

By: Senator(s) Dawkins

To: Judiciary, Division B

SENATE BILL NO. 2798

1 AN ACT TO AMEND SECTIONS 45-35-5 AND 45-35-7, MISSISSIPPI  
2 CODE OF 1972, TO ALLOW HOMELESS PERSONS TO OBTAIN NONDRIVER  
3 IDENTIFICATION CARDS; TO REQUIRE SUCH CARDS TO BE ISSUED WITHOUT  
4 PAYMENT OF ANY FEES BY THE HOMELESS PERSON; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** Section 45-35-5, Mississippi Code of 1972, is  
8 amended as follows:

9 45-35-5. (1) Except as provided in subsection (2) of this  
10 section, data for the issuance of an identification card shall  
11 include a birth certificate or other document to establish the age  
12 and identity of the applicant, the social security number of the  
13 applicant, and such other identifying data as is required on an  
14 application for issuance of a driver's license.

15 (2) (a) If a homeless applicant is unable to provide  
16 acceptable primary documents as required by subsection (1) of this  
17 section, the homeless applicant shall provide two (2) of the  
18 following secondary documents:

19 (i) A copy of the applicant's birth certificate;

20 (ii) A copy of the applicant's school records;

21 (iii) A copy of the applicant's medical records;

22 (iv) Any health insurance card or policy which  
23 contains the applicant's name and date of birth;

24 (v) A printout from the Social Security  
25 Administration that contains the applicant's name and social  
26 security number;

27 (vi) An unexpired Department of Human Services  
28 card without photo;

29                   (vii) A food stamp card;  
30                   (viii) An expired identification card or driver's  
31 license issued by this state within the past seven (7) years;  
32                   (ix) A photo identification card issued by a  
33 social service provider or agency;  
34                   (x) An original statement on letterhead from a  
35 service provider or shelter provider within the state verifying  
36 that the person receives services in Mississippi;  
37                   (xi) An original statement on letterhead from a  
38 school district verifying that the homeless family resides in  
39 Mississippi;  
40                   (xii) A document showing receipt of public  
41 assistance from a Mississippi state agency;  
42                   (xiii) For an applicant who is temporarily  
43 residing in a household of which the applicant is not the  
44 leaseholder or owner, an original letter from the leaseholder or  
45 homeowner or a verbal statement from the leaseholder or homeowner  
46 to the Department of Public Safety employee at the time of  
47 application stating that the applicant is residing in the  
48 household, which letter or statement shall be accompanied by a  
49 copy of the leaseholder or homeowner's identification card and a  
50 copy of the lease or a current utility bill, which shall count as  
51 one (1) of the two (2) items required by this paragraph (a);  
52                   (xiv) A United States Probation Offender  
53 Information Form.  
54                   (b) An applicant who is homeless and is unable to  
55 provide a street address may use a descriptive address of the  
56 location where the applicant actually resides, such as "under the  
57 west end of the Woodrow Wilson Bridge." Residency at a  
58 descriptive address shall be verified by a social service agency,  
59 a shelter provider, or a religious congregation in an original  
60 written statement on letterhead. The applicant shall also provide  
61 a mailing address.

62           **SECTION 2.** Section 45-35-7, Mississippi Code of 1972, is  
63 amended as follows:

64           45-35-7. (1) Except as provided in subsection (3) of this  
65 section, each applicant for an original identification card issued  
66 pursuant to this chapter who is entitled to issuance of such a  
67 card shall be issued a four-year card. Each card shall expire at  
68 midnight on the last day of the cardholder's birth month.

69           (2) Except as provided in subsection (3) of this section,  
70 all renewal identification cards shall be for four-year periods  
71 and may be renewed any time during the birth month of the  
72 cardholder upon application and payment of the required fee.

73           (3) (a) Any applicant who is blind, as defined in Section  
74 43-6-1, upon payment of the fee prescribed in this section, shall  
75 be issued an original identification card which shall remain valid  
76 for a period of ten (10) years. All renewal identification cards  
77 issued to such persons shall also be valid for a period of ten  
78 (10) years.

79           (b) Any applicant who is not a United States citizen  
80 and who does not possess a social security number issued by the  
81 United States government, upon payment of the fee prescribed in  
82 this section, shall be issued an original identification card  
83 which shall remain valid for a period of one (1) year from date of  
84 issuance. All renewal identification cards issued to such persons  
85 shall also be valid for a period of one (1) year from date of  
86 issuance.

87           (4) Except as provided in subsection (9) of this section, a  
88 fee of Eleven Dollars (\$11.00) shall be collected for the issuance  
89 of an original or renewal identification card plus the applicable  
90 photograph fee as provided in subsection (5) of this section. The  
91 fee of Eleven Dollars (\$11.00) shall be deposited into the State  
92 General Fund. The photograph fee shall be deposited into a  
93 special photograph fee account or the State General Fund as  
94 provided under subsection (5) of this section.

95           (5) The Commissioner of Public Safety, by rule or  
96 regulation, shall establish an identification card photograph fee  
97 which shall be the actual cost of the photograph rounded off to  
98 the next highest dollar. Monies collected for the photograph fee  
99 shall be deposited into a special photograph fee account which the  
100 Department of Public Safety shall use to pay the actual cost of  
101 producing the photographs. Any monies collected in excess of the  
102 actual costs of the photography shall be deposited to the General  
103 Fund of the State of Mississippi.

104           (6) Any person who, for medical reasons, surrenders his  
105 unexpired driver's license, and any person whose unexpired  
106 driver's license is suspended for medical reasons by the  
107 Commissioner of Public Safety under Section 63-1-53(e), may be  
108 issued an identification card without payment of a fee. The  
109 identification card shall be valid for a period of four (4) years  
110 from its date of issue. All renewals of such card shall be  
111 subject to the fees prescribed in subsections (4) and (5) of this  
112 section.

113           (7) The department shall maintain a record of all  
114 identification cards issued, except for those cards cancelled,  
115 surrendered or denied renewal.

116           (8) (a) Any male who is at least eighteen (18) years of age  
117 but less than twenty-six (26) years of age and who applies for an  
118 identification card or a renewal of an identification card under  
119 this chapter shall be registered in compliance with the  
120 requirements of Section 3 of the Military Selective Service Act,  
121 50 USCS Appx 451 et seq., as amended.

122           (b) The department shall forward in an electronic  
123 format the necessary personal information of the applicant to the  
124 Selective Service System. The applicant's submission of the  
125 application shall serve as an indication that the applicant either  
126 has already registered with the Selective Service System or that  
127 he is authorizing the department to forward to the Selective

128 Service System the necessary information for registration. The  
129 commissioner shall notify the applicant on, or as a part of, the  
130 application that his submission of the application will serve as  
131 his consent to registration with the Selective Service System, if  
132 so required. The commissioner also shall notify any male  
133 applicant under the age of eighteen (18) that he will be  
134 registered upon turning age eighteen (18) as required by federal  
135 law.

136 (9) Upon presenting the documentation specified in Section  
137 45-35-5, homeless persons will not be required to pay any fee to  
138 obtain an identification card under this chapter.

139 **SECTION 3.** This act shall take effect and be in force from  
140 and after July 1, 2005.