

By: Representatives Martinson, Barnett,
Stevens

To: Transportation;
Education

HOUSE BILL NO. 725

1 AN ACT TO AMEND SECTIONS 63-1-9 AND 63-1-21, MISSISSIPPI CODE
2 OF 1972, TO INCREASE THE MINIMUM AGE AT WHICH A PERSON MAY BE
3 ISSUED AND THE LENGTH OF TIME FOR WHICH A PERSON MUST HOLD A
4 TEMPORARY DRIVING PERMIT; TO DELETE THE REQUIREMENT FOR THE
5 ISSUANCE OF INTERMEDIATE DRIVER'S LICENSES; TO INCREASE THE
6 MINIMUM AGE AT WHICH A PERSON MAY BE ISSUED A REGULAR DRIVER'S
7 LICENSE; TO AMEND SECTION 37-16-7, MISSISSIPPI CODE OF 1972, TO
8 REQUIRE STUDENTS TO COMPLETE A STATE CERTIFIED DRIVER EDUCATION
9 TRAINING PROGRAM IN ORDER TO GRADUATE FROM HIGH SCHOOL; TO AMEND
10 SECTIONS 37-25-3 AND 37-25-7, MISSISSIPPI CODE OF 1972, TO REQUIRE
11 SCHOOL BOARDS TO ESTABLISH AND MAINTAIN DRIVER EDUCATION AND
12 TRAINING PROGRAMS FOR CERTAIN PUPILS ENROLLED IN THE DAY SECONDARY
13 SCHOOLS IN THAT DISTRICT; TO AMEND SECTIONS 63-1-23 AND 63-1-47,
14 MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF
15 THIS ACT; AND FOR RELATED PURPOSES.

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

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

19 63-1-9. (1) No driver's license * * * or temporary learning
20 permit shall be issued pursuant to this article:

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

23 (b) To any person whose license to operate a motor
24 vehicle on the highways of Mississippi has been previously revoked
25 or suspended by this state or any other state and/or territory of
26 the United States or the District of Columbia, and such revocation
27 or suspension period has not expired.

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

30 (d) To any person who would not be able by reason of
31 physical or mental disability, in the opinion of the commissioner
32 or other person authorized to grant an operator's license, to
33 operate a motor vehicle on the highways with safety. However,

34 persons who have one (1) arm or leg, or have arms or legs
35 deformed, and have their car provided with mechanical devices
36 whereby they are able to drive in a safe manner over the highways,
37 if otherwise qualified, shall receive an operator's license the
38 same as other persons. Moreover, deafness shall not be a bar to
39 obtaining a license.

40 (e) To any person who is under the age of seventeen
41 (17) years to drive any motor vehicle while in use as a school bus
42 for the transportation of pupils to or from school, or to drive
43 any motor vehicle while in use as a public or common carrier of
44 persons or property.

45 (f) To any person as an operator who has previously
46 been adjudged to be afflicted with and suffering from any mental
47 disability and who has not at time of application been restored to
48 mental competency.

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

54 (i) Is enrolled and making satisfactory progress
55 in a course leading to a general education development
56 certificate;

57 (ii) Is enrolled in school in this state or any
58 other state;

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

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

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

65 (2) All permits and licenses issued on or before June 30,
66 2006, shall be valid according to the terms upon which issued.
67 From and after July 1, 2006:

68 (a) A temporary driving permit may be issued to any
69 person who is at least fifteen and one-half (15-1/2) years of age
70 who otherwise meets the requirements of this article.

71 * * *

72 (b) A driver's license may be issued to any person who
73 is at least sixteen and one-half (16-1/2) years of age who
74 otherwise meets the requirements of this article and who has held
75 a temporary driving permit for at least twelve (12) months without
76 any conviction under Section 63-11-30 or of a moving violation.
77 Any conviction under Section 63-11-30 or of a moving violation
78 shall restart the twelve-month requirement for the holding of a
79 temporary driving permit before an applicant can qualify for a
80 driver's license. * * *

81 (c) An applicant for a Mississippi driver's license
82 who, at the time of application, is at least sixteen and one-half
83 (16-1/2) years of age and who has held a valid motor vehicle
84 driver's license issued by another state for at least twelve (12)
85 months shall not be required to hold a temporary driving permit
86 * * * before being issued a driver's license.

87 (3) The commissioner shall ensure that the temporary driving
88 permit * * * and driver's license issued under this article are
89 clear, distinct and easily distinguishable from one another.

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

92 63-1-21. (1) Every applicant for a new or original driver's
93 or operator's license, except persons holding an out-of-state
94 license, shall first obtain a temporary driving permit upon the
95 payment of a fee of One Dollar (\$1.00) to the Department of Public
96 Safety and upon the successful completion of the examination

97 provided for in Section 63-1-33 and the payment of the fee for
98 such examination provided for in Section 63-1-43.

99 (2) A temporary driving permit entitles the holder, provided
100 the permit is in his immediate possession, to drive a motor
101 vehicle other than a motorcycle on the highways of the State of
102 Mississippi only when accompanied by a licensed operator who is at
103 least twenty-one (21) years of age and who is actually occupying
104 the seat beside the driver. A temporary driving permit may be
105 issued to any applicant who is at least fifteen and one-half
106 (15-1/2) years of age. A temporary driving permit shall be valid
107 for a period of one (1) year from the date of issue.

108 * * *

109 Except as otherwise provided by Section 63-1-6, every
110 applicant for a restricted motorcycle operator's license or a
111 motorcycle endorsement shall first obtain a temporary motorcycle
112 driving permit upon the payment of a fee of One Dollar (\$1.00) to
113 the Department of Public Safety, and upon the successful
114 completion of the examination provided for in Section 63-1-33, and
115 payment of the fee for said examination provided for in Section
116 63-1-43. All applicants for such temporary permit shall (a) be at
117 least fifteen and one-half (15-1/2) years of age; (b) operate a
118 motorcycle only under the direct supervision of a person at least
119 twenty-one (21) years of age who possesses either a valid driver's
120 or operator's license with a motorcycle endorsement or a valid
121 restricted motorcycle operator's license; (c) be prohibited from
122 transporting a passenger on a motorcycle; (d) be prohibited from
123 operating a motorcycle upon any controlled access highway; and (e)
124 be prohibited from operating a motorcycle during the hours of 6:00
125 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall
126 be valid for the same period of time and may be renewed upon the
127 same conditions as temporary driving permits issued for vehicles
128 other than motorcycles.

129 **SECTION 3.** Section 37-16-7, Mississippi Code of 1972, is
130 amended as follows:

131 37-16-7. (1) Each district school board shall establish
132 standards for graduation from its schools which shall include as a
133 minimum:

134 (a) Mastery of minimum academic skills as measured by
135 assessments developed and administered by the State Board of
136 Education.

137 (b) Completion of a minimum number of academic credits,
138 and all other applicable requirements prescribed by the district
139 school board.

140 (c) For high schools, completion of a state certified
141 driver education and training program.

142 (2) A student who meets all requirements prescribed in
143 subsection (1) of this section shall be awarded a standard diploma
144 in a form prescribed by the state board.

145 (3) The State Board of Education may establish student
146 proficiency standards for promotion to grade levels leading to
147 graduation.

148 **SECTION 4.** Section 37-25-3, Mississippi Code of 1972, is
149 amended as follows:

150 37-25-3. The school board of each school district
151 maintaining a secondary school which includes any of the Grades 9
152 through 12 inclusive, shall establish and maintain driver
153 education and training programs for pupils enrolled in the day
154 secondary schools in that district.

155 **SECTION 5.** Section 37-25-7, Mississippi Code of 1972, is
156 amended as follows:

157 37-25-7. Each school district shall provide driver training
158 and education. * * * However, * * * any student receiving
159 instruction under this chapter shall be:

160 (a) Fourteen and one-half (14-1/2) years of age or
161 above;

162 (b) A regularly enrolled student in the ninth, tenth,
163 eleventh or twelfth grade; and

164 (c) A full-time student in the respective secondary
165 school.

166 Any driver education student under fifteen and one-half
167 (15-1/2) years of age shall secure a learner's permit issued by
168 the Department of Public Safety which shall be valid only while
169 the student is under the direct supervision of a driver education
170 instructor and is actually enrolled in an approved course of
171 driver education which consists of thirty (30) hours of classroom
172 and six (6) hours of dual driving instruction. The learner's
173 permit shall expire at the end of the driver training course. The
174 Department of Public Safety shall charge a fee of One Dollar
175 (\$1.00) for the issuance of a learner's permit.

176 **SECTION 6.** Section 63-1-23, Mississippi Code of 1972, is
177 amended as follows:

178 63-1-23. The application of any person under the age of
179 seventeen (17) years for a temporary driving permit * * * or
180 license issued pursuant to this article shall be signed and
181 verified before a person authorized to administer oaths by both
182 the father and mother of the applicant, if both are living and
183 have custody of him, or in the event neither parent is living then
184 by the person or guardian having such custody or by an employer of
185 him, or in the event there is no guardian or employer then by any
186 other responsible person who is willing to assume the obligation
187 imposed under Section 63-1-25 upon a person signing the
188 application of a minor.

189 **SECTION 7.** Section 63-1-47, Mississippi Code of 1972, is
190 amended as follows:

191 63-1-47. (1) Except as otherwise provided in this section,
192 each applicant for an original license issued pursuant to this
193 article, who is entitled to issuance of same, and who is eighteen

194 (18) years of age or older, shall be issued a four-year license
195 which will expire at midnight on the licensee's birthday.

196 (a) Except as otherwise provided in this section, all
197 renewal licenses of operators eighteen (18) years of age or older
198 shall be for four-year periods and may be renewed any time within
199 six (6) months before the expiration of the license upon
200 application and payment of the required fee, unless required to be
201 reexamined.

202 (b) From and after January 1, 1990, no commercial
203 driver's license shall be issued under the provisions of this
204 article for any commercial motor vehicle, the lawful operation of
205 which requires the driver to obtain a Class A, B or C commercial
206 driver's license under Article 2 of this chapter; however, from
207 time to time, the holder of a commercial license may apply for a
208 commercial driver's license under Article 2 of this chapter; and,
209 if he fails to pass the required test for such license, he shall
210 be entitled to an extension of his license that shall be valid for
211 one hundred twenty (120) days or until he again is tested under
212 Article 2 of this chapter, whichever occurs first. The extension
213 shall entitle the license holder to operate all vehicles which
214 such license authorized him to operate prior to taking the
215 required test. The first extension shall be without charge;
216 however, a fee of Fifteen Dollars (\$15.00) shall be imposed for
217 any subsequent extension. No extension shall be valid past March
218 31, 1992.

219 (2) Any commercial driver's license issued under this
220 article before January 1, 1990, which expires after March 31,
221 1992, shall be void on April 1, 1992, for the operation of any
222 commercial vehicle requiring a commercial license to be issued
223 under Article 2 of this chapter; however, if the holder of any
224 such license applies for a commercial driver's license under
225 Article 2 of this chapter, passes the required tests for such
226 license, pays all applicable fees under Article 2 of this chapter

227 except the Forty Dollars (\$40.00) license fee and otherwise meets
228 all requirements for the issuance of such license, then such
229 person shall be issued a license under Article 2 of this chapter
230 which shall expire on the expiration date of the commercial
231 driver's license being replaced.

232 (3) The fee for the issuance of an original and renewals of
233 a Class D commercial driver's license under this article to an
234 applicant who is not a United States citizen and who does not
235 possess a social security number issued by the United States
236 government and the period for which such license will be valid and
237 expire shall be as prescribed in Section 63-1-43.

238 (4) The Commissioner of Public Safety shall notify, by
239 United States mail addressed to the last known address of record
240 with the Department of Public Safety, all holders of a commercial
241 driver's license issued under this article before January 1, 1990,
242 and which expire after March 31, 1992, that such license will be
243 void on and after April 1, 1992, for the operation of any vehicle
244 for which a commercial driver's license is required to be issued
245 under Article 2 of this chapter.

246 (5) Any person holding a valid commercial driver's license
247 issued under this article before January 1, 1990, shall continue
248 thereafter, until expiration of such license, to be entitled to
249 operate all vehicles which such license authorized him to operate
250 immediately before January 1, 1990, except that from and after
251 April 1, 1992, such license shall not entitle the licensee to
252 operate a commercial motor vehicle the lawful operation of which
253 requires a commercial driver's license under Article 2 of this
254 chapter.

255 (6) Except as otherwise provided in this article, each
256 applicant for an original driver's license issued pursuant to this
257 article, who is entitled to issuance of same, being under eighteen
258 (18) years of age, shall be issued a one-year license which will
259 expire at midnight on the licensee's birthday. Renewal drivers'

260 licenses of operators under the age of eighteen (18) shall be for
261 one-year periods and may be renewed any time within two (2) months
262 before the expiration of the license upon application and payment
263 of the required fee, unless required to be reexamined. * * * All
264 applications by an operator under the age of eighteen (18) must be
265 accompanied by documentation that the applicant is in compliance
266 with the education requirements of Section 63-1-9(1)(g), and the
267 documentation must be dated no more than thirty (30) days prior to
268 the date of application.

269 (7) Any license issued under this article to a person who is
270 not a United States citizen and who does not possess a social
271 security number issued by the United States government shall
272 expire one (1) year from the date of issuance and may be renewed,
273 if such person is otherwise qualified to renew such license,
274 within thirty (30) days of expiration. The fee for any such
275 license and for renewal shall be as prescribed in Section 63-1-43.

276 **SECTION 8.** This act shall take effect and be in force from
277 and after July 1, 2006.