

By: Senator(s) Harden

To: Judiciary, Division B

SENATE BILL NO. 2931

1 AN ACT TO AMEND SECTIONS 63-1-13 AND 63-1-15, MISSISSIPPI
 2 CODE OF 1972, TO REQUIRE ADDITIONAL TRAINING OF DRIVER'S LICENSE
 3 PERSONNEL; TO AMEND SECTION 63-1-35, MISSISSIPPI CODE OF 1972, TO
 4 PROVIDE THAT THE REQUIREMENT THAT AN APPLICANT FOR A DRIVER'S
 5 LICENSE PRESENT HIS SOCIAL SECURITY NUMBER TO THE DEPARTMENT OF
 6 PUBLIC SAFETY SHALL NOT BE APPLICABLE TO A PERSON WHO FILES AN
 7 AFFIDAVIT WITH THE DEPARTMENT AFFIRMING THAT HE HAS NEVER BEEN
 8 ISSUED A SOCIAL SECURITY NUMBER; TO AMEND SECTION 63-1-19,
 9 MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE TYPES OF DOCUMENTS THAT
 10 AN APPLICANT FOR A MISSISSIPPI DRIVER'S LICENSE MAY PROVIDE TO THE
 11 DRIVER'S LICENSE EXAMINER IN ORDER TO SHOW PROOF OF RESIDENCE; TO
 12 CREATE SECTION 63-1-20, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A
 13 CERTIFICATE FOR DRIVING; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 63-1-13, Mississippi Code of 1972, is
 16 amended as follows:

17 63-1-13. (1) The commissioner is hereby authorized and
 18 empowered to appoint a Director of the Driver Services Division
 19 who is a qualified elector of the State of Mississippi. Such
 20 director shall execute and furnish a bond in the amount of Ten
 21 Thousand Dollars (\$10,000.00) with a surety company authorized to
 22 do business in this state. The bond shall be conditioned on the
 23 faithful performance of his duties and be subject to the approval
 24 of the commissioner. The director shall have control and
 25 supervision of the Driver Services Division and shall be
 26 answerable to the commissioner in the performance of his duties.

27 (2) The commissioner shall employ such other technical,
 28 professional and clerical assistants as may be needed to conduct
 29 the work of the division. The commissioner is also authorized to
 30 employ a Director of the Driver License Examining Bureau and the
 31 necessary supervising examiners to assist the Director of the
 32 Driver License Examining Bureau in the supervision of the license

33 personnel. The commissioner is also authorized to employ the
34 necessary additional personnel to serve and be designated as
35 "license examiners." The commissioner shall not adopt or enforce
36 any policy or any rule or regulation which prohibits any Highway
37 Patrol officer from being employed and serving in any position in
38 the Driver License Examining Bureau. The commissioner shall
39 employ such other technical, professional and clerical assistants
40 as may be needed to conduct the work of the bureau.

41 (3) From and after July 1, 2006, the commissioner shall
42 ensure that all staff employed under the authority of this section
43 shall be retrained to accept civil rights complaints.

44 **SECTION 2.** Section 63-1-15, Mississippi Code of 1972, is
45 amended as follows:

46 63-1-15. (1) The Commissioner of Public Safety shall be
47 authorized to designate persons who may act as examiners for
48 license or instruction permits, and all such persons shall be
49 trained in compliance with the provisions of Senate Bill No. _____,
50 2006 Regular Session.

51 (2) It shall be the duty of the license examiners to forward
52 to the commissioner all applications rejected or approved in
53 accordance with such rules and regulations as may be prescribed by
54 the commissioner.

55 **SECTION 3.** Section 63-1-35, Mississippi Code of 1972, is
56 amended as follows:

57 63-1-35. (1) The Commissioner of Public Safety shall
58 prescribe the form of licenses issued pursuant to this article
59 which shall, among other features, include a driver's license
60 number assigned by the Department of Public Safety which, at the
61 option of the licensee, may or may not be the social security
62 number of the licensee. A licensee who chooses not to use his
63 social security number as his driver's license number, except as
64 otherwise provided under subsection (2) of this section, shall
65 list his social security number with the department which shall

66 cross reference the social security number with the driver's
67 license number for purposes of identification. Additionally, each
68 license shall bear a full face color photograph of the licensee in
69 such form that the license and the photograph cannot be separated.
70 Such photograph shall be taken so that one (1) exposure will
71 photograph the applicant and the application simultaneously on the
72 same film. The department shall use a process in the issuance of
73 a license with a color photograph which shall prevent as nearly as
74 possible any alteration, counterfeiting, duplication,
75 reproduction, forging or modification of such license or the
76 superimposition of a photograph without ready detection. Such
77 photograph shall be replaced by the department at the time of
78 renewal. Driver licenses, including photographs appearing
79 thereon, may be renewed by electronic means according to rules and
80 regulations promulgated by the commissioner. The Department of
81 Public Safety may accept bank credit cards and debit cards in
82 payment of fees for driver license renewals that are processed by
83 electronic means and, if authorized by general law, may charge an
84 additional fee for the use of such cards.

85 (2) An applicant who does not have, or who states that he
86 has never been issued, a social security number as required under
87 subsection (1) of this section, shall complete an affidavit, under
88 penalty of perjury, affirming that he has never been issued a
89 social security number.

90 **SECTION 4.** Section 63-1-19, Mississippi Code of 1972, is
91 amended as follows:

92 63-1-19. (1) * * * Every applicant for a license or permit
93 issued pursuant to this article, or for renewal of such license or
94 permit, shall file an application for such license, permit or
95 renewal, on a form provided by the Department of Public Safety,
96 with the commissioner or an official license examiner of the
97 department. All persons not holding valid, unexpired licenses
98 issued in this state shall be required to secure an original

99 license, except those specifically exempted from licensing under
100 Section 63-1-7. The application shall state the name, date of
101 birth, the social security number of the applicant unless the
102 applicant is not a United States citizen and does not possess a
103 social security number issued by the United States government,
104 sex, race, color of eyes, color of hair, weight, height and
105 residence address, and whether or not the applicant's privilege to
106 drive has been suspended or revoked at any time, and, if so, when,
107 by whom, and for what cause, and whether any previous application
108 by him has been denied, and whether he has any physical defects
109 which would interfere with his operating a motor vehicle safely
110 upon the highways.

111 (2) Every applicant for an original license shall show proof
112 of residence in this state. * * * An applicant for an original
113 license may show proof of residence in this state by presenting to
114 the license examiner at least two (2) of the following documents:

115 (a) A utility bill, including telephone service,
116 showing a valid residential address;

117 (b) A bank statement showing a valid Mississippi
118 address;

119 (c) An acceptable employer verification, such as an
120 employment identification card, a letter from the employer on its
121 official letterhead or a payroll check or payroll check stub;

122 (d) An automobile, life or health insurance policy
123 showing a valid Mississippi address;

124 (e) A driver's license issued by the State of
125 Mississippi to a parent, legal guardian or spouse;

126 (f) A Mississippi motor vehicle registration showing a
127 valid Mississippi address;

128 (g) An Internal Revenue Service Tax Reporting W-2 Form;

129 (h) A receipt for personal or real estate taxes paid
130 within the last year showing a valid Mississippi address;

131 (i) A copy of a residential lease showing a valid
132 Mississippi address;

133 (j) If the applicant is a student enrolled in a public
134 or private school in Mississippi, a photo student identification
135 card and acceptable documentation that the student resides on
136 campus; or

137 (k) A photo identification card issued by the
138 government of the applicant's country of origin.

139 (3) If an applicant is unable to provide at least two (2) of
140 the documents described in subsection (2) of this section, he may
141 provide one (1) of the documents described in subsection (2) of
142 this section and one (1) of the following documents:

143 (a) The Individual Taxpayer Identification Number
144 (ITIN) issued by the Internal Revenue Service;

145 (b) Form I-94 issued to the applicant by the United
146 States Immigration and Naturalization Service;

147 (c) An Employment Authorization Card (EAD) issued to
148 the applicant by the United States Immigration and Naturalization
149 Service;

150 (d) A Permanent Residence Card issued to the applicant
151 by the United States Immigration and Naturalization Service; or

152 (e) A stamp in a foreign passport issued by the United
153 States Immigration and Naturalization Service showing evidence of
154 lawful admission for permanent residence.

155 (4) The documents described in subsection (1) and (2) of
156 this section must include the applicant's name or the name of the
157 applicant's spouse, if the applicant has a spouse, or if the
158 applicant is a minor, the name of a parent or legal guardian.
159 These documents must also show the applicant's valid residence
160 address used on the application for the Mississippi driver's
161 license.

162 Each application or filing made under this section, except as
163 otherwise provided under Section 63-1-35(2), shall include the

164 social security number(s) of the applicant in accordance with
165 Section 93-11-64, Mississippi Code of 1972.

166 (5) Whenever a person who has applied for or who has been
167 issued a license or permit under this article moves from the
168 address listed in the application or on the permit or license, or
169 whenever the name of a licensee changes by marriage or otherwise,
170 such person, within thirty (30) days thereafter, shall notify, in
171 writing, the Department of Public Safety, Driver Services
172 Division, and inform the department of his or her previous address
173 and new address and of his or her former name and new name. The
174 department shall not change the name of a licensee or permittee on
175 his or her license or permit unless the applicant appears in
176 person at an office of the department and provides a certified
177 copy of his or her marriage license, court order, birth
178 certificate or divorce decree changing the licensee's or
179 permittee's name.

180 (6) (a) Any male who is at least eighteen (18) years of age
181 but less than twenty-six (26) years of age and who applies for a
182 permit or license or a renewal of a permit or license under this
183 chapter shall be registered in compliance with the requirements of
184 Section 3 of the Military Selective Service Act, 50 USCS Appx 451
185 et seq., as amended.

186 (b) The department shall forward in an electronic
187 format the necessary personal information of the applicant to the
188 Selective Service System. The applicant's submission of the
189 application shall serve as an indication that the applicant either
190 has already registered with the Selective Service System or that
191 he is authorizing the department to forward to the Selective
192 Service System the necessary information for registration. The
193 commissioner shall notify the applicant on, or as a part of, the
194 application that his submission of the application will serve as
195 his consent to registration with the Selective Service System, if
196 so required. The commissioner also shall notify any male

197 applicant under the age of eighteen (18) that he will be
198 registered upon turning age eighteen (18) as required by federal
199 law.

200 **SECTION 5.** The following shall be codified as Section
201 63-1-20, Mississippi Code of 1972:

202 63-1-20. (1) Notwithstanding any other provision of law to
203 the contrary, the department may issue a certificate for driving
204 to persons whose presence in the United States has been authorized
205 by the federal government for a specific purpose and for a
206 specified period of authorized stay. Such certificate of driving
207 shall be valid only during the period of time of the applicant's
208 authorized stay in the United States; no certificate shall be
209 issued for a period of less than (1) year or longer than five (5)
210 years.

211 (2) Notwithstanding the provisions of subsection (1) of this
212 section, the department may issue a certificate for driving to
213 persons who do not satisfy the requirements of subsection
214 (1)..Such certificate for driving shall be valid for a period of
215 one (1) years. Except as otherwise provided in this section, all
216 laws applicable to driver's licenses and financial responsibility
217 shall also apply to certificates for driving. All laws applicable
218 to convictions, suspensions, cancellations and revocations of
219 driver's licenses shall also apply to certificates for driving.

220 (3) Any applicant applying for a certificate for driving,
221 upon initial issuance, renewal or reinstatement, shall meet the
222 requirements of this section.

223 (4) For the purposes of this section, "certificate for
224 driving" means a certificate issued by the department to an
225 individual who does not satisfy the requirements of 63-1-35 to
226 obtain a driver's license. Such certificate for driving shall be
227 clearly distinguishable from a driver's license and shall clearly
228 distinguishable fo5r a driver's license and shall clearly display

229 on it face a phrase substantially similar to: "FOR DRIVING
230 PURPOSES ONLY - NOT VALID FOR IDENTIFICATION".

231 **SECTION 6.** This act shall take effect and be in force from
232 and after July 1, 2006.