

By: Representative Aldridge

To: Transportation

## HOUSE BILL NO. 472

1 AN ACT TO AMEND SECTION 63-1-9, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT A DRIVER'S LICENSE, INTERMEDIATE LICENSE OR TEMPORARY  
3 DRIVING PERMIT SHALL NOT BE ISSUED TO ANY STUDENT UNDER AGE  
4 EIGHTEEN WHO IS ENROLLED IN A PUBLIC OR PRIVATE SCHOOL AND WHO  
5 DOES NOT AT THE TIME OF APPLICATION HAVE A CERTAIN MINIMUM GRADE  
6 POINT AVERAGE; TO PROVIDE EXCEPTIONS FOR CERTAIN PERSONS; TO  
7 PROVIDE THAT A PERSON UNDER AGE EIGHTEEN WHO HOLDS A TEMPORARY  
8 DRIVING PERMIT AND DOES NOT MEET THE MINIMUM GRADE POINT AVERAGE  
9 REQUIREMENTS AT THE TIME OF APPLICATION FOR AN INTERMEDIATE  
10 LICENSE SHALL NOT BE ISSUED AN INTERMEDIATE LICENSE, BUT MAY HAVE  
11 THE TEMPORARY DRIVING PERMIT RENEWED; TO PROVIDE THAT A PERSON  
12 UNDER AGE EIGHTEEN WHO HOLDS A TEMPORARY DRIVING PERMIT OR  
13 INTERMEDIATE LICENSE AND DOES NOT MEET THE MINIMUM GRADE POINT  
14 AVERAGE REQUIREMENTS AT THE TIME OF APPLICATION FOR A DRIVER'S  
15 LICENSE SHALL NOT BE ISSUED AN DRIVER'S LICENSE, BUT MAY HAVE THE  
16 TEMPORARY DRIVING PERMIT OR INTERMEDIATE LICENSE RENEWED; TO AMEND  
17 SECTION 63-1-10, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY  
18 APPLICANT FOR A DRIVER'S LICENSE, INTERMEDIATE LICENSE OR  
19 TEMPORARY DRIVING PERMIT WHO IS UNDER AGE EIGHTEEN MUST SUBMIT  
20 WITH THE APPLICATION DOCUMENTATION FROM THE APPROPRIATE AUTHORITY  
21 OF THE SCHOOL WHERE THE STUDENT IS ENROLLED THAT THE APPLICANT IS  
22 IN COMPLIANCE WITH THE MINIMUM GRADE POINT AVERAGE REQUIREMENTS;  
23 TO PROVIDE THAT FOR THOSE STUDENTS WHO ARE EXEMPTED FROM THE  
24 MINIMUM GRADE POINT AVERAGE REQUIREMENTS, THE APPROPRIATE  
25 AUTHORITY OF THE SCHOOL WHERE THE STUDENT IS ENROLLED SHALL  
26 PROVIDE THE STUDENT WITH DOCUMENTATION TO EXCUSE THE STUDENT FROM  
27 THOSE REQUIREMENTS; TO AMEND SECTION 63-1-47, MISSISSIPPI CODE OF  
28 1972, TO PROVIDE THAT A PERSON UNDER AGE EIGHTEEN WHO HOLDS A  
29 DRIVER'S LICENSE AND DOES NOT MEET THE MINIMUM GRADE POINT AVERAGE  
30 REQUIREMENTS AT THE TIME OF RENEWAL MAY NOT HAVE THE DRIVER'S  
31 LICENSE RENEWED, BUT SHALL BE ISSUED AN INTERMEDIATE LICENSE AT  
32 THE TIME OF RENEWAL; AND FOR RELATED PURPOSES.

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

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

36 63-1-9. (1) No driver's license, intermediate license or  
37 temporary driving permit shall be issued under this article:

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

40 (b) To any person whose license to operate a motor  
41 vehicle on the highways of Mississippi has been previously revoked  
42 or suspended by this state or any other state and/or territory of

43 the United States or the District of Columbia, and such revocation  
44 or suspension period has not expired.

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

47 (d) To any person who would not be able by reason of  
48 physical or mental disability, in the opinion of the commissioner  
49 or other person authorized to grant an operator's license, to  
50 operate a motor vehicle on the highways with safety. However,  
51 persons who have one (1) arm or leg, or have arms or legs  
52 deformed, and have their car provided with mechanical devices  
53 whereby they are able to drive in a safe manner over the highways,  
54 if otherwise qualified, shall receive an operator's license the  
55 same as other persons. Moreover, deafness shall not be a bar to  
56 obtaining a license.

57 (e) To any person who is under the age of seventeen  
58 (17) years to drive any motor vehicle while in use as a school bus  
59 for the transportation of pupils to or from school, or to drive  
60 any motor vehicle while in use as a public or common carrier of  
61 persons or property.

62 (f) To any person as an operator who has previously  
63 been adjudged to be afflicted with and suffering from any mental  
64 disability and who has not at time of application been restored to  
65 mental competency.

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

71 (i) Is enrolled and making satisfactory progress  
72 in a course leading to a general education development  
73 certificate;

74 (ii) Is enrolled in school in this state or any  
75 other state;

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

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

80 (h) To any unmarried person under the age of eighteen  
81 (18) years who is enrolled in a public, private, church or  
82 parochial school in this state or any other state who does not at  
83 the time of application present documentation that the person  
84 currently has a grade point average (GPA) of at least 2.0 on a 4.0  
85 scale, except for the following persons:

86 (i) Any person whose GPA is below 2.0 due to  
87 acceptable circumstances as determined by the appropriate  
88 authority under Section 63-1-10; or

89 (ii) Any person whose GPA is below 2.0 due to  
90 having a learning disability, as defined by the State Department  
91 of Education, and as determined by the appropriate authority under  
92 Section 63-1-10.

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

95 (2) All permits and licenses issued on or before June 30,  
96 2000, shall be valid according to the terms upon which issued.  
97 From and after July 1, 2000:

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

101 (b) An intermediate license may be issued to any person  
102 who is at least fifteen (15) years of age who otherwise meets the  
103 requirements of this article and who has held a temporary driving  
104 permit for at least six (6) months without any conviction under  
105 Section 63-11-30 or of a moving violation. Any conviction under  
106 Section 63-11-30 or of a moving violation shall restart the  
107 six-month requirement for the holding of a temporary driving  
108 permit before an applicant can qualify for an intermediate

109 license. A person under eighteen (18) years of age who holds a  
110 temporary driving permit and does not meet the grade point average  
111 requirements of Section 63-1-9(1)(h) at the time of application  
112 for an intermediate license shall not be issued an intermediate  
113 license, but may have the temporary driving permit renewed.

114 (c) A driver's license may be issued to any person who  
115 is at least sixteen (16) years of age who otherwise meets the  
116 requirements of this article and who has held an intermediate  
117 license for at least six (6) months without any conviction under  
118 Section 63-11-30 or of a moving violation. Any conviction under  
119 Section 63-11-30 or of a moving violation shall restart the  
120 six-month requirement for the holding of an intermediate license  
121 before an applicant can qualify for a driver's license. However,  
122 a person who is at least seventeen (17) years of age who has been  
123 issued a temporary driving permit and who has never been convicted  
124 under Section 63-11-30 or of a moving violation shall not be  
125 required to have held an intermediate license. A person under  
126 eighteen (18) years of age who holds a temporary driving permit or  
127 intermediate license and does not meet the grade point average  
128 requirements of Section 63-1-9(1)(h) at the time of application  
129 for a driver's license shall not be issued a driver's license, but  
130 may have the temporary driving permit or intermediate license  
131 renewed.

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

138 (3) The commissioner shall ensure that the temporary driving  
139 permit, intermediate license and driver's license issued under  
140 this article are clear, distinct and easily distinguishable from  
141 one another.

142           **SECTION 2.** Section 63-1-10, Mississippi Code of 1972, is  
143 amended as follows:

144           63-1-10. (1) Any applicant for a license under eighteen (18)  
145 years of age must submit with the application documentation from  
146 the appropriate authority that the applicant is in compliance with  
147 Section 63-1-9(1)(g) and (h). The appropriate authority shall be  
148 the school principal of a public, private, church or parochial  
149 school or his designee, or, in the case of a home study program,  
150 the parent, or the adult education supervisor of the General  
151 Education Development Program or his designee. Documentation of  
152 the applicant's enrollment status shall be on a form designed by  
153 the Department of Education as approved by the Department of  
154 Public Safety in a manner that insures the authenticity of the  
155 form and any information or signature contained thereon. Any  
156 student who is eligible to apply for a license and who is properly  
157 enrolled in a school under the jurisdiction of the authority is  
158 entitled to receive the documentation for presentation to the  
159 Department of Public Safety to accompany the application. The  
160 forms required under this section to provide documentation shall  
161 be made available to public \* \* \*, private, church and parochial  
162 schools approved by the State Board of \* \* \* Education, and adult  
163 education supervisors at school board offices and shall be made  
164 available to others through the Department of Public Safety.

165           (2) Whenever an applicant who is under eighteen (18) years of  
166 age is unable to attend any school program due to acceptable  
167 circumstances, the appropriate authority where the student last  
168 attended shall provide the student with documentation to present  
169 to the department to excuse such student from the provisions of  
170 Section 63-1-9(1)(g). The appropriate authority shall be the sole  
171 judge of whether withdrawal of a student or failure of a student  
172 to attend is due to acceptable circumstances. Suspension or  
173 expulsion from school or incarceration in a correctional

174 institution is not an acceptable circumstance for a person being  
175 unable to attend school.

176 (3) Whenever an applicant who is under eighteen (18) years  
177 of age does not currently have a grade point average (GPA) of at  
178 least 2.0 on a 4.0 scale due to acceptable circumstances, or due  
179 to having a learning disability, as defined by the State  
180 Department of Education, the appropriate authority of the school  
181 where the student is enrolled shall provide the student with  
182 documentation to present to the Department of Public Safety to  
183 excuse the student from the provisions of Section 63-1-9(1)(h).  
184 The appropriate authority shall be the sole judge of whether a  
185 student having a GPA below 2.0 is due to acceptable circumstances  
186 or due to having a learning disability.

187 (4) Any person denied a license for failure to satisfy the  
188 education requirements of Section 63-1-9(1)(g) or the grade point  
189 average requirements of Section 63-1-9(1)(h) shall have the right  
190 to file a request within thirty (30) days thereafter for a hearing  
191 before the Department of Public Safety to determine whether the  
192 person is entitled to a license or is subject to the cancellation  
193 of his license under the provisions of this section. The hearing  
194 shall be held within ten (10) days of the receipt by the  
195 department of the request. Appeal from the decision of the  
196 department may be taken under Section 63-1-31.

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

199 63-1-47. (1) Except as otherwise provided in this section,  
200 each applicant for an original license issued under this article,  
201 who is entitled to issuance of same, and who is eighteen (18)  
202 years of age or older, shall be issued a four-year license which  
203 will expire at midnight on the licensee's birthday.

204 (a) Except as otherwise provided in this section, all  
205 renewal licenses of operators eighteen (18) years of age or older  
206 shall be for four-year periods and may be renewed any time within

207 six (6) months before the expiration of the license upon  
208 application and payment of the required fee, unless required to be  
209 reexamined.

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

226 (2) Any commercial driver's license issued under this  
227 article before January 1, 1990, which expires after March 31,  
228 1992, shall be void on April 1, 1992, for the operation of any  
229 commercial vehicle requiring a commercial license to be issued  
230 under Article 2 of this chapter; however, if the holder of any  
231 such license applies for a commercial driver's license under  
232 Article 2 of this chapter, passes the required tests for such  
233 license, pays all applicable fees under Article 2 of this chapter  
234 except the Forty Dollars (\$40.00) license fee and otherwise meets  
235 all requirements for the issuance of such license, then such  
236 person shall be issued a license under Article 2 of this chapter  
237 which shall expire on the expiration date of the commercial  
238 driver's license being replaced.

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

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

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

262           (6) Except as otherwise provided in this article, each  
263 applicant for an original driver's license issued under this  
264 article, who is entitled to issuance of same, being under eighteen  
265 (18) years of age, shall be issued a one-year license which will  
266 expire at midnight on the licensee's birthday. Renewal drivers'  
267 licenses of operators under the age of eighteen (18) shall be for  
268 one-year periods and may be renewed any time within two (2) months  
269 before the expiration of the license upon application and payment  
270 of the required fee, unless required to be reexamined. An  
271 intermediate license shall be valid for one (1) year from its date



272 of issue and may be renewed any time within fourteen (14) days  
273 before expiration of the license. All applications by an operator  
274 under the age of eighteen (18) must be accompanied by  
275 documentation that the applicant is in compliance with the  
276 education requirements of Section 63-1-9(1)(g) and the grade point  
277 average requirements of Section 63-1-9(1)(h), and the  
278 documentation must be dated no more than thirty (30) days before  
279 the date of application. A person under eighteen (18) years of  
280 age who holds a driver's license and does not meet the grade point  
281 average requirements of Section 63-1-9(1)(h) at the time of  
282 renewal may not have the driver's license renewed, but shall be  
283 issued an intermediate license at the time of renewal.

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

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