

By: Representative Sykes

To: Transportation

HOUSE BILL NO. 634

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 THEIR 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 THEY HAVE 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 NEW SECTION 63-1-20, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
13 A 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, 2018, the commissioner shall
42 ensure that each staff person employed under the authority of this
43 section 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. 634,
50 2018 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 license 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. A licensee
61 shall list his social security number with the department which
62 shall cross reference the social security number with the driver's
63 license number for purposes of identification. Additionally, each
64 license shall bear a full-face color photograph of the licensee in
65 such form that the license and the photograph cannot be separated.
66 The photograph shall be taken so that one (1) exposure will
67 photograph the applicant and the application simultaneously on the
68 same film. The department shall use a process in the issuance of
69 a license with a color photograph that shall prevent as nearly as
70 possible any alteration, counterfeiting, duplication,
71 reproduction, forging or modification of the license or the
72 superimposition of a photograph without ready detection. The
73 photograph shall be replaced by the department at the time of



74 renewal. Drivers' licenses, including photographs appearing
75 thereon, may be renewed by electronic means according to rules and
76 regulations promulgated by the commissioner in conformity to
77 Section 27-104-33.

78 (2) The commissioner shall prescribe the form of license
79 issued pursuant to this article to licensees who are not United
80 States citizens and who do not possess a social security number
81 issued by the United States government. The license of such
82 persons shall include a number and/or other identifying features.

83 (3) Any new, renewal or duplicate driver's license,
84 temporary driving permit, intermediate license or commercial
85 driver's license issued to a person required to register as a sex
86 offender pursuant to Section 45-33-25 shall bear a designation
87 identifying the licensee or permittee as a sex offender.

88 (4) The commissioner is authorized to provide the new,
89 renewal or duplicate driver's license, temporary driving permit,
90 intermediate license or commercial driver's license to any
91 honorably discharged veteran as defined in Title 38 of the United
92 States Code, and such license or permit shall exhibit the letters
93 "Vet" or any other mark identifying the person as a veteran. The
94 veteran requesting the "Vet" designation shall present his DD-214
95 or equivalent document that includes a notation from the state
96 Veterans Affairs Board that the applicant is a veteran.

97 (5) An applicant who does not have, or who states that he
98 has never been issued, a social security number as required under



99 subsection (1) of this section, shall complete an affidavit, under
100 penalty of perjury, affirming that he has never been issued a
101 social security number.

102 **SECTION 4.** Section 63-1-19, Mississippi Code of 1972, is
103 amended as follows:

104 63-1-19. (1) * * * Every applicant for a license or permit
105 issued pursuant to this article, or for renewal of such license or
106 permit, shall file an application for such license, permit or
107 renewal, on a form provided by the Department of Public Safety,
108 with the commissioner or an official license examiner of the
109 department. All persons not holding valid, unexpired licenses
110 issued in this state shall be required to secure an original
111 license, except those specifically exempted from licensing under
112 Section 63-1-7. The application shall state the name, date of
113 birth, the social security number of the applicant unless the
114 applicant is not a United States citizen and does not possess a
115 social security number issued by the United States government,
116 sex, race, color of eyes, color of hair, weight, height and
117 residence address, and whether or not the applicant's privilege to
118 drive has been suspended or revoked at any time, and, if so, when,
119 by whom, and for what cause, and whether any previous application
120 by him has been denied, and whether he has any physical defects
121 which would interfere with his operating a motor vehicle safely
122 upon the highways.



123 (* * *2) Every applicant for an original license shall show
124 proof of * * * residence in this state. * * * An applicant for an
125 original license may show proof of residence in this state by
126 presenting to the license examiner at least two (2) of the
127 following documents:

128 (a) A utility bill, including telephone service,
129 showing a valid residential address;

130 (b) A bank statement showing a valid Mississippi
131 address;

132 (c) An acceptable employer verification, such as an
133 employment identification card, a letter from the employer of its
134 official letterhead or a payroll check or payroll check stub;

135 (d) An automobile, life or health insurance policy
136 showing a valid Mississippi address;

137 (e) A driver's license issued by the State of
138 Mississippi to a parent, legal guardian or spouse;

139 (f) A Mississippi motor vehicle registration showing a
140 valid Mississippi address;

141 (g) An Internal Revenue Service Tax Reporting W-2 Form;

142 (h) A receipt for personal or real estate taxes paid
143 within the last year showing a valid Mississippi address;

144 (i) A copy of a residential lease showing a valid
145 Mississippi address;

146 (j) If the applicant is a student enrolled in a public
147 or private school in Mississippi, a photo student identification



148 card and acceptable documentation that the student resides on
149 campus; or

150 (k) A photo identification card issued by the
151 government of the applicant's country of origin.

152 (3) If an applicant is unable to provide at least two (2) of
153 the documents described in subsection (2) of this section, he may
154 provide one (1) of the documents described in subsection (2) of
155 this section and one (1) of the following documents:

156 (a) The Individual Taxpayer Identification Number
157 (ITIN) issued by the Internal Revenue Service;

158 (b) Form I-94 issued to the applicant by the United
159 States Immigration and Naturalization Service;

160 (c) An Employment Authorization Card (EAC) issued to
161 the applicant by the United States Immigration and Naturalization
162 Service;

163 (d) A permanent Residence Card issued to the applicant
164 by the United States Immigration and Naturalization Service; or

165 (e) A stamp in a foreign passport issued by the United
166 States Immigration and Naturalization Service showing evidence of
167 lawful admission for permanent residence.

168 (4) The documents described in subsection (1) and (2) of
169 this section must include the applicant's name; if the applicant
170 has a spouse; the name of the applicant's spouse, or if the
171 applicant is a minor, the name of a parent or legal guardian.

172 These documents must also show the applicant's valid residence



173 address used on the application for the Mississippi driver's
174 license.

175 Each application or filing made under this section, except as
176 otherwise provided under Section 63-1-35(2), shall include the
177 social security number(s) of the application in accordance with
178 Section 93-11-64.

179 (* * *5) Whenever a person who has applied for or who has
180 been issued a license or permit under this article moves from the
181 address listed in the application or on the permit or license, or
182 whenever the name of a licensee changes by marriage or otherwise,
183 such person, within thirty (30) days thereafter, shall notify, in
184 writing, the Department of Public Safety, Driver Services
185 Division, and inform the department of his or her previous address
186 and new address and of his or her former name and new name. The
187 department shall not change the name of a licensee or permittee on
188 his or her license or permit unless the applicant appears in
189 person at an office of the department and provides a certified
190 copy of his or her marriage license, court order, birth
191 certificate or divorce decree changing the licensee's or
192 permittee's name.

193 (* * *6) (a) Any male who is at least eighteen (18) years
194 of age but less than twenty-six (26) years of age and who applies
195 for a permit or license or a renewal of a permit or license under
196 this chapter shall be registered in compliance with the



197 requirements of Section 3 of the Military Selective Service Act,
198 50 USCS Appx 451 et seq., as amended.

199 (b) The department shall forward in an electronic
200 format the necessary personal information of the applicant to the
201 Selective Service System. The applicant's submission of the
202 application shall serve as an indication that the applicant either
203 has already registered with the Selective Service System or that
204 he is authorizing the department to forward to the Selective
205 Service System the necessary information for registration. The
206 commissioner shall notify the applicant on, or as a part of, the
207 application that his submission of the application will serve as
208 his consent to registration with the Selective Service System, if
209 so required. The commissioner also shall notify any male
210 applicant under the age of eighteen (18) that he will be
211 registered upon turning age eighteen (18) as required by federal
212 law.

213 **SECTION 5.** The following shall be codified as Section
214 63-1-20, Mississippi Code of 1972:

215 63-1-20. (1) The Department of Public Safety may issue a
216 certificate for driving to persons whose presence in the United
217 States has been authorized by the federal government for a
218 specific purpose and for a specified period of authorized stay.
219 This certificate of driving shall be valid only during the period
220 of time of the applicant's authorized stay in the United States.



221 No certificate shall be issued for a period of less than one (1)
222 year or longer than five (5) years.

223 (2) In addition to the purpose set out under subsection (1)
224 of this section, the Department of Public Safety may issue a
225 certificate for driving to persons with a disability. For a
226 person to obtain a certificate of driving under this subsection
227 (2), the person shall complete the driving test but shall not have
228 to complete the written test. A certificate of driving under this
229 subsection (2) shall only be valid for travel to and from the
230 person's work. Such certificate shall be issued for a period of
231 four (4) years.

232 (3) Except as otherwise provided in this section, all laws
233 applicable to driver's licenses and financial responsibility shall
234 also apply to certificates for driving. All laws applicable to
235 convictions, suspensions, cancellations and revocations of
236 driver's licenses shall also apply to certificates for driving.

237 (4) Any applicant applying for a certificate for driving,
238 upon initial issuance, renewal or reinstatement, shall meet the
239 requirements of this section.

240 (5) For the purposes of this section, "certificate for
241 driving" means a certificate issued by the department to an
242 individual who does not satisfy the requirements of Section
243 63-1-35 to obtain a driver's license. A certificate for driving
244 shall be clearly distinguishable from a driver's license and shall



245 clearly display on its face a phrase substantially similar to:

246 "FOR DRIVING PURPOSES ONLY - NOT VALID FOR IDENTIFICATION."

247 **SECTION 6.** This act shall take effect and be in force from

248 and after July 1, 2018.

