

By: Senator(s) Dearing

To: Judiciary, Division A

SENATE BILL NO. 2958

1 AN ACT TO AMEND SECTION 63-1-9, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE LENGTH OF TIME A PERSON UNDER THE AGE OF 17 MUST  
3 PRACTICE SUPERVISED DRIVING UNDER A TEMPORARY PERMIT IN ORDER TO  
4 BE ELIGIBLE FOR AN INTERMEDIATE LICENSE AND TO ALLOW A HARDSHIP  
5 EXCEPTION FOR TRANSPORTING THE ELDERLY OR DISABLED; TO AMEND  
6 SECTION 63-1-21, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR  
7 RELATED PURPOSES.

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

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

11 63-1-9. (1) No driver's license, intermediate license or  
12 temporary learning permit shall be issued pursuant to this  
13 article:

14 (a) To any person under the age of eighteen (18) years  
15 except as provided in this article.

16 (b) To any person whose license to operate a motor  
17 vehicle on the highways of Mississippi has been previously revoked  
18 or suspended by this state or any other state \* \* \* or territory  
19 of the United States or the District of Columbia, and such  
20 revocation or suspension period has not expired.

21 (c) To any person who is an habitual drunkard or who is  
22 addicted to the use of other narcotic drugs.

23 (d) To any person who would not be able by reason of  
24 physical or mental disability, in the opinion of the commissioner  
25 or other person authorized to grant an operator's license, to  
26 operate a motor vehicle on the highways with safety. However,  
27 persons who have one (1) arm or leg, or have arms or legs  
28 deformed, and have their car provided with mechanical devices  
29 whereby they are able to drive in a safe manner over the highways,

30 if otherwise qualified, shall receive an operator's license the  
31 same as other persons. Moreover, deafness shall not be a bar to  
32 obtaining a license.

33 (e) To any person who is under the age of seventeen  
34 (17) years to drive any motor vehicle while in use as a school bus  
35 for the transportation of pupils to or from school, or to drive  
36 any motor vehicle while in use as a public or common carrier of  
37 persons or property.

38 (f) To any person as an operator who has previously  
39 been adjudged to be afflicted with and suffering from any mental  
40 disability and who has not at time of application been restored to  
41 mental competency.

42 (g) To any unmarried person under the age of eighteen  
43 (18) years who does not at the time of application present a  
44 diploma or other certificate of high school graduation or a  
45 general education development certificate issued to the person in  
46 this state or any other state, or documentation that the person:

47 (i) Is enrolled and making satisfactory progress  
48 in a course leading to a general education development  
49 certificate;

50 (ii) Is enrolled in school in this state or any  
51 other state;

52 (iii) Is enrolled in a "nonpublic school," as such  
53 term is defined in Section 37-13-91(2)(i); or

54 (iv) Is unable to attend any school program due to  
55 circumstances deemed acceptable as set out in Section 63-1-10.

56 (h) To any person under the age of eighteen (18) years  
57 who has been convicted under Section 63-11-30.

58 (2) All permits and licenses issued on or before June 30,  
59 2005, shall be valid according to the terms upon which issued.

60 From and after July 1, 2005:

61 (a) A temporary driving permit may be issued to any  
62 person who is at least fourteen and one-half (14-1/2) years of age  
63 who otherwise meets the requirements of this article.

64 (b) An intermediate license may be issued to any person  
65 who is at least sixteen (16) years of age who otherwise meets the  
66 requirements of this article and who has held a temporary driving  
67 permit for at least one (1) year without any conviction under  
68 Section 63-11-30 or of a moving violation. Any conviction under  
69 Section 63-11-30 or of a moving violation shall restart the  
70 one-year requirement for the holding of a temporary driving permit  
71 before an applicant can qualify for an intermediate license.

72 (c) A driver's license may be issued to any person who  
73 is at least seventeen (17) years of age who otherwise meets the  
74 requirements of this article and who has held an intermediate  
75 license for at least one (1) year without any conviction under  
76 Section 63-11-30 or of a moving violation. Any conviction under  
77 Section 63-11-30 or of a moving violation shall restart the  
78 one-year requirement for the holding of an intermediate license  
79 before an applicant can qualify for a driver's license. However,  
80 a person who is at least eighteen (18) years of age who has been  
81 issued a temporary driving permit and who has never been convicted  
82 under Section 63-11-30 or of a moving violation shall not be  
83 required to have held an intermediate license.

84 (d) An applicant for a Mississippi driver's license  
85 who, at the time of application, is at least seventeen (17) years  
86 of age and who has held a valid motor vehicle driver's license  
87 issued by another state for at least one (1) year shall not be  
88 required to hold a temporary driving permit or an intermediate  
89 license before being issued a driver's license.

90 (3) The commissioner shall ensure that the temporary driving  
91 permit, intermediate license and driver's license issued under  
92 this article are clear, distinct and easily distinguishable from  
93 one another.

94           **SECTION 2.** Section 63-1-21, Mississippi Code of 1972, is  
95 amended as follows:

96           63-1-21. (1) Every applicant for a new or original driver's  
97 or operator's license, except persons holding an out-of-state  
98 license, shall first obtain a temporary driving permit upon the  
99 payment of a fee of One Dollar (\$1.00) to the Department of Public  
100 Safety and upon the successful completion of the examination  
101 provided for in Section 63-1-33 and the payment of the fee for  
102 such examination provided for in Section 63-1-43.

103           (2) A temporary driving permit entitles the holder, provided  
104 the permit is in his immediate possession, to drive a motor  
105 vehicle other than a motorcycle on the highways of the State of  
106 Mississippi only when accompanied by a licensed operator who is at  
107 least twenty-one (21) years of age and who is actually occupying  
108 the seat beside the driver, except that the holder of a temporary  
109 driving permit may provide transportation for an elderly or  
110 disabled person who does not have a license without regard to the  
111 seat occupied by the elderly or disabled person. A temporary  
112 driving permit may be issued to any applicant who is at least  
113 fourteen and one-half (14-1/2) years of age. A temporary driving  
114 permit shall be valid for a period of one (1) year from the date  
115 of issue.

116           (3) An intermediate license allows unsupervised driving from  
117 one-half (1/2) hour after dawn to one-half (1/2) hour before dusk.  
118 At all other times the intermediate licensee must be supervised by  
119 a parent, guardian or other person age twenty-one (21) years or  
120 older who holds a valid driver's license under this article and  
121 who is actually occupying the seat beside the driver, except that  
122 the holder of an intermediate license may provide transportation  
123 for an elderly or disabled person who does not have a license and  
124 regardless of the seat occupied by the elderly or disabled person.

125           (4) The fee for issuance of an intermediate license shall be  
126 Five Dollars (\$5.00).

127           Except as otherwise provided by Section 63-1-6, every  
128 applicant for a restricted motorcycle operator's license or a  
129 motorcycle endorsement shall first obtain a temporary motorcycle  
130 driving permit upon the payment of a fee of One Dollar (\$1.00) to  
131 the Department of Public Safety, and upon the successful  
132 completion of the examination provided for in Section 63-1-33, and  
133 payment of the fee for said examination provided for in Section  
134 63-1-43. All applicants for such temporary permit shall (a) be at  
135 least fifteen (15) years of age; (b) operate a motorcycle only  
136 under the direct supervision of a person at least twenty-one (21)  
137 years of age who possesses either a valid driver's or operator's  
138 license with a motorcycle endorsement or a valid restricted  
139 motorcycle operator's license; (c) be prohibited from transporting  
140 a passenger on a motorcycle; (d) be prohibited from operating a  
141 motorcycle upon any controlled access highway; and (e) be  
142 prohibited from operating a motorcycle during the hours of 6:00  
143 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall  
144 be valid for the same period of time and may be renewed upon the  
145 same conditions as temporary driving permits issued for vehicles  
146 other than motorcycles.

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