

By: Representative Martinson

To: Transportation

HOUSE BILL NO. 133

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; TO DELETE THE REQUIREMENT FOR THE
5 ISSUANCE OF INTERMEDIATE DRIVER'S LICENSES; TO INCREASE THE
6 MINIMUM AGE AT WHICH A PERSON MAY BE ISSUED A REGULAR DRIVER'S
7 LICENSE; TO REQUIRE AS A CONDITION FOR THE ISSUANCE OF A DRIVER'S
8 LICENSE OR TEMPORARY LEARNING PERMIT TO A PERSON UNDER 18 YEARS OF
9 AGE COMPLETION OF A COURSE OF DRIVER EDUCATION AND TRAINING; TO
10 AMEND SECTIONS 37-25-3 AND 37-25-7, MISSISSIPPI CODE OF 1972, TO
11 REQUIRE SCHOOL BOARDS TO ESTABLISH AND MAINTAIN DRIVER EDUCATION
12 AND TRAINING PROGRAMS FOR CERTAIN PUPILS ENROLLED IN THE DAY
13 SECONDARY SCHOOLS IN THAT DISTRICT; TO AMEND SECTIONS 63-1-23 AND
14 63-1-47, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE
15 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

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

19 63-1-9. (1) No driver's license * * * or temporary learning
20 permit shall be issued pursuant to this article:

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

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

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

30 (d) To any person who would not be able by reason of
31 physical or mental disability, in the opinion of the commissioner
32 or other person authorized to grant an operator's license, to



33 operate a motor vehicle on the highways with safety. However,
34 persons who have one (1) arm or leg, or have arms or legs
35 deformed, and have their car provided with mechanical devices
36 whereby they are able to drive in a safe manner over the highways,
37 if otherwise qualified, shall receive an operator's license the
38 same as other persons. Moreover, deafness shall not be a bar to
39 obtaining a license.

40 (e) To any person who is under the age of seventeen
41 (17) years to drive any motor vehicle while in use as a school bus
42 for the transportation of pupils to or from school, or to drive
43 any motor vehicle while in use as a public or common carrier of
44 persons or property.

45 (f) To any person as an operator who has previously
46 been adjudged to be afflicted with and suffering from any mental
47 disability and who has not at time of application been restored to
48 mental competency.

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

54 (i) Is enrolled and making satisfactory progress
55 in a course leading to a general education development
56 certificate;

57 (ii) Is enrolled in school in this state or any
58 other state;

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

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

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



65 (i) To any person under the age of eighteen (18) years
66 who does not at the time of application present a certificate
67 evidencing his or her completion of a course of driver education
68 and training meeting the requirements established by rules and
69 regulations of the State Board of Education governing the conduct
70 and scope of driver education and training programs in secondary
71 schools of this state.

72 (2) All permits and licenses issued on or before June 30,
73 2009, shall be valid according to the terms upon which issued.
74 From and after July 1, 2009:

75 (a) A temporary driving permit may be issued to any
76 person who is at least fifteen and one-half (15-1/2) years of age
77 who otherwise meets the requirements of this article.

78 * * *

79 (b) A driver's license may be issued to any person who
80 is at least sixteen and one-half (16-1/2) years of age who
81 otherwise meets the requirements of this article and who has held
82 a temporary driving permit for at least twelve (12) months without
83 any conviction under Section 63-11-30 or of a moving violation.
84 Any conviction under Section 63-11-30 or of a moving violation
85 shall restart the twelve-month requirement for the holding of a
86 temporary driving permit before an applicant can qualify for a
87 driver's license. * * *

88 (c) An applicant for a Mississippi driver's license
89 who, at the time of application, is at least sixteen and one-half
90 (16-1/2) years of age and who has held a valid motor vehicle
91 driver's license issued by another state for at least twelve (12)
92 months shall not be required to hold a temporary driving
93 permit * * * before being issued a driver's license.

94 (3) The commissioner shall ensure that the temporary driving
95 permit * * * and driver's license issued under this article are
96 clear, distinct and easily distinguishable from one another.



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

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

106 (2) A temporary driving permit entitles the holder, provided
107 the permit is in his immediate possession, to drive a motor
108 vehicle other than a motorcycle on the highways of the State of
109 Mississippi only when accompanied by a licensed operator who is at
110 least twenty-one (21) years of age and who is actually occupying
111 the seat beside the driver. A temporary driving permit may be
112 issued to any applicant who is at least fifteen and one-half
113 (15-1/2) years of age. A temporary driving permit shall be valid
114 for a period of one (1) year from the date of issue.

115 * * *

116 Except as otherwise provided by Section 63-1-6, every
117 applicant for a restricted motorcycle operator's license or a
118 motorcycle endorsement shall first obtain a temporary motorcycle
119 driving permit upon the payment of a fee of One Dollar (\$1.00) to
120 the Department of Public Safety, and upon the successful
121 completion of the examination provided for in Section 63-1-33, and
122 payment of the fee for said examination provided for in Section
123 63-1-43. All applicants for such temporary permit shall (a) be at
124 least fifteen and one-half (15-1/2) years of age; (b) operate a
125 motorcycle only under the direct supervision of a person at least
126 twenty-one (21) years of age who possesses either a valid driver's
127 or operator's license with a motorcycle endorsement or a valid
128 restricted motorcycle operator's license; (c) be prohibited from
129 transporting a passenger on a motorcycle; (d) be prohibited from



130 operating a motorcycle upon any controlled access highway; and (e)
131 be prohibited from operating a motorcycle during the hours of 6:00
132 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall
133 be valid for the same period of time and may be renewed upon the
134 same conditions as temporary driving permits issued for vehicles
135 other than motorcycles.

136 **SECTION 3.** Section 37-25-3, Mississippi Code of 1972, is
137 amended as follows:

138 37-25-3. The school board of each school district
139 maintaining a secondary school which includes any of the Grades 9
140 through 12 inclusive, shall establish and maintain driver
141 education and training programs for pupils enrolled in the day
142 secondary schools in that district.

143 **SECTION 4.** Section 37-25-7, Mississippi Code of 1972, is
144 amended as follows:

145 37-25-7. Each school district shall provide driver training
146 and education * * *, however, * * * any student receiving
147 instruction under this chapter shall be:

148 (a) Fourteen and one-half (14-1/2) years of age or
149 above;

150 (b) A regularly enrolled student in the ninth, tenth,
151 eleventh or twelfth grade; and

152 (c) A full-time student in the respective secondary
153 school.

154 Any driver education student under fifteen and one-half
155 (15-1/2) years of age shall secure a learner's permit issued by
156 the Department of Public Safety which shall be valid only while
157 the student is under the direct supervision of a driver education
158 instructor and is actually enrolled in an approved course of
159 driver education which consists of thirty (30) hours of classroom
160 and six (6) hours of dual driving instruction. The learner's
161 permit shall expire at the end of the driver training course. The



162 Department of Public Safety shall charge a fee of One Dollar
163 (\$1.00) for the issuance of a learner's permit.

164 **SECTION 5.** Section 63-1-23, Mississippi Code of 1972, is
165 amended as follows:

166 63-1-23. The application of any person under the age of
167 seventeen (17) years for a temporary driving permit * * * or
168 license issued pursuant to this article shall be signed and
169 verified before a person authorized to administer oaths by both
170 the father and mother of the applicant, if both are living and
171 have custody of him, or in the event neither parent is living then
172 by the person or guardian having such custody or by an employer of
173 him, or in the event there is no guardian or employer then by any
174 other responsible person who is willing to assume the obligation
175 imposed under Section 63-1-25 upon a person signing the
176 application of a minor.

177 **SECTION 6.** Section 63-1-47, Mississippi Code of 1972, is
178 amended as follows:

179 63-1-47. (1) Except as otherwise provided in this section,
180 each applicant for an original license issued pursuant to this
181 article, who is entitled to issuance of same, and who is eighteen
182 (18) years of age or older, shall be issued a four-year license
183 which will expire at midnight on the licensee's birthday.

184 (a) Except as otherwise provided in this section, all
185 renewal licenses of operators eighteen (18) years of age or older
186 shall be for four-year periods and may be renewed any time within
187 six (6) months before the expiration of the license upon
188 application and payment of the required fee, unless required to be
189 reexamined.

190 (b) From and after January 1, 1990, no commercial
191 driver's license shall be issued under the provisions of this
192 article for any commercial motor vehicle, the lawful operation of
193 which requires the driver to obtain a Class A, B or C commercial
194 driver's license under Article 2 of this chapter; however, from



195 time to time, the holder of a commercial license may apply for a
196 commercial driver's license under Article 2 of this chapter; and,
197 if he fails to pass the required test for such license, he shall
198 be entitled to an extension of his license that shall be valid for
199 one hundred twenty (120) days or until he again is tested under
200 Article 2 of this chapter, whichever occurs first. The extension
201 shall entitle the license holder to operate all vehicles which
202 such license authorized him to operate prior to taking the
203 required test. The first extension shall be without charge;
204 however, a fee of Fifteen Dollars (\$15.00) shall be imposed for
205 any subsequent extension. No extension shall be valid past March
206 31, 1992.

207 (2) Any commercial driver's license issued under this
208 article before January 1, 1990, which expires after March 31,
209 1992, shall be void on April 1, 1992, for the operation of any
210 commercial vehicle requiring a commercial license to be issued
211 under Article 2 of this chapter; however, if the holder of any
212 such license applies for a commercial driver's license under
213 Article 2 of this chapter, passes the required tests for such
214 license, pays all applicable fees under Article 2 of this chapter
215 except the Forty Dollars (\$40.00) license fee and otherwise meets
216 all requirements for the issuance of such license, then such
217 person shall be issued a license under Article 2 of this chapter
218 which shall expire on the expiration date of the commercial
219 driver's license being replaced.

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

226 (4) The Commissioner of Public Safety shall notify, by
227 United States mail addressed to the last known address of record



228 with the Department of Public Safety, all holders of a commercial
229 driver's license issued under this article before January 1, 1990,
230 and which expire after March 31, 1992, that such license will be
231 void on and after April 1, 1992, for the operation of any vehicle
232 for which a commercial driver's license is required to be issued
233 under Article 2 of this chapter.

234 (5) Any person holding a valid commercial driver's license
235 issued under this article before January 1, 1990, shall continue
236 thereafter, until expiration of such license, to be entitled to
237 operate all vehicles which such license authorized him to operate
238 immediately before January 1, 1990, except that from and after
239 April 1, 1992, such license shall not entitle the licensee to
240 operate a commercial motor vehicle the lawful operation of which
241 requires a commercial driver's license under Article 2 of this
242 chapter.

243 (6) Except as otherwise provided in this article, each
244 applicant for an original driver's license issued pursuant to this
245 article, who is entitled to issuance of same, being under eighteen
246 (18) years of age, shall be issued a one-year license which will
247 expire at midnight on the licensee's birthday. Renewal drivers'
248 licenses of operators under the age of eighteen (18) shall be for
249 one-year periods and may be renewed any time within two (2) months
250 before the expiration of the license upon application and payment
251 of the required fee, unless required to be reexamined. * * * All
252 applications by an operator under the age of eighteen (18) must be
253 accompanied by documentation that the applicant is in compliance
254 with the education requirements of Section 63-1-9(1)(g), and the
255 documentation must be dated no more than thirty (30) days prior to
256 the date of application.

257 (7) Any license issued under this article to a person who is
258 not a United States citizen and who does not possess a social
259 security number issued by the United States government shall
260 expire one (1) year from the date of issuance and may be renewed,



261 if such person is otherwise qualified to renew such license,
262 within thirty (30) days of expiration. The fee for any such
263 license and for renewal shall be as prescribed in Section 63-1-43.

264 **SECTION 7.** This act shall take effect and be in force from
265 and after July 1, 2009.

