

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1130**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

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 \* \* \* motor vehicle \* \* \*  
282 arising from separate incidents occurring within a period of three  
283 (3) years. \* \* \*

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

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

301 63-1-82. (1) Each commercial driver's license shall be  
302 marked "Commercial Driver's License" or "CDL" and shall, to the  
303 maximum extent practicable, be tamper proof. Each such license

304 shall include thereon, but not be limited to, the following  
305 information:

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

307 (b) The licensee's color photograph;

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

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

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

316 (f) The licensee's signature;

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

320 (h) The name of this state; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

366 (g) "S" authorizes driving school buses \* \* \* operated  
367 for the purpose of transporting pupils to and from school or to  
368 school-related functions \* \* \*; and

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

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

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

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

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

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

395 (10) Every person applying for renewal of a commercial  
396 driver's license shall complete the application form required by  
397 Section 63-1-81, Mississippi Code of 1972, providing updated

398 information and required certifications and paying the appropriate  
399 fees. If the applicant wishes to retain a hazardous materials  
400 endorsement, the written test for a hazardous materials  
401 endorsement must be taken and passed.

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

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

413 63-9-11. (1) It is a misdemeanor for any person to violate  
414 any of the provisions of Chapter 3, 5 or 7 of this title, unless  
415 such violation is by such chapters or other law of this state  
416 declared to be a felony.

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

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

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

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

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

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

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

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

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

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

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

478 (ii) If a person pleads not guilty to a  
479 misdemeanor offense under any of the provisions of Chapter 3, 5 or  
480 7 of this title but is convicted, and the person meets all the  
481 requirements under paragraph (a) of this subsection, upon request  
482 of the defendant the court shall suspend the sentence for such  
483 offense to allow the defendant forty-five (45) days to  
484 successfully complete not less than four (4) hours of a  
485 court-approved traffic safety violator course at his own cost.  
486 Upon successful completion by the defendant of the course, the  
487 court shall set the conviction aside, dismiss the prosecution and  
488 direct that the case be closed. The court on its own motion shall  
489 expunge the record of the conviction, and the only record  
490 maintained thereafter shall be the nonpublic record required under

491 Section 63-9-17 solely for use by the courts in determining an  
492 offender's eligibility under this subsection (3).

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

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

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

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

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

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

517 (i) The additional fee of Ten Dollars (\$10.00) imposed  
518 under this subsection (3) shall be forwarded by the court clerk to  
519 the State Treasurer for deposit into a special fund created in the  
520 State Treasury. Monies in the special fund may be expended by the  
521 Department of Public Safety, upon legislative appropriation, to  
522 defray the costs incurred by the department in maintaining the



523 nonpublic record of persons who are eligible for participation  
524 under the provisions of this subsection (3).

525 (4) The provisions of subsection (3) of this section shall  
526 not be applicable to violation of any of the provisions of Chapter  
527 3, 5 or 7 of this title committed by the holder of a commercial  
528 driver's license issued under the Mississippi Commercial Driver's  
529 License Law, regardless of whether the violation occurred while  
530 operating a commercial motor vehicle or some other motor vehicle.

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

533 63-9-17. (1) Every court shall keep a full record of the  
534 proceedings of every case in which a person is charged with any  
535 violation of law regulating the operation of vehicles on the  
536 highways, streets or roads of this state.

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

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

553 (4) Every court shall also forward a like report to the  
554 Department of Public Safety upon the conviction of any person of

555 manslaughter or other felony in the commission of which a vehicle  
556 was used.

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

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

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

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

581 63-1-19. (1) (a) Every applicant for a license or permit  
582 issued pursuant to this article, or for renewal of such license or  
583 permit, shall file an application for such license, permit or  
584 renewal, on a form provided by the Department of Public Safety,  
585 with the commissioner or an official license examiner of the  
586 department. All persons not holding valid, unexpired licenses

587 issued in this state shall be required to secure an original  
588 license, except those specifically exempted from licensing under  
589 Section 63-1-7. The application shall state the name, date of  
590 birth, the social security number of the applicant unless the  
591 applicant is not a United States citizen and does not possess a  
592 social security number issued by the United States government,  
593 sex, race, color of eyes, color of hair, weight, height and  
594 residence address, and whether or not the applicant's privilege to  
595 drive has been suspended or revoked at any time, and, if so, when,  
596 by whom, and for what cause, and whether any previous application  
597 by him has been denied, and whether he has any physical defects  
598 which would interfere with his operating a motor vehicle safely  
599 upon the highways.

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

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

613 (2) No person who is illegally in the United States or  
614 Mississippi shall be issued a license. The application of a  
615 person who is not a United States citizen and who does not possess  
616 a social security number issued by the United States government  
617 shall state the name, date of birth, sex, race, color of eyes,  
618 color of hair, weight, height and residence address, and whether

619 or not the applicant's privilege to drive has been suspended or  
620 revoked at any time, and, if so, when, by whom, and for what  
621 cause, and whether any previous application by him has been  
622 denied, and whether he has any physical defects which would  
623 interfere with his operating a motor vehicle safely upon the  
624 highways. The commissioner shall adopt and promulgate such rules  
625 and regulations as he deems appropriate requiring additional  
626 documents, materials, information or physical evidence to be  
627 provided by the applicant as may be necessary to establish the  
628 identity of the applicant and that the applicant is not present in  
629 the United States or the State of Mississippi illegally.

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

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

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

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

666           63-1-81. (1) Each application for a commercial driver's  
667 license or commercial driver instruction permit shall include the  
668 following:

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

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

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

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

676           (e) The applicant's signature;

677           (f) The applicant's color photograph;

678           (g) All certifications required by applicable federal  
679 regulations;

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

683           (i) The consent of the applicant to release driving  
684 record information.

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

699           (3) The fee for accepting and processing an application for  
700 a commercial driver instruction permit shall be Ten Dollars  
701 (\$10.00).

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

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

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

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

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

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

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

**Further, amend by striking the title in its entirety and inserting in lieu thereof the following:**

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.