

By: Representative Evans

To: Transportation

## HOUSE BILL NO. 1011

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, 2007, 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 House Bill No. \_\_\_\_\_,  
50 2007 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 (EAC) 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 one (1) year or longer than five  
210 (5) 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 (1).  
214 Such certificate for driving shall be valid for a period of one  
215 (1) year. Except as otherwise provided in this section, all laws  
216 applicable to driver's licenses and financial responsibility shall  
217 also apply to certificates for driving. All laws applicable to  
218 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 Section  
226 63-1-35 to obtain a driver's license. Such certificate for  
227 driving shall be clearly distinguishable from a driver's license  
228 and shall clearly display on its face a phrase substantially

229 similar to: "FOR DRIVING PURPOSES ONLY - NOT VALID FOR  
230 IDENTIFICATION."

231       **SECTION 6.** This act shall take effect and be in force from  
232 and after July 1, 2007.