

By: Senator(s) Sojourner

To: Highways and  
Transportation

## SENATE BILL NO. 2749

1 AN ACT TO AMEND SECTION 63-1-208, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE PERSONS POSSESSING CERTAIN FEDERALLY APPROVED  
3 MILITARY DOCUMENTATION OF COMMERCIAL DRIVING EXPERIENCE TO APPLY  
4 FOR A COMMERCIAL DRIVER'S LICENSE OR COMMERCIAL DRIVER'S LEARNING  
5 PERMIT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 63-1-208, Mississippi Code of 1972, is  
8 amended as follows:

9 63-1-208. (1) Except as otherwise provided, the  
10 commissioner shall not issue a commercial driver's license and  
11 commercial learner's permit to any person under the age of  
12 twenty-one (21) years.

13 (2) No person may be issued a commercial driver's license  
14 unless that person is domiciled in this state and has passed a  
15 knowledge and skills test for driving a commercial motor vehicle  
16 which complies with minimum federal standards established by  
17 federal regulation enumerated in 49 CFR, Part 383, subparts F, G  
18 and H or who holds United States military driving credentials that  
19 satisfy the requirements of 49 CFR, Part 383, and also has



20 satisfied all other requirements of Title XII of Public Law 99-570  
21 in addition to other requirements imposed by state law or federal  
22 regulation. The tests shall be prescribed and conducted by the  
23 commissioner. If the applicant wishes to have a hazardous  
24 materials endorsement, the written test for a hazardous materials  
25 endorsement must be taken and passed. In addition, the applicant  
26 must successfully complete the security threat assessment required  
27 by 49 CFR, Part 1572.

28 (3) The commissioner may authorize a person, including an  
29 agency of this or another state, an employer, a private driver  
30 training facility, or other private institution, or a department,  
31 agency or instrumentality of local government, to administer the  
32 skills test specified by this section, provided:

33 (a) The test is the same as would otherwise be  
34 administered by the state; and

35 (b) The third party has entered into an agreement with  
36 this state which complies with requirements of 49 CFR, Part  
37 383.75.

38 (4) A skills test may be waived as follows:

39 (a) The commissioner, by rules adopted pursuant to the  
40 Mississippi Administrative Procedures Law, shall provide for a  
41 waiver of the skills test specified in this section for a  
42 commercial driver's license applicant who meets the requirements  
43 of 49 CFR, Part 383.77;



(b) The rules may establish deadlines by which applicants must claim entitlement and qualification to skills test waivers and may provide for the scheduling of group knowledge testing;

(c) The commissioner shall waive skills testing for a person who holds United States military driving credentials that satisfy the requirements of 49 CFR, Part 383;

( \* \* \*d) The commissioner shall adopt rules and regulations to carry out the provisions of this subsection (4) as soon as practicable after July 1, 2017, but in any case no later than July 1, 2018.

(5) A commercial learner's permit shall be issued as follows:

(a) A commercial learner's permit may be issued to an individual who holds a valid Mississippi driver's license or who holds United States military driving credentials that satisfy the requirements of 49 CFR, Part 383, if the person, in either case, has passed the vision and written tests required for the class of license authorizing the operation of the type of vehicle for which the permit application is being made;

(b) The commercial learner's permit shall be issued for a period of six (6) months for the fee prescribed in Section 63-1-43. Only one (1) renewal or reissuance may be granted within a two-year period. The holder of a commercial learner's permit may, unless otherwise disqualified, drive a commercial motor



69 vehicle on a highway only when accompanied by the holder of a  
70 commercial driver's license valid for the type of vehicle driven  
71 who occupies a seat beside the individual for the purpose of  
72 giving instruction in driving the commercial motor vehicle.

73 (6) A commercial driver's license or commercial learner's  
74 permit may not be issued to a person while the person is subject  
75 to a disqualification from driving a commercial motor vehicle, or  
76 while the person's driver's license is suspended, revoked or  
77 cancelled in any state. A driver's license may not be issued to a  
78 person who has a commercial driver's license issued by any state  
79 unless the person first surrenders all driver's licenses issued by  
80 any state, which licenses shall be returned to the issuing states  
81 for cancellation.

82 (7) A person shall be entitled to take the test for a  
83 commercial driver's license unless the person's driver's license  
84 is, at the time of the requested test, suspended, revoked,  
85 cancelled or disqualified in any other state.

86 (8) Notwithstanding any requirement imposed by state law or  
87 state or federal regulations restricting the issuance of a  
88 commercial driver's license to a person suffering from diabetes, a  
89 person suffering from diabetes may be issued a commercial driver's  
90 license if the person otherwise meets all qualifications for  
91 issuance provided:



(a) The driver is physically examined every year, including an examination by a board-certified/eligible endocrinologist attesting to the fact that the driver is:

(i) Free of insulin reactions (an individual is free of insulin reactions if that individual does not have severe hypoglycemia or hypoglycemia unawareness, and has less than one (1) documented, symptomatic hypoglycemic reaction per month);

(ii) Able to and has demonstrated willingness to properly monitor and manage the person's diabetes; and

(iii) Not likely to suffer any diminution in driving ability due to the person's diabetic condition.

(b) The driver agrees to and complies with the following conditions:

(i) A source of rapidly absorbable glucose shall be carried at all times while driving;

(ii) Blood glucose levels shall be self-monitored one (1) hour prior to driving and at least once every four (4) hours while driving or on duty prior to driving using a portable glucose monitoring device equipped with a computerized memory;

(iii) Submit blood glucose logs to the endocrinologist or medical examiner at the annual examination or when otherwise directed by the Department of Public Safety;

(iv) Provide a copy of the endocrinologist's report to the medical examiner at the time of the annual medical examination; and



117                   (v) Provide a copy of the annual medical  
118 certification to the person's employer for retention in the  
119 driver's qualification file and retain a copy of the certification  
120 on his person while driving for presentation to a duly authorized  
121 federal, state or local enforcement official.

122                   (c) The commercial license issued under this subsection  
123 (8) will bear an endorsement restricting commercial driving on the  
124 license to driving only within the boundaries of Mississippi.

125                   (9) The fees for all licenses, permits, renewals and  
126 endorsements shall be as prescribed in Section 63-1-43.

127                   **SECTION 2.** This act shall take effect and be in force from  
128 and after October 1, 2020.

