HOUSE BILL NO. 1130
(As Sent to Governor)

By: Representative Miles

To: Transportation; Judiciary B

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2005

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

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

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

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

(a) Any person while operating a motor vehicle for military purposes, if the person is a member of the United States Armed Forces or Reserves on active duty, a member of the National Guard on active duty or full-time National Guard duty, a National
Guard military technician, or participating in part-time National Guard training.

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

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

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

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

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

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

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

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

(ii) Used to transport agricultural products, aquacultural products, unprocessed forestry products, farm
machinery or farm supplies, or any combination thereof, to or from a farm;

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

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

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

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

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

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

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

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

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

(a) "Alcohol" means any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol and isopropanol;
(b) "Alcohol concentration" means the concentration of
alcohol in a person's blood, breath or urine. When expressed as a
percentage it means:
   (i) The number of grams of alcohol per one hundred
   (100) milliliters of blood; or
   (ii) The number of grams of alcohol per two
   hundred ten (210) liters of breath; or
   (iii) The number of grams of alcohol per
   sixty-seven (67) milliliters of urine;
(c) "Commercial driver's license" means a license
issued in accordance with the requirements of this article to an
individual which authorizes the individual to drive a Class A, B
or C commercial motor vehicle;
(d) "Commercial Driver License Information System"
means the information system established pursuant to the CMVSA to
serve as a clearinghouse for locating information related to the
licensing and identification of commercial motor vehicle drivers;
(e) "Commercial driver instruction permit" means a
permit issued pursuant to Section 63-1-79;
(f) "Commercial motor vehicle" means a motor vehicle
designed or used to transport passengers or property:
   (i) If the vehicle has a gross vehicle weight
   rating of twenty-six thousand one (26,001) or more pounds, or such
   lesser rating as determined by applicable federal regulations; or
   (ii) If the vehicle is designed to transport
   sixteen (16) or more passengers, including the driver; or
   (iii) If the vehicle is transporting hazardous
   materials and is required to be placarded in accordance with the
   Hazardous Materials Transportation Act, 49 Code of Federal
   Regulations, Part 172, Subpart F;
(g) "Controlled substance" means any substance so
classified under Section 102(6) of the Controlled Substances Act,
21 USCS 802(6), and includes all substances listed on Schedules I
through V of 21 Code of Federal Regulations, Part 1308, as they may be revised from time to time, any substance so classified under Sections 41-29-113 through 41-29-121, Mississippi Code of 1972, and any other substance which would impair a person's ability to operate a motor vehicle;

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

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

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

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

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

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

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

(o) "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a
single or a combination (articulated) vehicle, or registered gross weight, whichever is greater. The gross vehicle weight rating of a combination (articulated) vehicle (commonly referred to as the "gross combination weight rating") is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of the towed unit or units;

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

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

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

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

(t) "Serious traffic violation" means a conviction when operating a vehicle of:

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

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

(iii) Improper or erratic traffic lane changes;

(iv) Following the vehicle ahead too closely;

(v) A violation of any state or local law related to motor vehicle traffic control resulting in a fatal accident
other than a parking violation, a vehicle weight violation or a vehicle defect; * * *

       (vi) Operating a commercial motor vehicle without obtaining a commercial driver's license;
       (vii) Operating a commercial motor vehicle without a commercial driver's license in the driver's possession;
       (viii) Operating a commercial motor vehicle without the proper class of commercial driver's license and/or endorsements for the specific vehicle group being operated or for the passengers or type of cargo being transported; and
       (ix) Any other violation of a state or local law which the United States Secretary of Transportation determines by regulation to be a serious traffic violation under the CMVSA;

   (u) "State" means a state of the United States and the District of Columbia;
   (v) "United States" means the fifty (50) states and the District of Columbia.

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

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

   (a) Driving a commercial motor vehicle for which a commercial driver instruction permit or commercial driver's license is required under this article while under the influence of alcohol or a controlled substance;
   (b) Driving a commercial motor vehicle for which a commercial driver instruction permit or commercial driver's license is required under this article while the alcohol concentration of the person's blood, breath or urine is four one-hundredths percent (.04%) or more;
(c) Knowingly and willfully leaving the scene of an accident involving a commercial motor vehicle for which a commercial driver instruction permit or commercial driver's license is required under this article, if the vehicle was driven by such person;

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

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

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

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

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

(3) The Commissioner of Public Safety shall suspend for life the commercial driver's license of any person who uses a commercial motor vehicle for which a commercial driver instruction
permit or commercial driver's license is required under this article in the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance. The provisions of this subsection (3) shall apply only to violations occurring on or after April 1, 1992.

(4) The Commissioner of Public Safety shall suspend for a period of sixty (60) days the commercial driver's license of any person convicted of two (2) serious traffic violations, or one hundred twenty (120) days if convicted of three (3) serious traffic violations, committed in a ** motor vehicle ** arising from separate incidents occurring within a period of three (3) years. **

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

SECTION 5. Section 63-1-82, Mississippi Code of 1972, as amended by House Bill No. 1041, 2005 Regular Session, 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" authorizes driving school buses operated for the purpose of transporting pupils to and from school or to school-related functions; and
(h) "F" 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 entered on a commercial driver's license under subsection (4) of this section.

(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.

(12) 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 6. Section 63-9-11, Mississippi Code of 1972, is amended as follows:

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

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

(3) (a) Whenever a person not covered under Section 63-1-55
is charged with a misdemeanor violation of any of the provisions
of Chapter 3, 5 or 7 of this title, the person shall be eligible
to participate in not less than four (4) hours of a traffic safety
violator course and thereby have no record of the violation on the
person's driving record if the person meets all the following
conditions:

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

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

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

(iv) The defendant files an affidavit with the
court stating that this is the defendant's first conviction in
more than three (3) years or since October 1, 2002, whichever is
the lesser period of time; the defendant is not in the process of
taking a course under this section; and the defendant has not
completed a course under this section that is not yet reflected on
the defendant's public or nonpublic driving record.
(v) The offense charged is for a misdemeanor offense under Chapter 3, 5 or 7 of this title.

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

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

(b) (i) 1. An eligible defendant may enter a plea of nolo contendere or guilty in person or in writing and present to the court, in person or by mail postmarked on or before the appearance date on the citation, an oral or written request to participate in a course under this subsection (3).

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Said abstract must be made upon a form approved by the
Department of Public Safety, and shall include the name and
address of the party charged, the registration number of the
vehicle involved, the nature of the offense, the date of hearing,
the plea, the judgment, and if the fine was satisfied by
prepayment or appearance bond forfeiture, and the amount of the
fine or forfeiture, as the case may be.
(4) Every court shall also forward a like report to the Department of Public Safety upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

(5) Every court shall also forward a like report to the Department of Public Safety after the satisfactory completion by a defendant of an approved traffic safety violator course under Section 63-9-11, and the department shall make and maintain a private, nonpublic record to be kept for a period of ten (10) years. The record shall be solely for the use of the courts in determining eligibility under Section 63-9-11, as a first-time offender, and shall not constitute a criminal record for the purpose of private or administrative inquiry. Reports forwarded to the Department of Public Safety under this subsection shall be exempt from the provisions of the Mississippi Public Records Act of 1983.

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

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

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

63-1-19. (1) (a) Every applicant for a license or permit issued pursuant to this article, or for renewal of such license or permit, shall file an application for such license, permit or renewal, on a form provided by the Department of Public Safety, with the commissioner or an official license examiner of the...
department. All persons not holding valid, unexpired licenses issued in this state shall be required to secure an original license, except those specifically exempted from licensing under Section 63-1-7. The application shall state the name, date of birth, the social security number of the applicant unless the applicant is not a United States citizen and does not possess a social security number issued by the United States government, sex, race, color of eyes, color of hair, weight, height and residence address, and whether or not the applicant's privilege to drive has been suspended or revoked at any time, and, if so, when, by whom, and for what cause, and whether any previous application by him has been denied, and whether he has any physical defects which would interfere with his operating a motor vehicle safely upon the highways.

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

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

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

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

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

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

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

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

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

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

(c) The applicant's date of birth;

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

(e) The applicant's signature;

(f) The applicant's color photograph;

(g) All certifications required by applicable federal regulations;

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

(i) The consent of the applicant to release driving record information.
(2) Whenever a person who has applied for or who has been issued a license or permit under this article moves from the address listed in the application or on the permit or license, or whenever the name of a licensee changes by marriage or otherwise, such person, within thirty (30) days thereafter, shall notify, in writing, the Department of Public Safety, Driver Services Division, and inform the department of his or her previous address and new address and of his or her former name and new name. The department shall not change the name of a licensee or permittee on his or her license or permit unless the applicant appears in person at an office of the department and provides a certified copy of his or her marriage license, court order, birth certificate or divorce decree changing the licensee's or permittee's name.

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

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

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

(6) Any person who knowingly falsifies information or certifications required under subsection (1) of this section shall be subject to the penalties prescribed in Section 63-1-59, Mississippi Code of 1972, and shall be subject to suspension of his commercial driver's instruction permit or commercial driver's license in accordance with Section 63-1-51, Mississippi Code of 1972.
Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

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

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

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