accordance with Section 93-11-64, Mississippi Code of
616 1972.

617 (2) No person who is illegally in the United States or
618 Mississippi shall be issued a license. The application of a
619 person who is not a United States citizen and who does not possess
620 a social security number issued by the United States government
621 shall state the name, date of birth, sex, race, color of eyes,
622 color of hair, weight, height and residence address, and whether
623 or not the applicant's privilege to drive has been suspended or
624 revoked at any time, and, if so, when, by whom, and for what
625 cause, and whether any previous application by him has been
626 denied, and whether he has any physical defects which would
627 interfere with his operating a motor vehicle safely upon the
628 highways. The commissioner shall adopt and promulgate such rules
629 and regulations as he deems appropriate requiring additional
630 documents, materials, information or physical evidence to be
631 provided by the applicant as may be necessary to establish the

632 identity of the applicant and that the applicant is not present in
633 the United States or the State of Mississippi illegally.

634 (3) Whenever a person who has applied for or who has been
635 issued a license or permit under this article moves from the
636 address listed in the application or on the permit or license, or
637 whenever the name of a licensee changes by marriage or otherwise,
638 such person, within thirty (30) days thereafter, shall notify, in
639 writing, the Department of Public Safety, Driver Services
640 Division, and inform the department of his or her previous address
641 and new address and of his or her former name and new name. The
642 department shall not change the name of a licensee or permittee on
643 his or her license or permit unless the applicant appears in
644 person at an office of the department and provides a certified
645 copy of his or her marriage license, court order, birth
646 certificate or divorce decree changing the licensee's or
647 permittee's name.

648 (4) (a) Any male who is at least eighteen (18) years of age
649 but less than twenty-six (26) years of age and who applies for a
650 permit or license or a renewal of a permit or license under this
651 chapter shall be registered in compliance with the requirements of
652 Section 3 of the Military Selective Service Act, 50 USCS Appx 451
653 et seq., as amended.

654 (b) The department shall forward in an electronic
655 format the necessary personal information of the applicant to the
656 Selective Service System. The applicant's submission of the
657 application shall serve as an indication that the applicant either
658 has already registered with the Selective Service System or that
659 he is authorizing the department to forward to the Selective
660 Service System the necessary information for registration. The
661 commissioner shall notify the applicant on, or as a part of, the
662 application that his submission of the application will serve as
663 his consent to registration with the Selective Service System, if
664 so required. The commissioner also shall notify any male

665 applicant under the age of eighteen (18) that he will be
666 registered upon turning age eighteen (18) as required by federal
667 law.

668 **SECTION 9.** Section 63-1-81, Mississippi Code of 1972, is
669 amended as follows:

670 63-1-81. (1) Each application for a commercial driver's
671 license or commercial driver instruction permit shall include the
672 following:

673 (a) The full name and the current mailing and
674 residential address of the applicant;

675 (b) A physical description of the applicant, including
676 sex, height, weight, eye and hair color;

677 (c) The applicant's date of birth;

678 (d) The applicant's social security number unless the
679 application is for a nonresident commercial driver's license;

680 (e) The applicant's signature;

681 (f) The applicant's color photograph;

682 (g) All certifications required by applicable federal
683 regulations;

684 (h) Any other information which the Commissioner of
685 Public Safety, by rule or regulation, determines necessary and
686 essential; and

687 (i) The consent of the applicant to release driving
688 record information.

689 (2) Whenever a person who has applied for or who has been
690 issued a license or permit under this article moves from the
691 address listed in the application or on the permit or license, or
692 whenever the name of a licensee changes by marriage or otherwise,
693 such person, within thirty (30) days thereafter, shall notify, in
694 writing, the Department of Public Safety, Driver Services
695 Division, and inform the department of his or her previous address
696 and new address and of his or her former name and new name. The
697 department shall not change the name of a licensee or permittee on

698 his or her license or permit unless the applicant appears in
699 person at an office of the department and provides a certified
700 copy of his or her marriage license, court order, birth
701 certificate or divorce decree changing the licensee's or
702 permittee's name.

703 (3) The fee for accepting and processing an application for
704 a commercial driver instruction permit shall be Ten Dollars
705 (\$10.00).

706 (4) The fee for accepting and processing an application for
707 a Class A, B or C commercial driver's license shall be Twenty-five
708 Dollars (\$25.00).

709 (5) No person who has been a resident of this state for
710 thirty (30) days may drive a commercial motor vehicle under the
711 authority of a commercial driver's license issued by another
712 jurisdiction. Any violation of this subsection shall be
713 punishable as provided by Section 63-1-69, Mississippi Code of
714 1972.

715 (6) Any person who knowingly falsifies information or
716 certifications required under subsection (1) of this section shall
717 be subject to the penalties prescribed in Section 63-1-59,
718 Mississippi Code of 1972, and shall be subject to suspension of
719 his commercial driver instruction permit or commercial driver's
720 license in accordance with Section 63-1-51, Mississippi Code of
721 1972.

722 (7) Each application or filing made under this section shall
723 include the social security number(s) of the applicant in
724 accordance with Section 93-11-64, Mississippi Code of 1972.

725 (8) (a) Any male who is at least eighteen (18) years of age
726 but less than twenty-six (26) years of age and who applies for a
727 commercial license or renewal of a commercial license under this
728 article shall be registered in compliance with the requirements of
729 Section 3 of the Military Selective Service Act, 50 USCS Appx 451
730 et seq., as amended.

731 (b) The department shall forward in an electronic
732 format the necessary personal information of the applicant to the
733 Selective Service System. The applicant's submission of the
734 application shall serve as an indication that the applicant either
735 has already registered with the Selective Service System or that
736 he is authorizing the department to forward to the Selective
737 Service System the necessary information for registration. The
738 commissioner shall notify the applicant on, or as a part of, the
739 application that his submission of the application will serve as
740 his consent to registration with the Selective Service System, if
741 so required. The commissioner also shall notify any male
742 applicant under the age of eighteen (18) that he will be
743 registered upon turning age eighteen (18) as required by federal
744 law.

745 **SECTION 10.** This act shall take effect and be in force from
746 and after July 1, 2005.