

Senate Amendments to House Bill No. 550

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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:

96 (i) Is enrolled and making satisfactory progress
97 in a course leading to a general educational development
98 certificate;

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

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

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

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

107 (2) All permits and licenses issued on or before July 31,
108 2009, shall be valid according to the terms upon which issued.
109 From and after August 1, 2009:

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

113 * * *

114 (* * * b) A driver's license may be issued to any
115 person who is at least * * * sixteen (16) years of age who
116 otherwise meets the requirements of this article and who has
117 held * * * a regular learner's permit for at least one (1) year
118 without any conviction under Section 63-11-30 or of a moving
119 violation. Any conviction under Section 63-11-30 or of a moving
120 violation shall restart the six-month requirement for the holding
121 of an intermediate license before an applicant can qualify for a
122 driver's license. * * * An applicant for a driver's license who
123 was unable to make timely application in 2020 for an intermediate
124 license, due to the closure of driver's license offices owing to
125 the Coronavirus Disease 2019 (COVID-19), shall have the period in
126 which he or she was eligible but unable to apply credited toward
127 the * * * one-year requirement for the holding of an intermediate
128 license.

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

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

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

140 63-1-10.1. A school superintendent or designee shall report
141 to the Department of Education on a schedule determined by the
142 State Board of Education when a student under eighteen (18) years
143 of age who has been issued a driver's license * * * or temporary
144 learning permit has been coded as a "drop out" as defined by the
145 State Board of Education. The Department of Education will
146 provide notification to the Department of Public Safety of those
147 students under eighteen (18) years of age who have obtained a
148 driver's license * * * or temporary learning permit and have been
149 coded by the local school district as a "drop out" upon
150 verification that prior written parental consent for the release
151 of educational records has been obtained in compliance with the
152 Family Educational Rights and Privacy Act of 1972, as amended, 20
153 USCS Section 1232.

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

156 63-1-21. (1) To obtain a new or original Class R or Class
157 D * * * license, every applicant other than a person holding a
158 valid out-of-state license shall first obtain a regular learner's
159 permit, successfully complete the examination provided for in
160 Section 63-1-33, and pay the regular learner's permit fee and
161 examination fee prescribed in Section 63-1-43.

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

171 (3) * * * A regular license holder under the age of eighteen
172 (18) shall be allowed unsupervised driving from 6:00 a.m. to 10:00
173 p.m. Sunday through Thursday and 6:00 a.m. to 11:30 p.m. Friday
174 and Saturday, and * * * be allowed unsupervised driving any time
175 for a person traveling directly to or from work or other
176 educational, recreational or extracurricular activity with
177 parental approval. At all other times * * * for the first six (6)
178 months, the regular license holder under the age of eighteen (18)
179 must be supervised by a parent, guardian or other person aged

180 twenty-one (21) years or older who holds a valid driver's license
181 under this article and who is actually occupying the seat beside
182 the driver.

183 * * *

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

186 63-1-23. The application of any person under the age of
187 seventeen (17) years for a temporary driving permit * * * or
188 license issued pursuant to this article shall be signed and
189 verified before a person authorized to administer oaths by both
190 the father and mother of the applicant, if both are living and
191 have custody of him, or in the event neither parent is living then
192 by the person or guardian having such custody or by an employer of
193 him, or in the event there is no guardian or employer then by any
194 other responsible person who is willing to assume the obligation
195 imposed under Section 63-1-25 upon a person signing the
196 application of a minor.

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

199 63-1-35. (1) The Commissioner of Public Safety shall
200 prescribe the form of license issued pursuant to this article
201 which shall, among other features, include a driver's license
202 number assigned by the Department of Public Safety. A licensee
203 shall list his social security number with the department which
204 shall cross reference the social security number with the driver's
205 license number for purposes of identification. Additionally, each

206 license shall bear a full-face color photograph of the licensee in
207 such form that the license and the photograph cannot be separated.
208 The photograph shall be taken so that one (1) exposure will
209 photograph the applicant and the application simultaneously on the
210 same film. The department shall use a process in the issuance of
211 a license with a color photograph that shall prevent as nearly as
212 possible any alteration, counterfeiting, duplication,
213 reproduction, forging or modification of the license or the
214 superimposition of a photograph without ready detection. The
215 photograph shall be replaced by the department at the time of
216 renewal. Drivers' licenses, including photographs appearing
217 thereon, may be renewed by electronic means according to rules and
218 regulations promulgated by the commissioner in conformity to
219 Section 27-104-33.

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

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

230 (4) The commissioner is authorized to provide the new,
231 renewal or duplicate driver's license, temporary driving

232 permit * * * or commercial driver's license to any honorably
233 discharged veteran as defined in Title 38 of the United States
234 Code, and such license or permit shall exhibit the letters "Vet"
235 or any other mark identifying the person as a veteran. The
236 veteran requesting the "Vet" designation shall present his DD-214
237 or equivalent document that includes a notation from the State
238 Veterans Affairs Board that the applicant is a veteran.

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

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

247 63-1-43. (1) The commissioner shall charge and collect the
248 following fees:

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

251 Class R original or renewal four-year license
252 authorized in Section 63-1-5.....\$18.00

253 Class R original or renewal eight-year license
254 authorized in Section 63-1-5.....\$36.00

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

257 Class D original or renewal eight-year license

258 authorized in Section 63-1-47.....\$46.00

259 Four-year Identification Card authorized in

260 Section 45-35-7.....\$11.00

261 Eight-year Identification Card authorized in

262 Section 45-35-7.....\$22.00

263 Eight-year Identification Card for the blind

264 authorized in Section 45-35-7.....\$11.00

265 Four-year Disability Identification Card authorized in

266 Section 45-35-53.....\$11.00

267 Regular Learner's Permit authorized in

268 Section 63-1-21.....\$ 1.00

269 Duplicate Identification Card or Disability

270 Identification Card.....\$ 5.00

271 * * *

272 Duplicate Class R or Class D license

273 authorized in Section 63-1-37.....\$ 5.00

274 Class A, B or C Commercial driver's license

275 authorized in Section 63-1-208.....\$48.00

276 CDL Learner's Permit authorized in

277 Section 63-1-208.....\$10.00

278 Duplicate CDL or CDL learner's permit.....\$ 5.00

279 Ignition-Interlock-Restricted License

280 authorized in Section 63-11-31.....\$50.00

281 (b) Driver services fees to which the card stock fee

282 authorized in Section 45-1-21 is not added:

283 Temporary Motorcycle Permit.....\$ 1.00

284	Four-year or eight-year Motorcycle Endorsement.....	\$ 5.00
285	Late Renewal Fee.....	\$ 1.00
286	Four-year Identification Card upon medical reason for	
287	surrender of a driver's license as authorized in	
288	Section 45-35-7 (one (1) time only).....	No fee
289	Hazardous Materials Background Check (federal).....	\$63.00
290	Hazardous Materials Background Check (state).....	\$37.00
291	CDL Application Fee.....	\$25.00
292	CDL Endorsements:	
293	Tanker Endorsement.....	\$ 5.00
294	Doubles/Triples Endorsement.....	\$ 5.00
295	Passenger Endorsement.....	\$ 5.00
296	Hazardous Materials Endorsement.....	\$ 5.00
297	School Bus Endorsement.....	\$ 5.00

298 (c) In addition to the fees required in this section,
299 an applicant may contribute an additional One Dollar (\$1.00) which
300 shall be deposited into the Statewide Litter Prevention Fund. The
301 applicant shall be informed that he may contribute an additional
302 One Dollar (\$1.00) which shall be deposited into the Statewide
303 Litter Prevention Fund and shall be expended solely for the
304 purpose of funding litter prevention projects or litter education
305 programs, as recommended by the Statewide Litter Prevention
306 Program of Keep Mississippi Beautiful, Inc.

307 (d) Starting January 1, 2021, for any original or
308 renewal license for which the fee is greater than Ten Dollars
309 (\$10.00), if the applicant brings all required documentation but

310 does not receive his or her license within two and one-half
311 (2-1/2) hours of entering and remaining at the license station,
312 Ten Dollars (\$10.00) shall be deducted from the total amount owed
313 for the license.

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

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

318 63-1-47. (1) (a) Except as otherwise provided in this
319 section, each applicant for an original or renewal Class R or
320 Class D license issued pursuant to this article, who is entitled
321 to issuance of same, shall be issued a four-year license or an
322 eight-year license, at the option of the applicant, which will
323 expire at midnight on the licensee's birthday and may be renewed
324 any time within six (6) months before the expiration of the
325 license upon application and payment of the required fee, unless
326 required to be reexamined.

327 * * *

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

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

333 (3) (a) All applications by an operator under eighteen (18)
334 years of age must be accompanied by documentation that the
335 applicant is in compliance with the education requirements of

336 Section 63-1-9(1)(g), and the documentation used in establishing
337 compliance must be dated no more than thirty (30) days before the
338 date of application.

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

345 (c) The commissioner shall suspend the driver's
346 license * * * or regular learner's permit of a student under
347 eighteen (18) years of age who has been reported by the Department
348 of Education as required by Section 63-1-10.1, and shall give
349 notice of the suspension to the licensee as provided in Section
350 63-1-52(4). A school superintendent or designee may request that
351 the driver's license * * * or regular learner's permit that has
352 been suspended under the provisions of this subsection be
353 reinstated after the student has successfully completed nine (9)
354 weeks of school attendance without an unlawful absence.

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

362 such license and for renewal shall be as prescribed in Section
363 63-1-43.

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

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

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

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

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

375 (v) Has a valid, unexpired nonimmigrant visa or
376 nonimmigrant visa status for entry into or lawful presence in the
377 United States;

378 (vi) Has a pending application for asylum in the
379 United States;

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

382 (viii) Has approved deferred-action status;

383 (ix) Has a pending application for adjustment of
384 status to that of an alien lawfully admitted for permanent
385 residence in the United States or conditional permanent resident
386 status in the United States; or

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

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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, RECREATIONAL OR
7 EXTRACURRICULAR ACTIVITY WITH PARENTAL APPROVAL; TO CONFORM TO THE
8 PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

SS08\HB550A.J

Eugene S. Clarke
Secretary of the Senate