

By: Representative Baker (74th)

To: Insurance;
Transportation

HOUSE BILL NO. 741

1 AN ACT TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION
2 63-15-8, MISSISSIPPI CODE OF 1972, TO REQUIRE PROOF OF MOTOR
3 VEHICLE LIABILITY INSURANCE OR OTHER FORM OF FINANCIAL
4 RESPONSIBILITY BEFORE RECEIVING MOTOR VEHICLE LICENSE TAGS; TO
5 AMEND SECTIONS 63-1-9 AND 63-1-47, MISSISSIPPI CODE OF 1972, TO
6 PROVIDE THAT NO DRIVER'S LICENSE SHALL BE ISSUED TO OR RENEWED FOR
7 ANY PERSON WHO IS UNABLE TO SHOW PROOF OF MOTOR VEHICLE LIABILITY
8 INSURANCE OR OTHER FORM OF FINANCIAL LIABILITY; AND FOR RELATED
9 PURPOSES.

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

11 **SECTION 1.** The following shall be codified as Section
12 63-15-8, Mississippi Code of 1972:

13 63-15-8. (1) Every owner of a motor vehicle in this state
14 shall furnish proof of motor vehicle liability insurance or other
15 form of financial responsibility as required by this chapter
16 before such owner may receive a license tag for a motor vehicle or
17 renew a license tag. Proof of motor vehicle liability insurance
18 or other form of financial responsibility as required by this
19 chapter shall be made by signing a certificate on a form
20 prescribed by the Commissioner of Insurance stating that the motor
21 vehicle owner is insured or otherwise financially responsible for
22 at least the minimum requirements as provided by this chapter and
23 in any form as provided by this chapter. Such certificate shall
24 state in bold print that anyone who shall affirmatively sign such
25 certificate who is not insured or otherwise financially
26 responsible for at least the minimum requirements as provided by
27 this chapter shall be subject to a fine of Five Hundred Dollars
28 (\$500.00) and imprisonment for a period not exceeding one (1)
29 year, or both such fine and imprisonment. Such certificate shall
30 be furnished to each motor vehicle owner by the tax collector of

31 the county where the motor vehicle is registered. The tax
32 collector shall mail such certificate with a motor vehicle tag
33 renewal notice that shall be mailed back to the tax collector
34 before a tag may be renewed. The tax collector shall also make
35 such certificates available at the tax collector's office during
36 regular business hours. The tax collector shall forward a copy of
37 the certificate to the Department of Public Safety and shall keep
38 the original in the tax collector's records.

39 (2) Any person who presents or causes to be presented to the
40 department or to any court of this state false evidence of motor
41 vehicle liability insurance or other form of financial
42 responsibility as required by this chapter, upon conviction, shall
43 be guilty of perjury and shall be fined Five Hundred Dollars
44 (\$500.00) and shall be subject to imprisonment for a period not
45 exceeding one (1) year, or both such fine and imprisonment. This
46 fine and imprisonment shall be waived if the offender chooses to
47 purchase, and provides proof of such purchase by the court date,
48 motor vehicle liability insurance for a minimum of six (6) months'
49 coverage in at least the minimum amounts required under paragraph
50 (j) of Section 63-15-3. Any person convicted of filing false
51 proof of motor vehicle liability insurance or other form of
52 financial responsibility as required by this chapter shall
53 surrender to the department his driver's license, license plates
54 and registration of the motor vehicle for which false proof was
55 presented and the procedure for the suspension of licenses
56 provided in Section 63-15-11 relating to accidents shall be
57 followed. Such driver's license, license plates and registration
58 shall be reinstated upon payment of any fines and reinstatement
59 fees, serving of a sentence if applicable, upon presentation of
60 proof of financial responsibility for a period of one (1) year or
61 upon presentation of proof of purchase of minimum motor vehicle
62 liability insurance in accordance with the provisions of this
63 subsection. The district attorney of the jurisdiction where any

64 false evidence is filed shall prosecute any violation of this
65 section. Any person convicted under this section shall be
66 assessed with all costs of prosecution and all court costs.

67 (3) All insurance carriers are required to notify the
68 appropriate tax collector, sheriff and the department when there
69 is a lapse of the liability coverage that was purchased in
70 accordance with this section. Upon such notification, the sheriff
71 may confiscate the motor vehicle license tag, which tag may be
72 returned to the owner in the manner provided in this section.

73 **SECTION 2.** Section 63-1-9, Mississippi Code of 1972, is
74 amended as follows:

75 63-1-9. (1) No driver's license, intermediate license or
76 temporary learning permit shall be issued pursuant to this
77 article:

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

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

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

87 (d) To any person who would not be able by reason of
88 physical or mental disability, in the opinion of the commissioner
89 or other person authorized to grant an operator's license, to
90 operate a motor vehicle on the highways with safety. However,
91 persons who have one (1) arm or leg, or have arms or legs
92 deformed, and have their car provided with mechanical devices
93 whereby they are able to drive in a safe manner over the highways,
94 if otherwise qualified, shall receive an operator's license the
95 same as other persons. Moreover, deafness shall not be a bar to
96 obtaining a license.

97 (e) To any person who is under the age of seventeen
98 (17) years to drive any motor vehicle while in use as a school bus
99 for the transportation of pupils to or from school, or to drive
100 any motor vehicle while in use as a public or common carrier of
101 persons or property.

102 (f) To any person as an operator who has previously
103 been adjudged to be afflicted with and suffering from any mental
104 disability and who has not at time of application been restored to
105 mental competency.

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

111 (i) Is enrolled and making satisfactory progress
112 in a course leading to a general education development
113 certificate;

114 (ii) Is enrolled in school in this state or any
115 other state;

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

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

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

122 (i) To any person who is unable to show proof of motor
123 vehicle liability insurance or other form of financial
124 responsibility as required under Section 63-15-1 et seq.

125 (2) All permits and licenses issued on or before June 30,
126 2000, shall be valid according to the terms upon which issued.
127 From and after July 1, 2000:

128 (a) A temporary driving permit may be issued to any
129 person who is at least fifteen (15) years of age who otherwise
130 meets the requirements of this article.

131 (b) An intermediate license may be issued to any person
132 who is at least fifteen (15) years of age who otherwise meets the
133 requirements of this article and who has held a temporary driving
134 permit for at least six (6) months without any conviction under
135 Section 63-11-30 or of a moving violation. Any conviction under
136 Section 63-11-30 or of a moving violation shall restart the
137 six-month requirement for the holding of a temporary driving
138 permit before an applicant can qualify for an intermediate
139 license.

140 (c) A driver's license may be issued to any person who
141 is at least sixteen (16) years of age who otherwise meets the
142 requirements of this article and who has held an intermediate
143 license for at least six (6) months without any conviction under
144 Section 63-11-30 or of a moving violation. Any conviction under
145 Section 63-11-30 or of a moving violation shall restart the
146 six-month requirement for the holding of an intermediate license
147 before an applicant can qualify for a driver's license. However,
148 a person who is at least seventeen (17) years of age who has been
149 issued a temporary driving permit and who has never been convicted
150 under Section 63-11-30 or of a moving violation shall not be
151 required to have held an intermediate license.

152 (d) An applicant for a Mississippi driver's license
153 who, at the time of application, is at least sixteen (16) years of
154 age and who has held a valid motor vehicle driver's license issued
155 by another state for at least six (6) months shall not be required
156 to hold a temporary driving permit or an intermediate license
157 before being issued a driver's license.

158 (3) The commissioner shall ensure that the temporary driving
159 permit, intermediate license and driver's license issued under

160 this article are clear, distinct and easily distinguishable from
161 one another.

162 **SECTION 3.** Section 63-1-47, Mississippi Code of 1972,
163 is amended as follows:

164 63-1-47. (1) Except as otherwise provided in this section,
165 each applicant for an original license issued pursuant to this
166 article, who is entitled to issuance of same, and who is eighteen
167 (18) years of age or older, shall be issued a four-year license
168 which will expire at midnight on the licensee's birthday.

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

175 (b) From and after January 1, 1990, no commercial
176 driver's license shall be issued under the provisions of this
177 article for any commercial motor vehicle, the lawful operation of
178 which requires the driver to obtain a Class A, B or C commercial
179 driver's license under Article 2 of this chapter; however, from
180 time to time, the holder of a commercial license may apply for a
181 commercial driver's license under Article 2 of this chapter; and,
182 if he fails to pass the required test for such license, he shall
183 be entitled to an extension of his license that shall be valid for
184 one hundred twenty (120) days or until he again is tested under
185 Article 2 of this chapter, whichever occurs first. The extension
186 shall entitle the license holder to operate all vehicles which
187 such license authorized him to operate prior to taking the
188 required test. The first extension shall be without charge;
189 however, a fee of Fifteen Dollars (\$15.00) shall be imposed for
190 any subsequent extension. No extension shall be valid past March
191 31, 1992.

192 (2) Any commercial driver's license issued under this
193 article before January 1, 1990, which expires after March 31,
194 1992, shall be void on April 1, 1992, for the operation of any
195 commercial vehicle requiring a commercial license to be issued
196 under Article 2 of this chapter; however, if the holder of any
197 such license applies for a commercial driver's license under
198 Article 2 of this chapter, passes the required tests for such
199 license, pays all applicable fees under Article 2 of this chapter
200 except the Forty Dollars (\$40.00) license fee and otherwise meets
201 all requirements for the issuance of such license, then such
202 person shall be issued a license under Article 2 of this chapter
203 which shall expire on the expiration date of the commercial
204 driver's license being replaced.

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

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

219 (5) Any person holding a valid commercial driver's license
220 issued under this article before January 1, 1990, shall continue
221 thereafter, until expiration of such license, to be entitled to
222 operate all vehicles which such license authorized him to operate
223 immediately before January 1, 1990, except that from and after
224 April 1, 1992, such license shall not entitle the licensee to

225 operate a commercial motor vehicle the lawful operation of which
226 requires a commercial driver's license under Article 2 of this
227 chapter.

228 (6) Except as otherwise provided in this article, each
229 applicant for an original driver's license issued pursuant to this
230 article, who is entitled to issuance of same, being under eighteen
231 (18) years of age, shall be issued a one-year license which will
232 expire at midnight on the licensee's birthday. Renewal drivers'
233 licenses of operators under the age of eighteen (18) shall be for
234 one-year periods and may be renewed any time within two (2) months
235 before the expiration of the license upon application and payment
236 of the required fee, unless required to be reexamined. An
237 intermediate license shall be valid for one (1) year from its date
238 of issue and may be renewed any time within fourteen (14) days
239 before expiration of the license. All applications by an operator
240 under the age of eighteen (18) must be accompanied by
241 documentation that the applicant is in compliance with the
242 education requirements of Section 63-1-9(1)(g), and the
243 documentation must be dated no more than thirty (30) days prior to
244 the date of application.

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

252 (8) Every person who is applying for an original driver's
253 license or who is renewing a driver's license under this article
254 shall furnish proof of motor vehicle liability insurance or other
255 form of financial responsibility as required by Section 63-15-1 et
256 seq. before a driver's license may be issued to such person.

257 **SECTION 4.** This act shall take effect and be in force from
258 and after July 1, 2006.