

By: Representative Gunn

To: Transportation

HOUSE BILL NO. 955

1 AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION
2 63-1-50, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER
3 OF PUBLIC SAFETY TO CONDUCT AN INVESTIGATION AND REQUIRE
4 REEXAMINATION OF A PERSON WHO HAS BEEN ISSUED A DRIVER'S LICENSE
5 OR DRIVING PERMIT IF THE COMMISSIONER HAS REASON TO BELIEVE THAT
6 THE APPLICANT HAS A PHYSICAL OR MENTAL DISABILITY OR INFIRMITY
7 RENDERING IT UNSAFE FOR THAT PERSON TO OPERATE A MOTOR VEHICLE ON
8 THE ROADS, STREETS OR HIGHWAYS IN THIS STATE; TO PRESCRIBE A
9 PROCEDURE FOR THE INITIATION OF SUCH INVESTIGATION AND
10 REEXAMINATION BASED UPON INFORMATION PROVIDED TO THE COMMISSIONER
11 BY A LAW ENFORCEMENT OFFICER, PHYSICIAN, FAMILY MEMBER OR OTHER
12 PERSON WHO HAS OBSERVED OR WHO HAS PERSONAL KNOWLEDGE OF THE
13 APPLICANT'S PHYSICAL OR MENTAL CONDITION; TO AFFORD A LICENSEE OR
14 PERMITTEE NOTICE AND AN OPPORTUNITY TO BE HEARD AT ANY SUCH
15 HEARING; TO AUTHORIZE THE COMMISSIONER OF PUBLIC SAFETY TO REVOKE
16 THE LICENSE OR PERMIT OF SUCH PERSON UPON A FINDING BASED UPON
17 SUBSTANTIAL EVIDENCE THAT SUCH PERSON HAS A PHYSICAL OR MENTAL
18 DISABILITY OR INFIRMITY RENDERING IT UNSAFE FOR THAT PERSON TO
19 OPERATE A MOTOR VEHICLE; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** The following shall be codified as Section
22 63-1-50, Mississippi Code of 1972:

23 63-1-50. (1) The Commissioner of Public Safety may conduct
24 an investigation and require reexamination of a person who has
25 been issued a driver's license or permit under the provisions of
26 this article if the commissioner has reason to believe that the
27 applicant has a physical or mental disability or infirmity
28 rendering it unsafe for that person to operate a motor vehicle on
29 the roads, streets or highways in this state. The decision of the
30 commissioner to take such action may be based upon written
31 information provided on a form developed by the commissioner and
32 submitted to the commissioner by a law enforcement officer,
33 physician, family member or any other person who has observed or
34 who has personal knowledge of the applicant's physical or mental
35 condition.

36 (2) The form submitted under subsection (1) of this section
37 shall:

38 (a) Provide the full name of the licensee or permittee,
39 his or her driver's license or permit number (if known), his or
40 her address and telephone number, and a detailed explanation of
41 the reasons why an investigation and reexamination of the
42 applicant's ability to operate a motor vehicle should be
43 conducted;

44 (b) Provide the full name of the person submitting the
45 form to the commissioner, his or her address and telephone number,
46 his or her personal or professional relationship, if any, to the
47 licensee or permittee, and his or her signature; and

48 (c) Such other information as the commissioner deems
49 necessary or desirable.

50 (3) Such investigation and reexamination may be conducted
51 pursuant to this section notwithstanding any restriction,
52 suspension, revocation, cancellation or denial of a license or
53 permit or the driving privileges of any person under this article
54 or under the provisions of any other law.

55 (4) If the commissioner determines that an investigation and
56 reexamination of a licensee or permittee should be conducted,
57 notice of such investigation and reexamination shall be given to
58 the licensee or permittee, in writing, by United States first
59 class mail, at the person's address as it appears on the driving
60 record maintained by the Department of Public Safety or at the
61 person's last known address, or by personal notice being given by
62 any law enforcement officer of this state or any duly authorized
63 agent of the Commissioner of Public Safety on forms prescribed and
64 furnished by the commissioner. Upon request of the licensee or
65 permittee, he or she shall be afforded an opportunity for a
66 hearing as early as practical within not to exceed twenty (20)
67 days after receipt of such request in the county wherein the
68 licensee or permittee resides unless the commissioner and the

69 licensee or permittee agree that the hearing may be held in such
70 other county. Upon such hearing, the commissioner, or his duly
71 authorized agent, may administer oaths and may issue subpoenas for
72 the attendance of witnesses and the production of relevant books,
73 documents, records and papers and may require a reexamination of
74 the licensee or permittee. No fee may be charged by the
75 Department of Public Safety for such reexamination. If the
76 licensee or permittee fails to appear, the commissioner may
77 suspend such person's license or permit immediately and such
78 license or permit shall remain suspended until the licensee or
79 permittee appears for a reexamination.

80 (5) If at such hearing, or if no such hearing is requested,
81 the commissioner, or his duly authorized agent, finds, based upon
82 substantial evidence, that the licensee or permittee has a
83 physical or mental disability or infirmity rendering it unsafe for
84 that person to operate a motor vehicle on the roads, streets or
85 highways in this state, he shall revoke the license or permit of
86 such person and require such person to surrender his license or
87 permit to the Department of Public Safety. Notice of such action
88 shall be given to such person in the same manner as provided under
89 subsection (4) of this section.

90 (6) A person who is aggrieved by a final decision of the
91 Commissioner of Public Safety may appeal such decision in the
92 manner provided by law to the circuit court of the county in which
93 such person resides.

94 (7) The provisions of this section shall not be construed to
95 restrict or limit the authority of the Commissioner of Public
96 Safety, his designee, or the Department of Public Safety from
97 denying the issuance of any license or permit to a person under
98 Section 63-1-9(d), denying renewal of any license or permit to a
99 person under Section 63-1-49, or suspending, cancelling or
100 revoking the license or permit or the driving privileges of any

101 person under Section 63-1-51, Section 63-1-53 or under the
102 provisions of any other law.

103 **SECTION 2.** This act shall take effect and be in force from
104 and after July 1, 2007.