

By: Representatives Porter, Stamps, Arnold

To: Transportation

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 127

1 AN ACT TO AMEND SECTION 63-1-216, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT ANY PERSON FROM DRIVING A COMMERCIAL MOTOR VEHICLE IF
3 CONVICTED OF ANY CRIME UNDER THE MISSISSIPPI HUMAN TRAFFICKING ACT
4 OR ANY FELONY INVOLVING A SEVERE FORM OF TRAFFICKING IN PERSONS AS
5 DEFINED BY FEDERAL LAW; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 63-1-216, Mississippi Code of 1972, is
8 amended as follows:

9 63-1-216. (1) (a) A person shall be disqualified from
10 driving a commercial motor vehicle for a period of one (1) year if
11 the person's license or permit to drive has been administratively
12 suspended under Section 63-11-23 or the person has been convicted
13 of a first violation of:

14 (i) Operating, attempting to operate, or being in
15 actual physical control of a commercial motor vehicle on a highway
16 with an alcohol concentration of four one-hundredths percent
17 (0.04%) or more, or under the influence as provided in Section
18 63-11-30;



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

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

25 (iv) Refusal to submit to a test to determine the
26 operator's alcohol concentration, as provided in Title 63, Chapter
27 11, Mississippi Code of 1972;

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

33 (vi) Operating, attempting to operate, or being in
34 actual physical control of a motor vehicle on a highway when the
35 person is under the influence of any other drug or under the
36 combined influence of alcohol and any other drug to a degree which
37 renders the person incapable of driving safely as provided in
38 Section 63-11-30;

39 (vii) Operating or attempting to operate a
40 commercial motor vehicle while the license is revoked, suspended,
41 cancelled, or disqualified;

42 (viii) Operating a commercial motor vehicle in a
43 negligent manner resulting in a fatal injury.



44 (b) A person shall be disqualified from driving a
45 commercial motor vehicle for three (3) years if convicted of a
46 violation listed in subsection (1) of this section, if the
47 violation occurred while transporting a hazardous material
48 required to be placarded.

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

53 (d) A person shall be disqualified from driving a
54 commercial motor vehicle for a period of sixty (60) days if
55 convicted of two (2) serious traffic violations, or one hundred
56 twenty (120) days if convicted of three (3) serious traffic
57 violations, arising from separate incidents occurring within a
58 three-year period. A disqualification for three (3) serious
59 traffic violations must be imposed consecutively to any other
60 previous period of disqualification.

61 (e) A person shall be disqualified from driving a
62 commercial motor vehicle for life if the person uses a motor
63 vehicle in the commission of any offense under state or federal
64 law that is punishable by imprisonment for a term exceeding one
65 (1) year involving the manufacture, distribution, or dispensing of
66 a regulated drug, or possession with intent to manufacture,
67 distribute, or dispense a regulated drug and for which the person
68 was convicted.



69 (f) A person who is disqualified from driving a
70 commercial motor vehicle shall surrender the person's Mississippi
71 commercial driver's license no later than the effective date of
72 the disqualification. Upon receipt of the person's commercial
73 driver's license, that person, if otherwise eligible, may apply
74 for a non-CDL, and upon payment of sufficient fees receive the
75 driver's license.

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

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

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

90 (j) A person shall be disqualified from driving a
91 commercial motor vehicle for a period of one (1) year if, during
92 any three-year period, the driver is convicted of a third or



93 subsequent railroad-highway grade crossing violation in separate
94 incidents.

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

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

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

108 (ii) The person's commercial driver's license is
109 issued by a state or country that does not issue commercial
110 driver's licenses and disqualify persons in accordance with 49
111 CFR, Parts 383 and 384.

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



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

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

128 (e) A person's privilege to operate a commercial motor
129 vehicle in the State of Mississippi shall be suspended for life if
130 the person uses a commercial motor vehicle in the commission of
131 any offense under state or federal law that is punishable by
132 imprisonment for a term exceeding one (1) year, involving the
133 manufacture, distribution, or dispensing of a regulated drug, or
134 possession with intent to manufacture, distribute, or dispense a
135 regulated drug, and for which the person was convicted.

136 (f) In addition to the reasons specified in this
137 section for suspension of the commercial driver's license, the
138 commissioner shall be authorized to suspend the commercial
139 driver's license of any person for being out of compliance with an
140 order for support, as defined in Section 93-11-153. The procedure
141 for suspension of a commercial driver's license for being out of



142 compliance with an order for support, and the procedure for the
143 reissuance or reinstatement of a commercial driver's license
144 suspended for that purpose, and the payment of any fees for the
145 reissuance or reinstatement of a commercial driver's license
146 suspended for that purpose, shall be governed by Section 93-11-157
147 or 93-11-163, as the case may be. If there is any conflict
148 between any provision of Section 93-11-157 or 93-11-163 and any
149 provision of this article, the provisions of Section 93-11-157 or
150 93-11-163, as the case may be, shall control.

151 (3) A person shall be disqualified from driving a commercial
152 motor vehicle for life if the person is convicted of any crime
153 under the Mississippi Human Trafficking Act in Sections 97-3-54 et
154 seq. or any felony involving a severe form of trafficking in
155 persons, as defined by 22 USC 7102(11).

156 **SECTION 2.** This act shall take effect and be in force from
157 and after July 1, 2022.

