

By: Representatives Massengill, Hines

To: Transportation

HOUSE BILL NO. 1296

1 AN ACT TO AMEND SECTIONS 63-1-19, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT NON-U.S. CITIZENS SHALL HAVE THEIR DRIVER'S
 3 LICENSE OR IDENTIFICATION CARD CREDENTIALLED FOR A MAXIMUM OF FOUR
 4 YEARS; TO PROVIDE THAT A PERSON'S IMMIGRATION STATUS FOR PURPOSE
 5 OF CREDENTIALING SHALL BE VERIFIED USING THE SYSTEMATIC ALIEN
 6 VERIFICATION ENLISTMENT PROGRAM; TO BRING FORWARD SECTIONS 63-1-47
 7 AND 63-1-43, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE
 8 AMENDMENT; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 63-1-19, Mississippi Code of 1972, is
 11 amended as follows:

12 63-1-19. (1) (a) Every applicant for a license or permit
 13 issued pursuant to this article, or for renewal of such license or
 14 permit, shall file an application for such license, permit or
 15 renewal, on a form provided by the Department of Public Safety,
 16 with the commissioner or an official license examiner of the
 17 department. All persons not holding valid, unexpired licenses
 18 issued in this state shall be required to secure an original
 19 license, except those specifically exempted from licensing under
 20 Section 63-1-7. The application shall state the name, date of
 21 birth, the social security number of the applicant unless the



22 applicant is not a United States citizen and does not possess a
23 social security number issued by the United States government,
24 sex, race, color of eyes, color of hair, weight, height and
25 residence address, and whether or not the applicant's privilege to
26 drive has been suspended or revoked at any time, and, if so, when,
27 by whom, and for what cause, and whether any previous application
28 by him has been denied, and whether he has any physical defects
29 which would interfere with his operating a motor vehicle safely
30 upon the highways.

31 (b) Every applicant for an original license shall show
32 proof of domicile in this state. The commissioner shall
33 promulgate any rules and regulations necessary to enforce this
34 requirement and shall prescribe the means by which an applicant
35 for an original license may show domicile in this state. Proof of
36 domicile shall not be required of applicants under eighteen (18)
37 years of age.

38 (c) Unless the applicant is not a United States citizen
39 and does not possess a social security number issued by the United
40 States government, each application or filing made under this
41 section shall include the social security number(s) of the
42 applicant in accordance with Section 93-11-64, Mississippi Code of
43 1972.

44 (2) No person who is illegally in the United States or
45 Mississippi shall be issued a license. The application of a
46 person who is not a United States citizen and who does not possess



47 a social security number issued by the United States government
48 shall state the name, date of birth, sex, race, color of eyes,
49 color of hair, weight, height and residence address, and whether
50 or not the applicant's privilege to drive has been suspended or
51 revoked at any time, and, if so, when, by whom, and for what
52 cause, and whether any previous application by him has been
53 denied, and whether he has any physical defects which would
54 interfere with his operating a motor vehicle safely upon the
55 highways. The commissioner shall adopt and promulgate such rules
56 and regulations as he deems appropriate requiring additional
57 documents, materials, information or physical evidence to be
58 provided by the applicant as may be necessary to establish the
59 identity of the applicant and that the applicant is not present in
60 the United States or the State of Mississippi illegally.

61 (3) Whenever a person who has applied for or who has been
62 issued a license or permit under this article moves from the
63 address listed in the application or on the permit or license, or
64 whenever the name of a licensee changes by marriage or otherwise,
65 such person, within thirty (30) days thereafter, shall notify, in
66 writing, the Department of Public Safety, Driver Services
67 Division, and inform the department of his or her previous address
68 and new address and of his or her former name and new name. The
69 department shall not change the name of a licensee or permittee on
70 his or her license or permit unless the applicant appears in
71 person at an office of the department and provides a certified



72 copy of his or her marriage license, court order, birth
73 certificate or divorce decree changing the licensee's or
74 permittee's name.

75 (4) (a) Any male who is at least eighteen (18) years of age
76 but less than twenty-six (26) years of age and who applies for a
77 permit or license or a renewal of a permit or license under this
78 chapter shall be registered in compliance with the requirements of
79 Section 3 of the Military Selective Service Act, 50 USCS Appx 451
80 et seq., as amended.

81 (b) The department shall forward in an electronic
82 format the necessary personal information of the applicant to the
83 Selective Service System. The applicant's submission of the
84 application shall serve as an indication that the applicant either
85 has already registered with the Selective Service System or that
86 he is authorizing the department to forward to the Selective
87 Service System the necessary information for registration. The
88 commissioner shall notify the applicant on, or as a part of, the
89 application that his submission of the application will serve as
90 his consent to registration with the Selective Service System, if
91 so required. The commissioner also shall notify any male
92 applicant under the age of eighteen (18) that he will be
93 registered upon turning age eighteen (18) as required by federal
94 law.

95 (5) (a) A non-U.S. citizen who is eligible for a driver's
96 license or identification card shall only have their license or



97 card credentialed for a maximum of four (4) years, regardless of
98 the time period for which the person is authorized to lawfully be
99 in the country.

100 (b) If the person is authorized to lawfully be in the
101 country for a period less than four (4) years, the person shall
102 only be credentialed for the time period the person is authorized
103 to lawfully be in the country.

104 (c) If a non-U.S. citizen is applying for a commercial
105 driver's license, such person may receive a commercial driver's
106 license if the person holds permanent residence status, however,
107 such license shall only be credentialed for a maximum of one (1)
108 year.

109 (d) For the purposes of this section a non-U.S.
110 citizen's immigration status shall be verified through the
111 Systematic Alien Verification Enlistment (SAVE) program.

112 (e) The fees for any license or identification card
113 credentialed under this section shall be charged in accordance
114 with Section 63-1-43, except that if a person is credentialed for
115 a period less than four (4) years, such person shall still be
116 charged the four (4) year license or card fee.

117 **SECTION 2.** Section 63-1-47, Mississippi Code of 1972, is
118 brought forward as follows:

119 63-1-47. (1) (a) Except as otherwise provided in this
120 section, each applicant for an original or renewal Class R or
121 Class D license issued pursuant to this article, who is entitled



122 to issuance of same, shall be issued a four-year license or an
123 eight-year license, at the option of the applicant, which will
124 expire at midnight on the licensee's birthday and may be renewed
125 any time within six (6) months before the expiration of the
126 license upon application and payment of the required fee, unless
127 required to be reexamined.

128 (b) The term of an intermediate license issued under
129 this article shall be one (1) year.

130 (c) The term of an ignition-interlock-restricted
131 license issued under this article shall be four (4) years.

132 (2) Any commercial driver's license issued under Article 5
133 of this chapter shall be issued for a five-year term to expire at
134 midnight on the licensee's birthday.

135 (3) (a) All applications by an operator under eighteen (18)
136 years of age must be accompanied by documentation that the
137 applicant is in compliance with the education requirements of
138 Section 63-1-9(1)(g), and the documentation used in establishing
139 compliance must be dated no more than thirty (30) days before the
140 date of application.

141 (b) All applications by an operator under eighteen (18)
142 years of age, if applicable, must be accompanied by documentation
143 signed and notarized by the parent or guardian of the applicant
144 and the appropriate school official, authorizing the release of
145 the applicant's attendance records to the Department of Public
146 Safety as required under Section 63-1-10.



147 (c) The commissioner shall suspend the driver's
148 license, intermediate license or regular learner's permit of a
149 student under eighteen (18) years of age who has been reported by
150 the Department of Education as required by Section 63-1-10.1, and
151 shall give notice of the suspension to the licensee as provided in
152 Section 63-1-52(4). A school superintendent or designee may
153 request that the driver's license, intermediate license or regular
154 learner's permit that has been suspended under the provisions of
155 this subsection be reinstated after the student has successfully
156 completed nine (9) weeks of school attendance without an unlawful
157 absence.

158 (4) (a) Any original or renewal license issued under this
159 chapter to a person who is not a United States citizen shall
160 expire four (4) years from the date of issuance or on the
161 expiration date of the applicant's authorized stay in the United
162 States, whichever is the lesser period of time, and may be
163 renewed, if the person is otherwise qualified to renew the
164 license, within thirty (30) days of expiration. The fee for any
165 such license and for renewal shall be as prescribed in Section
166 63-1-43.

167 (b) Any applicant for an original or renewal license
168 under this subsection (4) must present valid documentary evidence
169 documenting that the applicant:

170 (i) Is a citizen or national of the United States;



171 (ii) Is an alien lawfully admitted for permanent
172 or temporary residence in the United States;

173 (iii) Has conditional permanent residence status
174 in the United States;

175 (iv) Has an approved application for asylum in the
176 United States or has entered into the United States in refugee
177 status;

178 (v) Has a valid, unexpired nonimmigrant visa or
179 nonimmigrant visa status for entry into or lawful presence in the
180 United States;

181 (vi) Has a pending application for asylum in the
182 United States;

183 (vii) Has a pending or approved application for
184 temporary protected status in the United States;

185 (viii) Has approved deferred-action status;

186 (ix) Has a pending application for adjustment of
187 status to that of an alien lawfully admitted for permanent
188 residence in the United States or conditional permanent resident
189 status in the United States; or

190 (x) Has a valid employment authorization card
191 issued by the United States Department of Homeland Security.

192 **SECTION 3.** Section 63-1-43, Mississippi Code of 1972, is
193 brought forward as follows:

194 63-1-43. (1) The commissioner shall charge and collect the
195 following fees:



196 (a) Fees to which the card stock fee authorized in
197 Section 45-1-21 shall be added:
198 Class R original or renewal four-year license
199 authorized in Section 63-1-5.....\$18.00
200 Class R original or renewal eight-year license
201 authorized in Section 63-1-5.....\$36.00
202 Class D original or renewal four-year license
203 authorized in Section 63-1-47.....\$23.00
204 Class D original or renewal eight-year license
205 authorized in Section 63-1-47.....\$46.00
206 Four-year Identification Card authorized in
207 Section 45-35-7.....\$11.00
208 Eight-year Identification Card authorized in
209 Section 45-35-7.....\$22.00
210 Eight-year Identification Card for the blind
211 authorized in Section 45-35-7.....\$11.00
212 Four-year Disability Identification Card authorized in
213 Section 45-35-53.....\$11.00
214 Regular Learner's Permit authorized in Section 63-1-21.....\$ 1.00
215 Duplicate Identification Card or Disability
216 Identification Card.....\$ 5.00
217 Intermediate license authorized in Section 63-1-21.....\$ 5.00
218 Duplicate Class R or Class D license
219 authorized in Section 63-1-37.....\$ 5.00
220 Class A, B or C Commercial driver's license



221 authorized in Section 63-1-208.....\$48.00
 222 CDL Learner's Permit authorized in Section 63-1-208.....\$10.00
 223 Duplicate CDL or CDL learner's permit.....\$ 5.00
 224 Ignition-Interlock-Restricted License
 225 authorized in Section 63-11-31.....\$50.00
 226 (b) Driver services fees to which the card stock fee
 227 authorized in Section 45-1-21 is not added:
 228 Temporary Motorcycle Permit.....\$ 1.00
 229 Four-year or eight-year Motorcycle Endorsement.....\$ 5.00
 230 Late Renewal Fee.....\$ 1.00
 231 Four-year Identification Card upon medical reason for
 232 surrender of a driver's license as authorized in
 233 Section 45-35-7 (one (1) time only).....No fee
 234 Hazardous Materials Background Check (federal).....\$63.00
 235 Hazardous Materials Background Check (state).....\$37.00
 236 CDL Application Fee.....\$25.00
 237 CDL Endorsements:
 238 Tanker Endorsement.....\$ 5.00
 239 Doubles/Triples Endorsement.....\$ 5.00
 240 Passenger Endorsement.....\$ 5.00
 241 Hazardous Materials Endorsement.....\$ 5.00
 242 School Bus Endorsement.....\$ 5.00
 243 (c) In addition to the fees required in this section,
 244 an applicant may contribute an additional One Dollar (\$1.00) which
 245 shall be deposited into the Statewide Litter Prevention Fund. The



246 applicant shall be informed that he may contribute an additional
247 One Dollar (\$1.00) which shall be deposited into the Statewide
248 Litter Prevention Fund and shall be expended solely for the
249 purpose of funding litter prevention projects or litter education
250 programs, as recommended by the Statewide Litter Prevention
251 Program of Keep Mississippi Beautiful, Inc.

252 (2) All originals and renewals of operators' licenses shall
253 be in compliance with Section 63-1-47.

254 **SECTION 4.** This act shall take effect and be in force from
255 and after July 1, 2016.

