

By: Representative Busby

To: Transportation

HOUSE BILL NO. 550
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 45-33-43, 63-1-5, 63-1-9, 63-1-10.1,
2 63-1-23, 63-1-35, 63-1-43 AND 63-1-47, MISSISSIPPI CODE OF 1972,
3 TO DELETE ALL REFERENCES TO AN INTERMEDIATE DRIVER'S LICENSE; TO
4 AMEND SECTION 63-1-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A
5 REGULAR LICENSE HOLDER UNDER THE AGE OF 18 TO DRIVE UNSUPERVISED
6 AT ANY TIME DIRECTLY TO OR FROM AN EDUCATIONAL OR EXTRACURRICULAR
7 ACTIVITY; TO CONFORM TO THE PRECEDING SECTIONS; AND FOR RELATED
8 PURPOSES.

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

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

12 45-33-43. At the time a person surrenders a driver's license
13 from another jurisdiction or makes an application for a driver's
14 license, temporary driving permit, * * * commercial driver's
15 license or identification card issued under Section 45-35-3, the
16 department shall provide the applicant with written information on
17 the registration requirements of this chapter and shall require
18 written acknowledgment by the applicant of receipt of the
19 notification.

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



22 63-1-5. (1) (a) No person shall drive or operate a motor
23 vehicle or an autocycle as defined in Section 63-3-103 upon the
24 highways of the State of Mississippi without first securing an
25 operator's license to drive on the highways of the state, unless
26 specifically exempted by Section 63-1-7.

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

28 (i) Class R;

29 (ii) Class D;

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

32 * * *

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

35 (2) (a) Every person who makes application for an original
36 license or a renewal license to operate any single vehicle with a
37 gross weight rating of less than twenty-six thousand one (26,001)
38 pounds or any vehicle towing a vehicle with a gross vehicle weight
39 rating not in excess of ten thousand (10,000) pounds other than
40 vehicles included in Class C, vehicles which require a special
41 endorsement, or to operate a vehicle as a common carrier by motor
42 vehicle, taxicab, passenger coach, dray, contract carrier or
43 private commercial carrier as defined in Section 27-19-3, other
44 than those vehicles for which a Class A, B or C license is
45 required under Article 5 of this chapter, may, in lieu of the
46 Class R regular driver's license, apply for and obtain a Class D



47 driver's license. The fee for the issuance of a Class D driver's
48 license shall be as set forth in Section 63-1-43 and the Class D
49 license shall be valid for the term prescribed in Section 63-1-47.
50 Except as required under Article 5 of this chapter, no driver of a
51 pickup truck shall be required to have a Class D or a commercial
52 license regardless of the purpose for which the pickup truck is
53 used.

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

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

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

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

66 63-1-9. (1) No driver's license * * * or regular learner's
67 permit shall be issued pursuant to this article:

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

70 (b) To any person whose license to operate a motor
71 vehicle on the highways of Mississippi has been previously revoked



72 or suspended by this state or any other state or territory of the
73 United States or the District of Columbia, if the revocation or
74 suspension period has not expired.

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

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

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

89 (f) To any unmarried person under the age of eighteen
90 (18) years who does not at the time of application present a
91 diploma or other certificate of high school graduation or a
92 general educational development certificate issued to the person
93 in this state or any other state; or on whose behalf documentation
94 has not been received by the Department of Public Safety from that
95 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. * * *

(* * * c) 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



196 shall list his social security number with the department which
197 shall cross reference the social security number with the driver's
198 license number for purposes of identification. Additionally, each
199 license shall bear a full-face color photograph of the licensee in
200 such form that the license and the photograph cannot be separated.
201 The photograph shall be taken so that one (1) exposure will
202 photograph the applicant and the application simultaneously on the
203 same film. The department shall use a process in the issuance of
204 a license with a color photograph that shall prevent as nearly as
205 possible any alteration, counterfeiting, duplication,
206 reproduction, forging or modification of the license or the
207 superimposition of a photograph without ready detection. The
208 photograph shall be replaced by the department at the time of
209 renewal. Drivers' licenses, including photographs appearing
210 thereon, may be renewed by electronic means according to rules and
211 regulations promulgated by the commissioner in conformity to
212 Section 27-104-33.

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

218 (3) Any new, renewal or duplicate driver's license,
219 temporary driving permit * * * or commercial driver's license
220 issued to a person required to register as a sex offender pursuant



221 to Section 45-33-25 shall bear a designation identifying the
222 licensee or permittee as a sex offender.

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

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

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

240 63-1-43. (1) The commissioner shall charge and collect the
241 following fees:

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

244 Class R original or renewal four-year license
245 authorized in Section 63-1-5\$18.00



246 Class R original or renewal eight-year license
 247 authorized in Section 63-1-5\$36.00
 248 Class D original or renewal four-year license
 249 authorized in Section 63-1-47\$23.00
 250 Class D original or renewal eight-year license
 251 authorized in Section 63-1-47\$46.00
 252 Four-year Identification Card authorized in
 253 Section 45-35-7\$11.00
 254 Eight-year Identification Card authorized in
 255 Section 45-35-7\$22.00
 256 Eight-year Identification Card for the blind
 257 authorized in Section 45-35-7\$11.00
 258 Four-year Disability Identification Card authorized in
 259 Section 45-35-53\$11.00
 260 Regular Learner's Permit authorized in
 261 Section 63-1-21\$ 1.00
 262 Duplicate Identification Card or Disability
 263 Identification Card\$ 5.00
 264 * * *
 265 Duplicate Class R or Class D license
 266 authorized in Section 63-1-37\$ 5.00
 267 Class A, B or C Commercial driver's license
 268 authorized in Section 63-1-208\$48.00
 269 CDL Learner's Permit authorized in
 270 Section 63-1-208\$10.00



271 Duplicate CDL or CDL learner's permit\$ 5.00
272 Ignition-Interlock-Restricted License
273 authorized in Section 63-11-31\$50.00
274 (b) Driver services fees to which the card stock fee
275 authorized in Section 45-1-21 is not added:
276 Temporary Motorcycle Permit\$ 1.00
277 Four-year or eight-year Motorcycle Endorsement.....\$ 5.00
278 Late Renewal Fee\$ 1.00
279 Four-year Identification Card upon medical reason for
280 surrender of a driver's license as authorized in
281 Section 45-35-7 (one (1) time only)No fee
282 Hazardous Materials Background Check (federal).....\$63.00
283 Hazardous Materials Background Check (state).....\$37.00
284 CDL Application Fee\$25.00
285 CDL Endorsements:
286 Tanker Endorsement\$ 5.00
287 Doubles/Triples Endorsement\$ 5.00
288 Passenger Endorsement\$ 5.00
289 Hazardous Materials Endorsement.....\$ 5.00
290 School Bus Endorsement\$ 5.00
291 (c) In addition to the fees required in this section,
292 an applicant may contribute an additional One Dollar (\$1.00) which
293 shall be deposited into the Statewide Litter Prevention Fund. The
294 applicant shall be informed that he may contribute an additional
295 One Dollar (\$1.00) which shall be deposited into the Statewide



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



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;



371 (vi) Has a pending application for asylum in the
372 United States;

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

375 (viii) Has approved deferred-action status;

376 (ix) Has a pending application for adjustment of
377 status to that of an alien lawfully admitted for permanent
378 residence in the United States or conditional permanent resident
379 status in the United States; or

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

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

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

