

By: Representative Mims

To: Transportation

HOUSE BILL NO. 708

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 AND AN INTERMEDIATE DRIVER'S LICENSE; TO
5 INCREASE THE MINIMUM AGE AT WHICH A PERSON MAY BE ISSUED A REGULAR
6 DRIVER'S LICENSE; AND FOR RELATED PURPOSES.

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

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

10 63-1-9. (1) No driver's license, intermediate license or
11 temporary learning permit shall be issued pursuant to this
12 article:

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

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

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

22 (d) To any person who would not be able by reason of
23 physical or mental disability, in the opinion of the commissioner
24 or other person authorized to grant an operator's license, to
25 operate a motor vehicle on the highways with safety. However,
26 persons who have one (1) arm or leg, or have arms or legs
27 deformed, and have their car provided with mechanical devices
28 whereby they are able to drive in a safe manner over the highways,
29 if otherwise qualified, shall receive an operator's license the

30 same as other persons. Moreover, deafness shall not be a bar to
31 obtaining a license.

32 (e) To any person who is under the age of seventeen
33 (17) years to drive any motor vehicle while in use as a school bus
34 for the transportation of pupils to or from school, or to drive
35 any motor vehicle while in use as a public or common carrier of
36 persons or property.

37 (f) To any person as an operator who has previously
38 been adjudged to be afflicted with and suffering from any mental
39 disability and who has not at time of application been restored to
40 mental competency.

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

46 (i) Is enrolled and making satisfactory progress
47 in a course leading to a general education development
48 certificate;

49 (ii) Is enrolled in school in this state or any
50 other state;

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

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

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

57 (2) All permits and licenses issued on or before June 30,
58 2007, shall be valid according to the terms upon which issued.
59 From and after July 1, 2007:

60 (a) A temporary driving permit may be issued to any
61 person who is at least sixteen (16) years of age who otherwise
62 meets the requirements of this article.

63 (b) An intermediate license may be issued to any person
64 who is at least sixteen (16) years of age who otherwise meets the
65 requirements of this article and who has held a temporary driving
66 permit for at least twelve (12) months without any conviction
67 under Section 63-11-30 or of a moving violation. Any conviction
68 under Section 63-11-30 or of a moving violation shall restart the
69 twelve-month requirement for the holding of a temporary driving
70 permit before an applicant can qualify for an intermediate
71 license.

72 (c) A driver's license may be issued to any person who
73 is at least seventeen (17) years of age who otherwise meets the
74 requirements of this article and who has held an intermediate
75 license for at least twelve (12) months without any conviction
76 under Section 63-11-30 or of a moving violation. Any conviction
77 under Section 63-11-30 or of a moving violation shall restart the
78 twelve-month requirement for the holding of an intermediate
79 license before an applicant can qualify for a driver's license.
80 However, a person who is at least seventeen (17) years of age who
81 has been issued a temporary driving permit and who has never been
82 convicted under Section 63-11-30 or of a moving violation shall
83 not be required to have held an intermediate license.

84 (d) An applicant for a Mississippi driver's license
85 who, at the time of application, is at least seventeen (17) years
86 of age and who has held a valid motor vehicle driver's license
87 issued by another state for at least twelve (12) months shall not
88 be required to hold a temporary driving permit or an intermediate
89 license before being issued a driver's license.

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

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

96 63-1-21. (1) Every applicant for a new or original driver's
97 or operator's license, except persons holding an out-of-state
98 license, shall first obtain a temporary driving permit upon the
99 payment of a fee of One Dollar (\$1.00) to the Department of Public
100 Safety and upon the successful completion of the examination
101 provided for in Section 63-1-33 and the payment of the fee for
102 such examination provided for in Section 63-1-43.

103 (2) A temporary driving permit entitles the holder, provided
104 the permit is in his immediate possession, to drive a motor
105 vehicle other than a motorcycle on the highways of the State of
106 Mississippi only when accompanied by a licensed operator who is at
107 least twenty-one (21) years of age and who is actually occupying
108 the seat beside the driver. A temporary driving permit may be
109 issued to any applicant who is at least sixteen (16) years of age.
110 A temporary driving permit shall be valid for a period of one (1)
111 year from the date of issue.

112 (3) An intermediate license allows unsupervised driving from
113 6:00 a.m. to 10:00 p.m. At all other times the intermediate
114 licensee must be supervised by a parent, guardian or other person
115 age twenty-one (21) years or older who holds a valid driver's
116 license under this article and who is actually occupying the seat
117 beside the driver.

118 (4) The fee for issuance of an intermediate license shall be
119 Five Dollars (\$5.00).

120 Except as otherwise provided by Section 63-1-6, every
121 applicant for a restricted motorcycle operator's license or a
122 motorcycle endorsement shall first obtain a temporary motorcycle
123 driving permit upon the payment of a fee of One Dollar (\$1.00) to
124 the Department of Public Safety, and upon the successful
125 completion of the examination provided for in Section 63-1-33, and
126 payment of the fee for said examination provided for in Section
127 63-1-43. All applicants for such temporary permit shall (a) be at
128 least sixteen (16) years of age; (b) operate a motorcycle only

129 under the direct supervision of a person at least twenty-one (21)
130 years of age who possesses either a valid driver's or operator's
131 license with a motorcycle endorsement or a valid restricted
132 motorcycle operator's license; (c) be prohibited from transporting
133 a passenger on a motorcycle; (d) be prohibited from operating a
134 motorcycle upon any controlled access highway; and (e) be
135 prohibited from operating a motorcycle during the hours of 6:00
136 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall
137 be valid for the same period of time and may be renewed upon the
138 same conditions as temporary driving permits issued for vehicles
139 other than motorcycles.

140 **SECTION 3.** This act shall take effect and be in force from
141 and after July 1, 2007.