

By: Representatives Porter, Arnold, Karriem

To: Transportation

HOUSE BILL NO. 127

1 AN ACT TO AMEND SECTIONS 93-11-153, 63-1-46, 63-1-51 AND
2 63-1-216, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE SUSPENSION OF
3 A PERSON'S DRIVER'S LICENSE FOR BEING OUT OF COMPLIANCE WITH AN
4 ORDER OF SUPPORT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 93-11-153, Mississippi Code of 1972, is
7 amended as follows:

8 93-11-153. As used in Sections 93-11-151 through 93-11-163,
9 the following words and terms shall have the meanings ascribed
10 herein:

11 (a) "Licensing entity" or "entity" means any entity
12 specified in Title 73, Professions and Vocations, of the
13 Mississippi Code, and includes the Mississippi Department of
14 Public Safety with respect to driver's licenses, the
15 Mississippi * * * Department of Revenue with respect to licenses
16 for the sale of alcoholic beverages and other licenses or
17 registration authorizing a person to engage in a business, the
18 Mississippi Department of Wildlife, Fisheries and Parks with
19 respect to hunting and fishing licenses, and any other state



20 agency that issues a license authorizing a person to engage in a
21 business, occupation or profession. For the purposes of this
22 article, the Supreme Court shall be considered to be the licensing
23 entity for attorneys. "Licensing entity" and "entity" do not
24 include the Mississippi Department of Public Safety with respect
25 to driver's licenses.

26 (b) "License" means a license, certificate, permit,
27 credential, registration, or any other authorization issued by a
28 licensing entity that allows a person to engage in a business,
29 occupation or profession, * * * to sell alcoholic beverages, or to
30 hunt and fish, but does not mean a driver's license.

31 (c) "Licensee" means any person holding a license
32 issued by a licensing entity other than a driver's license.

33 (d) "Order for support" means any judgment or order
34 that provides for payments of a sum certain for the support of a
35 child, whether it is temporary or final, and includes, but is not
36 limited to, an order for reimbursement for public assistance or an
37 order for making periodic payments on a support arrearage, or a
38 sum certain due for a support arrearage.

39 (e) "Out of compliance with an order for support" means
40 that the obligor is at least thirty (30) days in arrears or
41 delinquent in making payments in full for current support, or in
42 making periodic payments on a support arrearage.

43 (f) "Department" means the Mississippi Department of
44 Human Services.



45 (g) "Division" means the division within the department
46 that is charged with the state administration of Title IV-D of the
47 Social Security Act.

48 (h) "Delinquency" means any payments of a sum certain
49 ordered by any court to be paid by a noncustodial parent for the
50 support of a child that have remained unpaid for at least thirty
51 (30) days after payment is due. Delinquency shall also include
52 payments of a sum certain ordered by any court to be paid for
53 maintenance of a spouse that have remained unpaid for at least
54 thirty (30) days.

55 **SECTION 2.** Section 63-1-46, Mississippi Code of 1972, is
56 amended as follows:

57 63-1-46. (1) (a) Except as otherwise provided in this
58 section, a fee of One Hundred Dollars (\$100.00) shall be charged
59 for the reinstatement of a license issued under this article to
60 every person whose license has been validly suspended, revoked or
61 cancelled.

62 (b) The funds received under the provisions of this
63 subsection shall be distributed as follows:

64 (i) Twenty-five Dollars (\$25.00) shall be
65 deposited into the State General Fund in accordance with Section
66 45-1-23;

67 (ii) Twenty-five Dollars (\$25.00) shall be paid to
68 the Board of Trustees of the Public Employees' Retirement System



69 for funding the Mississippi Highway Safety Patrol Retirement
70 System as provided under Section 25-13-7;

71 (iii) Twenty-five Dollars (\$25.00) shall be
72 deposited into the special fund created in Section 63-1-45(3) for
73 purchases of equipment by the Mississippi Highway Safety Patrol;
74 and

75 (iv) Twenty-five Dollars (\$25.00) shall be
76 deposited into the Interlock Device Fund created in Section
77 63-11-33.

78 (2) (a) A fee of One Hundred Seventy-five Dollars (\$175.00)
79 shall be charged for the reinstatement of a license issued under
80 this article to every person whose license has been validly
81 suspended or revoked under the provisions of the Mississippi
82 Implied Consent Law.

83 (b) The funds received under the provisions of this
84 subsection shall be distributed as follows:

85 (i) One Hundred Dollars (\$100.00) shall be
86 deposited into the State General Fund in accordance with Section
87 45-1-23;

88 (ii) Twenty-five Dollars (\$25.00) shall be paid to
89 the Board of Trustees of the Public Employees' Retirement System
90 for funding the Mississippi Highway Safety Patrol Retirement
91 System as provided under Section 25-13-7;

92 (iii) Twenty-five Dollars (\$25.00) shall be
93 deposited into the special fund created in Section 63-1-45(3) for



94 purchases of equipment by the Mississippi Highway Safety Patrol;
95 and

96 (iv) Twenty-five Dollars (\$25.00) shall be
97 deposited into the Interlock Device Fund created in Section
98 63-11-33.

99 * * *

100 (* * *3) A fee of Twenty-five Dollars (\$25.00) will be
101 charged for the reinstatement of a license that was suspended due
102 to payment by a draft or other instrument that is dishonored by
103 the payor.

104 (* * *4) All reinstatement fees charged under this section
105 shall be in addition to the fees prescribed in Section 63-1-43.

106 **SECTION 3.** Section 63-1-51, Mississippi Code of 1972, is
107 amended as follows:

108 63-1-51. (1) It shall be the duty of the court clerk, upon
109 conviction of any person holding a license issued pursuant to this
110 article where the penalty for a traffic violation is as much as
111 Ten Dollars (\$10.00), to mail a copy of abstract of the court
112 record or provide an electronically or computer generated copy of
113 abstract of the court record immediately to the commissioner at
114 Jackson, Mississippi, showing the date of conviction, penalty,
115 etc., so that a record of same may be made by the Department of
116 Public Safety. The commissioner shall forthwith revoke the
117 license of any person for a period of one (1) year upon receiving



118 a duly certified record of each person's convictions of any of the
119 following offenses when such conviction has become final:

120 (a) Manslaughter or negligent homicide resulting from
121 the operation of a motor vehicle;

122 (b) Any felony in the commission of which a motor
123 vehicle is used;

124 (c) Failure to stop and render aid as required under
125 the laws of this state in event of a motor vehicle accident
126 resulting in the death or personal injury of another;

127 (d) Perjury or the willful making of a false affidavit
128 or statement under oath to the department under this article or
129 under any other law relating to the ownership or operation of
130 motor vehicles; or

131 (e) Conviction, or forfeiture of bail not vacated, upon
132 three (3) charges of reckless driving committed within a period of
133 twelve (12) months.

134 (2) The commissioner shall revoke the license issued
135 pursuant to this article of any person convicted of negligent
136 homicide, in addition to any penalty now provided by law.

137 * * *

138 **SECTION 4.** Section 63-1-216, Mississippi Code of 1972, is
139 amended as follows:

140 63-1-216. (1) (a) A person shall be disqualified from
141 driving a commercial motor vehicle for a period of one (1) year if
142 the person's license or permit to drive has been administratively



143 suspended under Section 63-11-23 or the person has been convicted
144 of a first violation of:

145 (i) Operating, attempting to operate, or being in
146 actual physical control of a commercial motor vehicle on a highway
147 with an alcohol concentration of four one-hundredths percent
148 (0.04%) or more, or under the influence as provided in Section
149 63-11-30;

150 (ii) Failure to stop and render aid as required
151 under the laws of this state in the event of a motor vehicle
152 accident resulting in the death or personal injury of another;

153 (iii) Using a motor vehicle in the commission of
154 any offense under state or federal law that is punishable by
155 imprisonment for a term exceeding one (1) year;

156 (iv) Refusal to submit to a test to determine the
157 operator's alcohol concentration, as provided in Title 63, Chapter
158 11, Mississippi Code of 1972;

159 (v) Operating, attempting to operate, or being in
160 actual physical control of a motor vehicle on a highway with an
161 alcohol concentration of eight one-hundredths percent (0.08%) or
162 more, or under the influence of intoxicating liquor or other
163 substance, as provided in Section 63-11-30;

164 (vi) Operating, attempting to operate, or being in
165 actual physical control of a motor vehicle on a highway when the
166 person is under the influence of any other drug or under the
167 combined influence of alcohol and any other drug to a degree which



168 renders the person incapable of driving safely as provided in
169 Section 63-11-30;

170 (vii) Operating or attempting to operate a
171 commercial motor vehicle while the license is revoked, suspended,
172 cancelled, or disqualified;

173 (viii) Operating a commercial motor vehicle in a
174 negligent manner resulting in a fatal injury.

175 (b) A person shall be disqualified from driving a
176 commercial motor vehicle for three (3) years if convicted of a
177 violation listed in subsection (1) of this section, if the
178 violation occurred while transporting a hazardous material
179 required to be placarded.

180 (c) A person shall be disqualified from driving a
181 commercial motor vehicle for life if convicted of two (2) or more
182 violations or a combination of them listed in subsection (1) of
183 this section arising from two (2) or more separate occurrences.

184 (d) A person shall be disqualified from driving a
185 commercial motor vehicle for a period of sixty (60) days if
186 convicted of two (2) serious traffic violations, or one hundred
187 twenty (120) days if convicted of three (3) serious traffic
188 violations, arising from separate incidents occurring within a
189 three-year period. A disqualification for three (3) serious
190 traffic violations must be imposed consecutively to any other
191 previous period of disqualification.



192 (e) A person shall be disqualified from driving a
193 commercial motor vehicle for life if the person uses a motor
194 vehicle in the commission of any offense under state or federal
195 law that is punishable by imprisonment for a term exceeding one
196 (1) year involving the manufacture, distribution, or dispensing of
197 a regulated drug, or possession with intent to manufacture,
198 distribute, or dispense a regulated drug and for which the person
199 was convicted.

200 (f) A person who is disqualified from driving a
201 commercial motor vehicle shall surrender the person's Mississippi
202 commercial driver's license no later than the effective date of
203 the disqualification. Upon receipt of the person's commercial
204 driver's license, that person, if otherwise eligible, may apply
205 for a non-CDL, and upon payment of sufficient fees receive the
206 driver's license.

207 (g) The commissioner shall adopt rules establishing
208 guidelines, including conditions, under which a disqualification
209 for life under this section, except for a disqualification issued
210 pursuant to paragraph (e) of this subsection, may be reduced to a
211 period of not less than ten (10) years.

212 (h) A person shall be disqualified from driving a
213 commercial motor vehicle for a period of sixty (60) days if the
214 driver is convicted of a first violation of a railroad-highway
215 grade crossing violation.



216 (i) A person shall be disqualified from driving a
217 commercial motor vehicle for a period of one hundred twenty (120)
218 days if, during any three-year period, the driver is convicted of
219 a second railroad-highway grade crossing violation in a separate
220 incident.

221 (j) A person shall be disqualified from driving a
222 commercial motor vehicle for a period of one (1) year if, during
223 any three-year period, the driver is convicted of a third or
224 subsequent railroad-highway grade crossing violation in separate
225 incidents.

226 (k) A person who is simultaneously subject to a
227 disqualification issued by the administrator of the Federal Motor
228 Carrier Safety Administration pursuant to 49 CFR, Part 383.52 and
229 a disqualification under any other provision of this section shall
230 serve those disqualification periods concurrently.

231 (2) (a) A person's privilege to operate a commercial motor
232 vehicle in the State of Mississippi shall be suspended for one (1)
233 year, if:

234 (i) The person is convicted of a first violation
235 of operating, attempting to operate or being in actual physical
236 control of a commercial motor vehicle on a highway with an alcohol
237 concentration of four one-hundredths percent (0.04%) or more, or
238 under the influence, as provided in Section 63-11-30; and

239 (ii) The person's commercial driver's license is
240 issued by a state or country that does not issue commercial



241 driver's licenses and disqualify persons in accordance with 49
242 CFR, Parts 383 and 384.

243 (b) A person's privilege to operate a commercial motor
244 vehicle in the State of Mississippi shall be suspended for three
245 (3) years if the person is convicted of violating subsection (1)
246 of this section, and the violation occurred while the person was
247 transporting a hazardous material required to be placarded.

248 (c) A person's privilege to operate a commercial motor
249 vehicle in the State of Mississippi shall be suspended for life if
250 the person is convicted a second time of violating subsection (1)
251 of this section, and both convictions arise out of separate
252 occurrences.

253 (d) A person's privilege to operate a commercial motor
254 vehicle in the State of Mississippi shall be suspended for sixty
255 (60) days if the person is convicted of two (2) serious traffic
256 violations, or for one hundred twenty (120) days if the person is
257 convicted of three (3) serious traffic violations, arising from
258 separate incidents occurring within a three-year period.

259 (e) A person's privilege to operate a commercial motor
260 vehicle in the State of Mississippi shall be suspended for life if
261 the person uses a commercial motor vehicle in the commission of
262 any offense under state or federal law that is punishable by
263 imprisonment for a term exceeding one (1) year, involving the
264 manufacture, distribution, or dispensing of a regulated drug, or



265 possession with intent to manufacture, distribute, or dispense a
266 regulated drug, and for which the person was convicted.

267 * * *

268 **SECTION 5.** This act shall take effect and be in force from
269 and after July 1, 2022.

