

By: Representative Newman

To: Judiciary B

HOUSE BILL NO. 369

1 AN ACT TO AMEND SECTIONS 63-1-51, 63-1-53, 63-1-52, 63-1-71
2 AND 63-1-46, MISSISSIPPI CODE OF 1972, TO RESTORE THE ABILITY TO
3 SUSPEND DRIVER'S LICENSES FOR CERTAIN TRAFFIC VIOLATIONS AS SUCH
4 LAWS PROVIDED FOR PRIOR TO THE 2019 AMENDMENTS; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** Section 63-1-51, Mississippi Code of 1972, is
8 amended as follows:

9 63-1-51. (1) It shall be the duty of the court clerk, upon
10 conviction of any person holding a license issued pursuant to this
11 article where the penalty for a traffic violation is as much as
12 Ten Dollars (\$10.00), to mail a copy of abstract of the court
13 record or provide an electronically or computer generated copy of
14 abstract of the court record immediately to the commissioner at
15 Jackson, Mississippi, showing the date of conviction, penalty,
16 etc., so that a record of same may be made by the Department of
17 Public Safety. The commissioner shall forthwith revoke the
18 license of any person for a period of one (1) year upon receiving



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

21 (a) Manslaughter or negligent homicide resulting from
22 the operation of a motor vehicle;

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

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

28 (d) Perjury or the willful making of a false affidavit
29 or statement under oath to the department under this article or
30 under any other law relating to the ownership or operation of
31 motor vehicles; * * *

32 (e) Conviction, or forfeiture of bail not vacated, upon
33 three (3) charges of reckless driving committed within a period of
34 twelve (12) months * * *;

35 (f) Contempt for failure to pay a fine or fee or to
36 respond to a summons or citation pursuant to a charge of a
37 violation of this title.

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

41 (3) In addition to the reasons specified in this section,
42 the commissioner shall be authorized to suspend the license issued
43 to any person pursuant to this article for being out of compliance



44 with an order for support, as defined in Section 93-11-153. The
45 procedure for suspension of a license for being out of compliance
46 with an order for support, and the procedure for the reissuance or
47 reinstatement of a license suspended for that purpose, and the
48 payment of any fees for the reissuance or reinstatement of a
49 license suspended for that purpose, shall be governed by Section
50 93-11-157 or 93-11-163, as the case may be. If there is any
51 conflict between any provision of Section 93-11-157 or 93-11-163
52 and any provision of this article, the provisions of Section
53 93-11-157 or 93-11-163, as the case may be, shall control.

54 **SECTION 2.** Section 63-1-53, Mississippi Code of 1972, is
55 amended as follows:

56 63-1-53. (1) Upon failure of any person to respond timely
57 and properly to a summons or citation charging such person with
58 any violation of this title, or upon failure of any person to pay
59 timely any fine, fee or assessment levied as a result of any
60 violation of this title, the clerk of the court shall give written
61 notice to such person by United States first-class mail at his
62 last known address advising such person that, if within * * * ten
63 (10) days after such notice is deposited in the mail, the person
64 has not properly responded to the summons or citation or has not
65 paid the entire amount of all fines, fees and assessments levied,
66 then the court will give notice thereof to the Commissioner of
67 Public Safety and the commissioner may suspend the driver's
68 license of such person. The actual cost incurred by the court in



69 the giving of such notice may be added to any other court costs
70 assessed in such case. If within ten (10) days after the notice
71 is given in accordance with this subsection such person has not
72 satisfactorily disposed of the matter pending before the court,
73 then the clerk of the court immediately shall mail a copy of the
74 abstract of the court record, along with a certified copy of the
75 notice given under this subsection, to the commissioner, and the
76 commissioner may suspend the driver's license of such person as
77 authorized under subsections (2) and (3) of this section * * *.

78 (2) The commissioner is hereby authorized to suspend the
79 license of an operator without preliminary hearing upon a showing
80 by his records or other sufficient evidence that the licensee:

81 (a) Has committed an offense for which mandatory
82 revocation of license is required upon conviction except under the
83 provisions of the Mississippi Implied Consent Law;

84 (b) Has been involved as a driver in any accident
85 resulting in the death or personal injury of another or serious
86 property damage;

87 (c) Is an habitually reckless or negligent driver of a
88 motor vehicle;

89 (d) Has been convicted with such frequency of serious
90 offenses against traffic regulations governing the movement of
91 vehicles as to indicate a disrespect for traffic laws and a
92 disregard for the safety of other persons on the highways;

93 (e) Is incompetent to drive a motor vehicle;



94 (f) Has permitted an unlawful or fraudulent use of such
95 license;

96 (g) Has committed an offense in another state which if
97 committed in this state would be grounds for suspension or
98 revocation; * * *

99 (h) Has failed to pay any fine, fee or other assessment
100 levied as a result of any violation of this title;

101 (i) Has failed to respond to a summons or citation
102 which charged a violation of this title; or

103 (* * *j) Has committed a violation for which mandatory
104 revocation of license is required upon conviction, entering a plea
105 of nolo contendere to, or adjudication of delinquency, pursuant to
106 the provisions of subsection (1) of Section 63-1-71.

107 (3) Notice that a person's license is suspended or will be
108 suspended under subsection (2) of this section shall be given by
109 the commissioner in the manner and at the time provided for under
110 Section 63-1-52, and upon such person's request, he shall be
111 afforded an opportunity for a hearing as early as practicable, but
112 not to exceed twenty (20) days after receipt of such request in
113 the county wherein the licensee resides unless the department and
114 the licensee agree that such hearing may be held in some other
115 county. Upon such hearing the commissioner, or his duly
116 authorized agent, may administer oaths and may issue subpoenas for
117 the attendance of witnesses and the production of relevant books
118 and papers and may require a reexamination of the licensee. Upon



119 such hearing the commissioner shall either rescind any order of
120 suspension or, good cause appearing therefor, may extend any
121 suspension of such license or revoke such license.

122 (4) If a licensee has not paid all cash appearance bonds
123 authorized under Section 99-19-3 or all fines, fees or other
124 assessments levied as a result of a violation of this title within
125 ninety (90) days * * * after the commissioner has suspended the
126 license of a person under subsection (2) (i) of this section, the
127 court is authorized to pursue collection under Section 21-17-1(6)
128 or 19-3-41(2) as for any other delinquent payment, and shall be
129 entitled to collection of all additional fees authorized under
130 those sections.

131 **SECTION 3.** Section 63-1-52, Mississippi Code of 1972, is
132 amended as follows:

133 63-1-52. (1) Whenever the Commissioner of Public Safety
134 suspends, cancels or revokes the driver's license or driving
135 privileges of any person, notice of the suspension, cancellation
136 or revocation shall be given to such person by the commissioner,
137 or his duly authorized agent, in the manner provided in subsection
138 (2) of this section and at the time provided in subsection (3) of
139 this section or in the manner and at the time provided in
140 subsection (4) of this section.

141 (2) Notice shall be given in the following manner:

142 (a) In writing, (i) by United States Certificate of
143 Mailing; or (ii) by personal service at the person's address as it



144 appears on the driving record maintained by the Department of
145 Public Safety or at the person's last-known address; or (iii) by
146 personal notice being given by any law enforcement officer of this
147 state or any duly authorized agent of the Commissioner of Public
148 Safety on forms prescribed and furnished by the Commissioner of
149 Public Safety; whenever a person's driver's license or driving
150 privileges are suspended, revoked or cancelled in accordance with
151 the Mississippi Driver License Compact Law, the Mississippi
152 Implied Consent Law, the Mississippi Motor Vehicle Safety
153 Responsibility Law or subsection (2) (c), (2) (d), (2) (e) or (2) (f)
154 of Section 63-1-53.

155 (b) In writing, by United States first class mail,
156 whenever a person's driver's license or driving privileges are
157 suspended, revoked or cancelled in accordance with the Mississippi
158 Commercial Driver's License Law, the Youth Court Law, Chapter 23
159 of Title 43, Mississippi Code of 1972, Section 63-1-45, Section
160 63-1-51, subsection (2) (g) * * *, (2) (h) or (2) (i) of Section
161 63-1-53, or Section 63-9-25.

162 (3) Notice shall be given at the following time:

163 (a) Before suspension, revocation or cancellation,
164 whenever a person's driver's license or driving privileges are
165 suspended, revoked or cancelled in accordance with the Mississippi
166 Driver License Compact Law, the Mississippi Motor Vehicle Safety
167 Responsibility Law or subsection (2) (c), (2) (d), (2) (e) or (2) (f)
168 of Section 63-1-53.



169 (b) Unless otherwise specifically provided for by law,
170 at the time of suspension, revocation or cancellation, whenever a
171 person's driver's license or driving privileges are suspended,
172 revoked or cancelled in accordance with the Mississippi Commercial
173 Driver's License Law, the Mississippi Implied Consent Law, the
174 Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972,
175 Section 63-1-45, Section 63-1-51, subsection (2)(g) * * *, (2)(h)
176 or (2)(i) of Section 63-1-53, or Section 63-9-25.

177 (4) Whenever the Commissioner of Public Safety suspends,
178 revokes or cancels the driver's license or driving privileges of
179 any person in accordance with some provision of law other than a
180 provision of law referred to in subsections (2) and (3) of this
181 section, and the manner and time for giving notice is not provided
182 for in such law, then notice of such suspension, revocation or
183 cancellation shall be given in the manner and at the time provided
184 for under subsections (2)(b) and (3)(b) of this section.

185 **SECTION 4.** Section 63-1-71, Mississippi Code of 1972, is
186 amended as follows:

187 63-1-71. (1) In addition to any penalty authorized by the
188 Uniform Controlled Substances Law or any other statute indicating
189 the dispositions that can be ordered for an adjudication of
190 delinquency, every person convicted of, or entering a plea of nolo
191 contendere to, or adjudicated delinquent in a court of this state
192 for a violation of any offense defined in the Uniform Controlled
193 Substances Law, and every person convicted of, or entering a plea



194 of nolo contendere to, or adjudicated delinquent under the laws of
195 the United States, another state, a territory or possession of the
196 United States, the District of Columbia or the Commonwealth of
197 Puerto Rico of a violation for the use, distribution, possession,
198 manufacture, sale, barter, transfer or dispensing of a "controlled
199 substance," "counterfeit substance," "narcotic drug" or "drug," as
200 such terms are defined under Section 41-29-105, shall forthwith
201 forfeit his right to operate a motor vehicle over the highways of
202 this state for a period of six (6) months. Notwithstanding the
203 provisions of Section 63-11-30(3) and in addition to any penalty
204 authorized by the Uniform Controlled Substances Law or any other
205 statute indicating the dispositions that can be ordered for an
206 adjudication of delinquency, every person convicted of driving
207 under the influence of a controlled substance, or entering a plea
208 of nolo contendere thereto, or adjudicated delinquent therefor, in
209 a court of this state, and every person convicted of driving under
210 the influence of a controlled substance, or entering a plea of
211 nolo contendere thereto, or adjudicated delinquent therefor, under
212 the laws of the United States, another state, a territory or
213 possession of the United States, the District of Columbia or the
214 Commonwealth of Puerto Rico, shall forthwith forfeit his right to
215 operate a motor vehicle over the highways of this state for a
216 period of not less than six (6) months. In the case of any person
217 who at the time of the imposition of sentence does not have a
218 driver's license or is less than sixteen (16) years of age, the



219 period of the suspension of driving privileges authorized herein
220 shall commence on the day the sentence is imposed and shall run
221 for a period of not less than six (6) months after the day the
222 person obtains a driver's license or reaches the age of sixteen
223 (16). If the driving privilege of any person is under revocation
224 or suspension at the time of any conviction or adjudication of
225 delinquency for * * * a violation of any offense defined in the
226 Uniform Controlled Substances Law, the revocation or suspension
227 period imposed herein shall commence as of the date of termination
228 of the existing revocation or suspension.

229 (2) The court in this state before whom any person is
230 convicted of or adjudicated delinquent for * * * a violation of an
231 offense under subsection (1) of this section shall collect
232 forthwith the Mississippi driver's license of the person and
233 forward such license to the Department of Public Safety along with
234 a report indicating the first and last day of the suspension or
235 revocation period imposed pursuant to this section. If the court
236 is for any reason unable to collect the license of the person, the
237 court shall cause a report of the conviction or adjudication of
238 delinquency to be filed with the Commissioner of Public Safety.
239 That report shall include the complete name, address, date of
240 birth, eye color and sex of the person and shall indicate the
241 first and last day of the suspension or revocation period imposed
242 by the court pursuant to this section. The court shall inform the
243 person orally and in writing that if the person is convicted of



244 personally operating a motor vehicle during the period of license
245 suspension or revocation imposed pursuant to this section, the
246 person shall, upon conviction, be subject to the penalties set
247 forth in Section 63-11-40. A person shall be required to
248 acknowledge receipt of the written notice in writing. Failure to
249 receive a written notice or failure to acknowledge in writing the
250 receipt of a written notice shall not be a defense to a subsequent
251 charge of a violation of Section 63-11-40. If the person is the
252 holder of a driver's license from another jurisdiction, the court
253 shall not collect the license but shall notify forthwith the
254 Commissioner of Public Safety who shall notify the appropriate
255 officials in the licensing jurisdiction. The court shall,
256 however, in accordance with the provisions of this section, revoke
257 the person's nonresident driving privilege in this state.

258 (3) The county court or circuit court having jurisdiction,
259 on petition, may reduce the suspension of driving privileges under
260 this section if the * * * denial of which would constitute a
261 hardship on the offender. When the petition is filed, such person
262 shall pay to the circuit clerk of the court where the petition is
263 filed a fee of Twenty Dollars (\$20.00) for each year, or portion
264 thereof, of license revocation or suspension remaining under the
265 original sentence, which shall be deposited into the State General
266 Fund to the credit of a special fund hereby created in the State
267 Treasury to be used for alcohol or drug abuse treatment and
268 education, upon appropriation by the Legislature. This fee shall



269 be in addition to any other court costs or fees required for the
270 filing of petitions.

271 **SECTION 5.** Section 63-1-46, Mississippi Code of 1972, is
272 amended as follows:

273 63-1-46. (1) (a) Except as otherwise provided in this
274 section, a fee of One Hundred Dollars (\$100.00) shall be charged
275 for the reinstatement of a license issued under this article to
276 every person whose license has been validly suspended, revoked or
277 cancelled.

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

280 (i) Twenty-five Dollars (\$25.00) shall be
281 deposited into the State General Fund in accordance with Section
282 45-1-23;

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

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

291 (iv) Twenty-five Dollars (\$25.00) shall be
292 deposited into the Interlock Device Fund created in Section
293 63-11-33.



294 (2) (a) A fee of One Hundred Seventy-five Dollars (\$175.00)
295 shall be charged for the reinstatement of a license issued under
296 this article to every person whose license has been validly
297 suspended or revoked under the provisions of the Mississippi
298 Implied Consent Law or as a result of a conviction of a violation
299 of the Uniform Controlled Substances Law under the provisions of
300 Section 63-1-71.

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

303 (i) One Hundred Dollars (\$100.00) shall be
304 deposited into the State General Fund in accordance with Section
305 45-1-23;

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

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

314 (iv) Twenty-five Dollars (\$25.00) shall be
315 deposited into the Interlock Device Fund created in Section
316 63-11-33.

317 (3) (a) A fee of Twenty-five Dollars (\$25.00) shall be
318 charged for the reinstatement of a license issued under this



319 article to every person whose license has been validly suspended
320 for nonpayment of child support under the provisions of Sections
321 93-11-151 through 93-11-163. The funds received under the
322 provisions of this subsection shall be deposited into the State
323 General Fund in accordance with Section 45-1-23.

324 (b) The procedure for the reinstatement of a license
325 issued under this article that has been suspended for being out of
326 compliance with an order for support, as defined in Section
327 93-11-153, and the payment of any fees for the reinstatement of a
328 license suspended for that purpose, shall be governed by Section
329 93-11-157 or 93-11-163, as the case may be.

330 (4) A fee of Twenty-five Dollars (\$25.00) will be charged
331 for the reinstatement of a license that was suspended due to
332 payment by a draft or other instrument that is dishonored by the
333 payor.

334 (5) All reinstatement fees charged under this section shall
335 be in addition to the fees prescribed in Section 63-1-43.

336 **SECTION 6.** This act shall take effect and be in force from
337 and after July 1, 2022.

