To: Transportation

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2021

By: Representative Busby

HOUSE BILL NO. 550
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 45-33-43, 63-1-5, 63-1-9, 63-1-10.1,
63-1-23, 63-1-35, 63-1-43 AND 63-1-47, MISSISSIPPI CODE OF 1972,
TO DELETE ALL REFERENCES TO AN INTERMEDIATE DRIVER'S LICENSE; TO
AMEND SECTION 63-1-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A
REGULAR LICENSE HOLDER UNDER THE AGE OF 18 TO DRIVE UNSUPERVISED
AT ANY TIME DIRECTLY TO OR FROM AN EDUCATIONAL OR EXTRACURRICULAR
ACTIVITY; TO CONFORM TO THE PRECEDING SECTIONS; AND FOR RELATED
PURPOSES.

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

SECTION 1. Section 45-33-43, Mississippi Code of 1972, is
amended as follows:

45-33-43. At the time a person surrenders a driver's license
from another jurisdiction or makes an application for a driver's
license, temporary driving permit, * * * commercial driver's
license or identification card issued under Section 45-35-3, the
department shall provide the applicant with written information on
the registration requirements of this chapter and shall require
written acknowledgment by the applicant of receipt of the
notification.

SECTION 2. Section 63-1-5, Mississippi Code of 1972, is
amended as follows:

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63-1-5. (1) (a) No person shall drive or operate a motor vehicle or an autocycle as defined in Section 63-3-103 upon the highways of the State of Mississippi without first securing an operator's license to drive on the highways of the state, unless specifically exempted by Section 63-1-7.  

(b) The types of operator's licenses are:

(i) Class R;

(ii) Class D;

(iii) Class A, B or C commercial license governed by Article 5 of this chapter; and

(iv) Interlock-restricted license as prescribed in Section 63-11-31.

(2) (a) Every person who makes application for an original license or a renewal license to operate any single vehicle with a gross weight rating of less than twenty-six thousand one (26,001) pounds or any vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand (10,000) pounds other than vehicles included in Class C, vehicles which require a special endorsement, or to operate a vehicle as a common carrier by motor vehicle, taxicab, passenger coach, dray, contract carrier or private commercial carrier as defined in Section 27-19-3, other than those vehicles for which a Class A, B or C license is required under Article 5 of this chapter, may, in lieu of the Class R regular driver's license, apply for and obtain a Class D
driver's license. The fee for the issuance of a Class D driver's license shall be as set forth in Section 63-1-43 and the Class D license shall be valid for the term prescribed in Section 63-1-47. Except as required under Article 5 of this chapter, no driver of a pickup truck shall be required to have a Class D or a commercial license regardless of the purpose for which the pickup truck is used.

(b) Persons operating vehicles listed in paragraph (a) of this subsection for private purposes or in emergencies need not obtain a Class D license.

(3) An interlock-restricted license allows a person to drive only a motor vehicle equipped with an ignition-interlock device.

(4) A person who violates this section is guilty of a misdemeanor and, upon conviction, may be punished by imprisonment for not less than two (2) days nor more than six (6) months, by a fine of not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00), or both.

SECTION 3. Section 63-1-9, Mississippi Code of 1972, is amended as follows:

63-1-9. (1) No driver's license * * * or regular learner's permit shall be issued pursuant to this article:

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

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

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

(d) To any person who would not be able by reason of physical or mental disability to operate a motor vehicle on the highways with safety. However, persons who have one (1) arm or leg, or have arms or legs deformed, and are driving a car provided with mechanical devices whereby the person is able to drive in a safe manner over the highways, if otherwise qualified, shall receive an operator's license the same as other persons. Moreover, deafness shall not be a bar to obtaining a license.

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

(f) To any unmarried person under the age of eighteen (18) years who does not at the time of application present a diploma or other certificate of high school graduation or a general educational development certificate issued to the person in this state or any other state; or on whose behalf documentation has not been received by the Department of Public Safety from that person or a school official verifying that the person:
(i) Is enrolled and making satisfactory progress in a course leading to a general educational development certificate;

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

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

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

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

(2) All permits and licenses issued on or before July 31, 2009, shall be valid according to the terms upon which issued.

From and after August 1, 2009:

(a) A regular learner's permit may be issued to any person who is at least fifteen (15) years of age who otherwise meets the requirements of this article.

* * *

(b) A driver's license may be issued to any person who is at least sixteen (16) years of age who otherwise meets the requirements of this article and who has held a regular learner's permit for at least one (1) year without any conviction under Section 63-11-30 or of a moving violation. Any conviction under Section 63-11-30 or of a moving violation shall restart the one-year requirement for the
holding of a regular learner's permit before an applicant can qualify for a driver's license.

( * * *) An applicant for a Mississippi driver's license who, at the time of application, is at least sixteen (16) years of age and who has held a valid motor vehicle driver's license issued by another state for at least six (6) months shall not be required to hold a regular learner's permit before being issued a driver's license.

(3) The commissioner shall ensure that the regular learner's permit and driver's license issued under this article are clear, distinct and easily distinguishable from one another.

SECTION 4. Section 63-1-10.1, Mississippi Code of 1972, is amended as follows:

63-1-10.1. A school superintendent or designee shall report to the Department of Education on a schedule determined by the State Board of Education when a student under eighteen (18) years of age who has been issued a driver's license or temporary learning permit has been coded as a "drop out" as defined by the State Board of Education. The Department of Education will provide notification to the Department of Public Safety of those students under eighteen (18) years of age who have obtained a driver's license or temporary learning permit and have been coded by the local school district as a "drop out" upon verification that prior written parental consent for the release of educational records has been obtained in compliance with the
Family Educational Rights and Privacy Act of 1972, as amended, 20
USCS Section 1232.

SECTION 5. Section 63-1-21, Mississippi Code of 1972, is
amended as follows:

63-1-21. (1) To obtain a new or original Class R or Class
D * * * license, every applicant other than a person holding a
valid out-of-state license shall first obtain a regular learner's
permit, successfully complete the examination provided for in
Section 63-1-33, and pay the regular learner's permit fee and
examination fee prescribed in Section 63-1-43.

(2) A regular learner's permit entitles the holder, if the
permit is in his immediate possession, to drive a motor vehicle
other than a motorcycle on the highways of the State of
Mississippi only when accompanied by a licensed operator who is at
least twenty-one (21) years of age and who is actually occupying
the seat beside the driver. A regular learner's permit may be
issued to any applicant who is at least fifteen (15) years of age
and shall be valid for a period of two (2) years from the date of
issue.

(3) * * * A regular license holder under the age of eighteen
(18) shall be allowed unsupervised driving from 6:00 a.m. to 10:00
p.m. Sunday through Thursday and 6:00 a.m. to 11:30 p.m. Friday
and Saturday, and * * * shall be allowed unsupervised driving any
time for a person traveling directly to or from work or other
educational or extracurricular activity. At all other times * * *
for the first six (6) months as a regular license holder, the
regular license holder under the age of eighteen (18) must be
supervised by a parent, guardian or other person aged twenty-one
(21) years or older who holds a valid driver's license under this
article and who is actually occupying the seat beside the driver.

* * *

SECTION 6. Section 63-1-23, Mississippi Code of 1972, is
amended as follows:

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

SECTION 7. Section 63-1-35, Mississippi Code of 1972, is
amended as follows:

63-1-35. (1) The Commissioner of Public Safety shall
prescribe the form of license issued pursuant to this article
which shall, among other features, include a driver's license
number assigned by the Department of Public Safety. A licensee
shall list his social security number with the department which shall cross reference the social security number with the driver's license number for purposes of identification. Additionally, each license shall bear a full-face color photograph of the licensee in such form that the license and the photograph cannot be separated. The photograph shall be taken so that one (1) exposure will photograph the applicant and the application simultaneously on the same film. The department shall use a process in the issuance of a license with a color photograph that shall prevent as nearly as possible any alteration, counterfeiting, duplication, reproduction, forging or modification of the license or the superimposition of a photograph without ready detection. The photograph shall be replaced by the department at the time of renewal. Drivers' licenses, including photographs appearing thereon, may be renewed by electronic means according to rules and regulations promulgated by the commissioner in conformity to Section 27-104-33.

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

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

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

(5) Not later than July 1, 2021, the commissioner shall
develop and implement a driver's license or driving permit in
electronic format as an additional option for license or permit
holders. Acceptable electronic formats include display of
electronic images on a cellular phone or any other type of
electronic device.

SECTION 8. Section 63-1-43, Mississippi Code of 1972, is
amended as follows:

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

(a) Fees to which the card stock fee authorized in
Section 45-1-21 shall be added:

Class R original or renewal four-year license
authorized in Section 63-1-5 .......................... $18.00
Class R original or renewal eight-year license authorized in Section 63-1-5 ........................................ $36.00

Class D original or renewal four-year license authorized in Section 63-1-47 ........................................ $23.00

Class D original or renewal eight-year license authorized in Section 63-1-47 ........................................ $46.00

Four-year Identification Card authorized in Section 45-35-7 ........................................ $11.00

Eight-year Identification Card authorized in Section 45-35-7 ........................................ $22.00

Eight-year Identification Card for the blind authorized in Section 45-35-7 ........................................ $11.00

Four-year Disability Identification Card authorized in Section 45-35-53 ........................................ $11.00

Regular Learner's Permit authorized in Section 63-1-21 ........................................ $ 1.00

Duplicate Identification Card or Disability Identification Card ........................................ $ 5.00

* * *

Duplicate Class R or Class D license authorized in Section 63-1-37 ........................................ $ 5.00

Class A, B or C Commercial driver's license authorized in Section 63-1-208 ........................................ $48.00

CDL Learner's Permit authorized in Section 63-1-208 ........................................ $10.00
Duplicate CDL or CDL learner's permit................. $ 5.00
Ignition-Interlock-Restricted License
authorized in Section 63-11-31............................... $50.00

(b) Driver services fees to which the card stock fee authorized in Section 45-1-21 is not added:
Temporary Motorcycle Permit............................... $ 1.00
Four-year or eight-year Motorcycle Endorsement......... $ 5.00
Late Renewal Fee ............................................ $ 1.00
Four-year Identification Card upon medical reason for surrender of a driver's license as authorized in Section 45-35-7 (one (1) time only).......................... No fee
Hazardous Materials Background Check (federal)......... $63.00
Hazardous Materials Background Check (state)........... $37.00
CDL Application Fee .......................................... $25.00
CDL Endorsements:
Tanker Endorsement .......................................... $ 5.00
Doubles/Triples Endorsement ................................ $ 5.00
Passenger Endorsement ...................................... $ 5.00
Hazardous Materials Endorsement............................ $ 5.00
School Bus Endorsement ...................................... $ 5.00

(c) In addition to the fees required in this section, an applicant may contribute an additional One Dollar ($1.00) which shall be deposited into the Statewide Litter Prevention Fund. The applicant shall be informed that he may contribute an additional One Dollar ($1.00) which shall be deposited into the Statewide

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Litter Prevention Fund and shall be expended solely for the purpose of funding litter prevention projects or litter education programs, as recommended by the Statewide Litter Prevention Program of Keep Mississippi Beautiful, Inc.

(d) Starting January 1, 2021, for any original or renewal license for which the fee is greater than Ten Dollars ($10.00), if the applicant brings all required documentation but does not receive his or her license within two and one-half (2-1/2) hours of entering and remaining at the license station, Ten Dollars ($10.00) shall be deducted from the total amount owed for the license.

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

**SECTION 9.** Section 63-1-47, Mississippi Code of 1972, is amended as follows:

63-1-47. (1) (a) Except as otherwise provided in this section, each applicant for an original or renewal Class R or Class D license issued pursuant to this article, who is entitled to issuance of same, shall be issued a four-year license or an eight-year license, at the option of the applicant, which will expire at midnight on the licensee's birthday and may be renewed any time within six (6) months before the expiration of the license upon application and payment of the required fee, unless required to be reexamined.

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

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

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

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

(c) The commissioner shall suspend the driver's license or regular learner's permit of a student under eighteen (18) years of age who has been reported by the Department of Education as required by Section 63-1-10.1, and shall give notice of the suspension to the licensee as provided in Section 63-1-52(4). A school superintendent or designee may request that the driver's license or regular learner's permit that has been suspended under the provisions of this subsection be

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reinstated after the student has successfully completed nine (9) weeks of school attendance without an unlawful absence.

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

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

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

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

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

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

(v) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into or lawful presence in the United States;
(vi) Has a pending application for asylum in the United States;
(vii) Has a pending or approved application for temporary protected status in the United States;
(viii) Has approved deferred-action status;
(ix) Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; or
(x) Has a valid employment authorization card issued by the United States Department of Homeland Security.

(5) For any driver's license issued under this chapter, the Department of Public Safety shall send an email and text message notification of an upcoming driver's license expiration date to the known emails and phone numbers authorized by license holders for such notices not less than thirty (30) days before the expiration date of that license.

SECTION 10. This act shall take effect and be in force from and after its passage.