

By: Representative Holland

To: Transportation

HOUSE BILL NO. 176

1 AN ACT TO AMEND SECTIONS 63-1-43, 63-1-45 AND 63-1-82,
2 MISSISSIPPI CODE OF 1972, TO INCREASE THE FEES FOR THE INITIAL
3 ISSUANCE AND RENEWAL OF REGULAR DRIVER'S LICENSES, MOTORCYCLE
4 DRIVER'S LICENSES, AND COMMERCIAL DRIVER'S LICENSES; TO CREATE A
5 SPECIAL FUND IN THE STATE TREASURY INTO WHICH THE PROCEEDS FROM
6 THE INCREASED FEES SHALL BE DEPOSITED; TO PROVIDE THAT MONIES IN
7 THE SPECIAL FUND MAY BE EXPENDED, UPON APPROPRIATION BY THE
8 LEGISLATURE, FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE
9 DEPARTMENT OF PUBLIC SAFETY IN IMPROVING AND EXPANDING THE NUMBER
10 OF DRIVER'S LICENSE EXAMINING STATIONS THROUGHOUT THE STATE; TO
11 PROVIDE THAT MONIES IN THE SPECIAL FUND UNNECESSARY TO IMPROVE OR
12 EXPAND DRIVER'S LICENSE EXAMINING STATIONS MAY BE EXPENDED BY THE
13 DEPARTMENT OF PUBLIC SAFETY, UPON LEGISLATIVE APPROPRIATION, FOR
14 OPERATION AND ADMINISTRATIVE EXPENSES OF THE DEPARTMENT; AND FOR
15 RELATED PURPOSES.

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

17 **SECTION 1.** Section 63-1-43, Mississippi Code of 1972, is
18 amended as follows:

19 63-1-43. (1) The fee for receiving the application and
20 issuing the regular driver's or operator's license and the fee for
21 renewing the license shall be:

22 (a) Twenty-eight Dollars (\$28.00) plus the applicable
23 photograph fee for each applicant for a four-year license;

24 (b) Five Dollars and Fifty Cents(\$5.50) plus the
25 applicable photograph fee for each applicant for a one-year
26 license, except as provided in paragraph (c) of this subsection;
27 and

28 (c) Ten Dollars and Fifty Cents(\$10.50) plus the
29 applicable photograph fee for a one-year license for each
30 applicant who is not a United States citizen and who does not
31 possess a social security number issued by the United States
32 government.



33 All originals and renewals of regular operators' licenses
34 shall be in compliance with Section 63-1-47.

35 (2) The fee for receiving the application and issuing a
36 motorcycle endorsement shall be Seven Dollars and Fifty
37 Cents(\$7.50). Motorcycle endorsements shall be valid for the same
38 period of time as the applicant's operator's license.

39 (3) The fee for receiving the application and issuing a
40 restricted motorcycle operator's license and the fee for renewing
41 such license shall be:

42 (a) Twenty-one Dollars (\$21.00) plus the applicable
43 photograph fee for a four-year license; and

44 (b) Ten Dollars and Fifty Cents(\$10.50) plus the
45 applicable photograph fee for a one-year license.

46 All originals and renewals of restricted motorcycle licenses
47 shall be valid for the same period of time that an original
48 regular driver's license may be issued to such person in
49 compliance with Section 63-1-47.

50 (4) From and after January 1, 1990, every person who makes
51 application for an original license or a renewal license to
52 operate a vehicle as a common carrier by motor vehicle, taxicab,
53 passenger coach, dray, contract carrier or private commercial
54 carrier as such terms are defined in Section 27-19-3, except for
55 those vehicles for which a Class A, B or C license is required
56 under Article 2 of this chapter, shall, in lieu of the regular
57 driver's license above provided for, apply for and obtain a Class
58 D commercial driver's license. Except as otherwise provided in
59 subsection (5) of this section, the fee for the issuance of a
60 Class D commercial driver's license shall be Thirty-three Dollars
61 (\$33.00) plus the applicable photograph fee for a period of four
62 (4) years; however, except as required under Article 2 of this
63 chapter, no driver of a pickup truck shall be required to have a
64 commercial license regardless of the purpose for which the pickup
65 truck is used.



66 Except as otherwise provided in subsection (5) of this
67 section, all originals and renewals of commercial licenses issued
68 under this section shall be valid for a period of four (4) years,
69 in compliance with Section 63-1-47. Only persons who operate the
70 above-mentioned vehicles in the course of the regular and
71 customary business of the owner shall be required to obtain a
72 Class D commercial operator's license, and persons operating such
73 vehicles for private purposes or in emergencies shall not be
74 required to obtain such license.

75 (5) The original and each renewal of a commercial driver's
76 license issued under this section to a person who is not a United
77 States citizen and who does not possess a social security number
78 issued by the United States government shall be issued for a
79 period of one (1) year for a fee of Ten Dollars and Fifty Cents
80 (\$10.50) plus the applicable photograph fee and shall expire one
81 (1) year from the date of issuance. Such person may renew a
82 commercial license issued under this section within thirty (30)
83 days of expiration of the license.

84 (6) The Commissioner of Public Safety, by rule or
85 regulation, shall establish a driver's license photograph fee
86 which shall be the actual cost of the photograph rounded off to
87 the next highest dollar. Monies collected for the photograph fee
88 shall be deposited into a special photograph fee account which the
89 Department of Public Safety shall use to pay the actual cost of
90 producing the photographs. Any monies collected in excess of the
91 actual costs of the photography shall be deposited to the General
92 Fund of the State of Mississippi.

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

95 63-1-45. (1) License examiners shall keep a complete record
96 of all funds received from applicants upon forms to be prescribed
97 and furnished by the department out of the operating funds of the
98 department. Application forms shall be printed in book form and



99 serially numbered and in such form that the original thereof may
100 be transmitted by the license examiner to the commissioner,
101 together with the renewal fee. A copy thereof, signed by the
102 examiner, shall be given to the applicant, and a copy thereof
103 shall be retained by the examiner. The license examiner shall,
104 not later than ten (10) days from the date of an application,
105 transmit the same, together with the fee, to the commissioner.
106 Such application blanks and funds shall be subject to audit at any
107 time. The commissioner shall maintain records of all application
108 forms on hand and issued to the examiners, who shall be charged
109 therewith. The receipt provided for herein shall be the only
110 valid and recognized form of receipt for fees paid by applicants,
111 and such receipt shall be sufficient in lieu of the renewed
112 license for a period of sixty (60) days or until such renewed
113 license has been issued to the applicant by the commissioner.
114 There shall be tendered with all applications for a temporary
115 driving permit or temporary motorcycle driving permit, or for the
116 initial issuance of any license issued pursuant to this article,
117 the proper fee required by law, in cash, or by money order,
118 cashier's or certified check. The required fee for issuance of
119 renewal licenses, duplicate licenses or other services, for which
120 a fee is charged, shall be tendered with the application therefor
121 by cash, check or money order. In the event a check for renewal
122 of a license is dishonored for any reason, the person whose
123 license was being renewed by such check shall be notified in
124 writing and be given thirty (30) days after such written notice in
125 which to pay the renewal fee. This shall be done by forwarding a
126 certified check or postal money order in the correct amount to the
127 department. If, at the end of thirty (30) days, such certified
128 check or postal money order has not been received by the
129 department, the commissioner shall cancel that person's license,
130 and, in order for that license to be reinstated, a reinstatement



131 fee of Ten Dollars (\$10.00) plus the amount due on the returned
132 check must be received by the department.

133 (2) Except as otherwise provided in this subsection (2),
134 subsection (6) of Section 63-1-43 and subsection (3) of this
135 section, the Commissioner of Public Safety shall deposit the
136 amount of fees, together with all fees for duplicate licenses,
137 permits, delinquent fees and reinstatement fees collected by him
138 into the General Fund of the State Treasury, in accordance with
139 the provisions of Section 45-1-23(2); however, Seven Dollars
140 (\$7.00) of the fee derived from the fee charged for original and
141 renewal operators' licenses imposed under Section 63-1-43(1) and
142 Four Dollars (\$4.00) of the fee derived from the fee charged for
143 original and renewal Class D commercial drivers' licenses under
144 Section 63-1-43(4) shall be deposited into a special fund that is
145 created in the State Treasury. Monies in the fund may be expended
146 pursuant to legislative appropriation solely for the purchase by
147 the Mississippi Highway Safety Patrol of patrol cars,
148 communications equipment and weapons.

149 (3) There is created in the State Treasury a special fund
150 into which there shall be deposited the following portion of the
151 fees collected under Section 63-1-43:

152 (a) Ten Dollars (\$10.00) of the fees collected for
153 receiving the application and issuing and renewing:

154 (i) A four-year regular driver's or operator's
155 license;

156 (ii) A four-year restricted motorcycle operator's
157 license; and

158 (iii) A four-year Class D commercial driver's
159 license; and

160 (b) Two Dollars and Fifty Cents (\$2.50) of the fees
161 collected for receiving the application and issuing and renewing:

162 (i) A one-year regular driver's or operator's
163 license;



164 (ii) A motorcycle endorsement;
165 (iii) A one-year restricted motorcycle operator's
166 license; and
167 (iv) A one-year Class D commercial driver's
168 license.

169 Monies in the special fund created under this subsection may
170 be expended, upon appropriation by the Legislature, for the
171 purpose of defraying the expenses of the Department of Public
172 Safety in improving existing driver's license examining stations
173 and expanding the number of such stations throughout the state.
174 Any monies in the special fund unnecessary to improve or expand
175 driver's license examining stations may be expended by the
176 Department of Public Safety, upon legislative appropriation, for
177 operation and administrative expenses of the department.
178 Unexpended amounts remaining in the special fund at the end of a
179 fiscal year shall not lapse into the State General Fund, and any
180 interest earned on amounts in the special fund shall be deposited
181 to the credit of the special fund.

182 **SECTION 3.** Section 63-1-82, Mississippi Code of 1972, is
183 amended as follows:

184 63-1-82. (1) Each commercial driver's license shall be
185 marked "Commercial Driver's License" or "CDL" and shall, to the
186 maximum extent practicable, be tamper proof. Each such license
187 shall include thereon, but not be limited to, the following
188 information:

- 189 (a) The name and residential address of the licensee;
190 (b) The licensee's color photograph;
191 (c) A physical description of the licensee, including
192 his sex, height, weight, eye and hair color;
193 (d) The licensee's date of birth;
194 (e) Except for a nonresident commercial driver's
195 license, the licensee's social security number; and any other
196 identifying information which the Commissioner of Public Safety,



197 by rule or regulation, determines necessary and essential for the
198 purposes of complying with the provisions of this article;

199 (f) The licensee's signature;

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

203 (h) The name of this state; and

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

205 (2) The holder of a valid commercial driver's license may
206 drive all vehicles in the class for which that license is issued
207 and all lesser classes of vehicles, including any vehicle for
208 which an operator's license or commercial driver's license issued
209 under Article 1 of this chapter authorizes a person to drive.

210 However, vehicles which require an endorsement may not be driven
211 unless the proper endorsement appears on the license.

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

214 (a) Class A. Any combination of vehicles with a gross
215 vehicle weight rating of twenty-six thousand one (26,001) pounds
216 or more, provided the gross vehicle weight rating of the vehicle
217 or vehicles being towed is in excess of ten thousand (10,000)
218 pounds;

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

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

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



229 (ii) Vehicles used in the transportation of
230 hazardous materials which are required to be placarded under the
231 Hazardous Materials Transportation Act, 49 USCS Appx., Section
232 1801 et seq.; and

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

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

239 (a) "H" authorizes the driver to drive a vehicle
240 transporting hazardous materials;

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

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

244 (d) "P" authorizes driving vehicles carrying
245 passengers;

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

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

249 (g) "S" authorizes driving school buses operated for
250 the purpose of transporting pupils to and from school or to
251 school-related functions; and

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

254 (5) Before issuing a commercial driver's license, the
255 Commissioner of Public Safety shall obtain driving record
256 information through the Commercial Driver License Information
257 System.

258 (6) Within ten (10) days after issuing a commercial driver's
259 license, the Commissioner of Public Safety shall notify the
260 Commercial Driver License Information System of that fact,



261 providing all information required to ensure identification of the
262 person.

263 (7) The fee charged for the issuance of each original and
264 each renewal of a Class A, B or C commercial driver's license
265 shall be Forty-eight Dollars (\$48.00) plus the applicable
266 photograph fee. In addition, a fee of Seven Dollars and Fifty
267 Cents(\$7.50) shall be charged for each endorsement entered on a
268 commercial driver's license under subsection (4) of this section.

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

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

278 (10) Every person applying for renewal of a commercial
279 driver's license shall complete the application form required by
280 Section 63-1-81, Mississippi Code of 1972, providing updated
281 information and required certifications and paying the appropriate
282 fees. If the applicant wishes to retain a hazardous materials
283 endorsement, the written test for a hazardous materials
284 endorsement must be taken and passed.

285 (11) A fee of Thirty-seven Dollars (\$37.00), plus actual
286 costs involved in conducting background record checks of
287 applicants before issuing renewal, transfer or upgrade of a
288 commercial driver's license with a hazardous material endorsement
289 for the purpose of determining that the applicant does not pose a
290 security threat warranting denial of such endorsement, shall be
291 charged in addition to all other fees for the issuance of each
292 original and each renewal of a Class A, B or C commercial driver's
293 license. The fees collected under this subsection shall be



294 deposited into a special fund in the State Treasury. Monies in
295 the fund may be expended, upon legislative appropriation, solely
296 for the purpose of paying administrative costs and expenses
297 incurred by the department in performing background checks.

298 (12) The Commissioner of Public Safety, by rule or
299 regulation, shall establish a driver's license photograph fee
300 which shall be the actual cost of the photograph rounded off to
301 the next highest dollar. Monies collected for the photograph fee
302 shall be deposited into a special photograph fee account which the
303 Department of Public Safety shall use to pay the actual cost of
304 producing the photographs. Any monies collected in excess of the
305 actual costs of the photography shall be deposited to the General
306 Fund of the State of Mississippi.

307 (13) The following portion of the fees collected under this
308 section shall be deposited into the special fund created under
309 Section 63-1-45(3):

310 (a) Ten Dollars (\$10.00) of the fee charged for the
311 issuance of each original and each renewal of a Class A, B or C
312 commercial driver's license.

313 (b) Two Dollars and Fifty Cents (\$2.50) of the fee
314 charged for each endorsement entered on a commercial driver's
315 license under subsection (4) of this section.

316 **SECTION 4.** This act shall take effect and be in force from
317 and after July 1, 2007.

