

By: Representatives Karriem, Taylor

To: Transportation

HOUSE BILL NO. 851

1 AN ACT TO AMEND SECTIONS 63-1-13 AND 63-1-15, MISSISSIPPI
 2 CODE OF 1972, TO REQUIRE ADDITIONAL TRAINING OF DRIVER'S LICENSE
 3 PERSONNEL; TO AMEND SECTION 63-1-35, MISSISSIPPI CODE OF 1972, TO
 4 PROVIDE THAT THE REQUIREMENT THAT AN APPLICANT FOR A DRIVER'S
 5 LICENSE PRESENT THEIR SOCIAL SECURITY NUMBER TO THE DEPARTMENT OF
 6 PUBLIC SAFETY SHALL NOT BE APPLICABLE TO A PERSON WHO FILES AN
 7 AFFIDAVIT WITH THE DEPARTMENT AFFIRMING THAT THEY HAVE NEVER BEEN
 8 ISSUED A SOCIAL SECURITY NUMBER; TO AMEND SECTION 63-1-19,
 9 MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE TYPES OF DOCUMENTS THAT
 10 AN APPLICANT FOR A MISSISSIPPI DRIVER'S LICENSE MAY PROVIDE TO THE
 11 DRIVER'S LICENSE EXAMINER IN ORDER TO SHOW PROOF OF RESIDENCE; TO
 12 CREATE NEW SECTION 63-1-20, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
 13 A CERTIFICATE FOR DRIVING; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 63-1-13, Mississippi Code of 1972, is
 16 amended as follows:

17 63-1-13. (1) The commissioner is hereby authorized and
 18 empowered to appoint a Director of the Driver Services Division
 19 who is a qualified elector of the State of Mississippi and who
 20 meets the qualifications set by the State Personnel Board for the
 21 position. Such director shall execute and furnish a bond in the
 22 amount of Ten Thousand Dollars (\$10,000.00) with a surety company
 23 authorized to do business in this state. The bond shall be



24 conditioned on the faithful performance of his duties and be
25 subject to the approval of the commissioner. The director shall
26 have control and supervision of the Driver Services Division and
27 shall be answerable to the commissioner in the performance of his
28 duties.

29 (2) The commissioner shall employ such other technical,
30 professional and clerical assistants as may be needed to conduct
31 the work of the division. The commissioner is also authorized to
32 employ a Director of the Driver License Examining Bureau, who
33 meets the qualifications set by the State Personnel Board for the
34 position, and the necessary supervising examiners, who meet the
35 qualifications set by the State Personnel Board for the position,
36 to assist the Director of the Driver License Examining Bureau in
37 the supervision of the license personnel. The commissioner is
38 also authorized to employ the necessary additional personnel to
39 serve and be designated as "license examiners." The commissioner
40 shall employ such other technical, professional and clerical
41 assistants as may be needed to conduct the work of the bureau.
42 However, not later than July 1, 2021, the commissioner shall not
43 employ an active-service Highway Patrol Officer in the bureau.

44 (3) From and after July 1, 2022, the commissioner shall
45 ensure that each staff person employed under the authority of this
46 section be retrained to accept civil rights complaints.

47 **SECTION 2.** Section 63-1-15, Mississippi Code of 1972, is
48 amended as follows:



49 63-1-15. (1) The Commissioner of Public Safety shall be
50 authorized to designate persons who may act as examiners for
51 license or instruction permits, and all such persons shall be
52 trained in compliance with the provisions of House Bill No. 851,
53 2022 Regular Session.

54 (2) It shall be the duty of the license examiners to forward
55 to the commissioner all applications rejected or approved in
56 accordance with such rules and regulations as may be prescribed by
57 the commissioner.

58 **SECTION 3.** Section 63-1-35, Mississippi Code of 1972, is
59 amended as follows:

60 63-1-35. (1) The Commissioner of Public Safety shall
61 prescribe the form of license issued pursuant to this article
62 which shall, among other features, include a driver's license
63 number assigned by the Department of Public Safety. A licensee
64 shall list his social security number with the department which
65 shall cross reference the social security number with the driver's
66 license number for purposes of identification. Additionally, each
67 license shall bear a full-face color photograph of the licensee in
68 such form that the license and the photograph cannot be separated.
69 The photograph shall be taken so that one (1) exposure will
70 photograph the applicant and the application simultaneously on the
71 same film. The department shall use a process in the issuance of
72 a license with a color photograph that shall prevent as nearly as
73 possible any alteration, counterfeiting, duplication,



74 reproduction, forging or modification of the license or the
75 superimposition of a photograph without ready detection. The
76 photograph shall be replaced by the department at the time of
77 renewal. Drivers' licenses, including photographs appearing
78 thereon, may be renewed by electronic means according to rules and
79 regulations promulgated by the commissioner in conformity to
80 Section 27-104-33.

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

86 (3) Any new, renewal or duplicate driver's license,
87 temporary driving permit or commercial driver's license issued to
88 a person required to register as a sex offender pursuant to
89 Section 45-33-25 shall bear a designation identifying the licensee
90 or permittee as a sex offender.

91 (4) The commissioner is authorized to provide the new,
92 renewal or duplicate driver's license, temporary driving permit or
93 commercial driver's license to any honorably discharged veteran as
94 defined in Title 38 of the United States Code, and such license or
95 permit shall exhibit the letters "Vet" or any other mark
96 identifying the person as a veteran. The veteran requesting the
97 "Vet" designation shall present his DD-214, Military Retiree
98 Identification Card, United States Department of Veterans Affairs



99 Medical Identification Card, United States Department of Veterans
100 Affairs Identification Card or National Guard Form NGB 22. The
101 veteran requesting the "Vet" designation may present his DD-214,
102 Military Retiree Identification Card, United States Department of
103 Veterans Affairs Medical Identification Card, United States
104 Department of Veterans Affairs Identification Card or National
105 Guard Form NGB 22 in person at the Mississippi Department of
106 Public Safety Driver's License Station.

107 (5) Not later than July 1, 2021, the commissioner shall
108 develop and implement a driver's license or driving permit in
109 electronic format as an additional option for license or permit
110 holders. Acceptable electronic formats include display of
111 electronic images on a cellular phone or any other type of
112 electronic device.

113 (6) If false documents are provided by an individual for
114 purposes of obtaining a veteran driver's license, such action
115 shall be considered fraudulent use of identity under Section
116 97-19-85, Mississippi Code of 1972, and shall be punishable, upon
117 conviction, as a felony pursuant to the provisions of that
118 section.

119 (7) An applicant who does not have, or who states that he or
120 she has never been issued, a social security number as required
121 under subsection (1) of this section, shall complete an affidavit,
122 under penalty of perjury, affirming that he or she has never been
123 issued a social security number.



124 **SECTION 4.** Section 63-1-19, Mississippi Code of 1972, is
125 amended as follows:

126 63-1-19. (1) * * * Every applicant for a license or permit
127 issued pursuant to this article, or for renewal of such license or
128 permit, shall file an application for such license, permit or
129 renewal, on a form provided by the Department of Public Safety,
130 with the commissioner or an official license examiner of the
131 department. All persons not holding valid, unexpired licenses
132 issued in this state shall be required to secure an original
133 license, except those specifically exempted from licensing under
134 Section 63-1-7. The application shall state the name, date of
135 birth, the social security number of the applicant unless the
136 applicant is not a United States citizen and does not possess a
137 social security number issued by the United States government,
138 sex, race, color of eyes, color of hair, weight, height and
139 residence address, and whether or not the applicant's privilege to
140 drive has been suspended or revoked at any time, and, if so, when,
141 by whom, and for what cause, and whether any previous application
142 by him has been denied, and whether he has any physical defects
143 which would interfere with his operating a motor vehicle safely
144 upon the highways.

145 (* * *2) Every applicant for an original license shall show
146 proof of * * * residence in this state. * * * An applicant for an
147 original license may show proof of residence in this state by



148 presenting to the license examiner at least two (2) of the
149 following documents:

150 (a) A utility bill, including telephone service,
151 showing a valid residential address;

152 (b) A bank statement showing a valid Mississippi
153 address;

154 (c) An acceptable employer verification, such as an
155 employment identification card, a letter from the employer on its
156 official letterhead or a payroll check or payroll check stub;

157 (d) An automobile, life or health insurance policy
158 showing a valid Mississippi address;

159 (e) A driver's license issued by the State of
160 Mississippi to a parent, legal guardian or spouse;

161 (f) A Mississippi motor vehicle registration showing a
162 valid Mississippi address;

163 (g) An Internal Revenue Service Tax Reporting W-2 Form;

164 (h) A receipt for personal or real estate taxes paid
165 within the last year showing a valid Mississippi address;

166 (i) A copy of a residential lease showing a valid
167 Mississippi address;

168 (j) If the applicant is a student enrolled in a public
169 or private school in Mississippi, a photo student identification
170 card and acceptable documentation that the student resides on
171 campus; or



172 (k) A photo identification card issued by the
173 government of the applicant's country of origin.

174 (3) If an applicant is unable to provide at least two (2) of
175 the documents described in subsection (2) of this section, he or
176 she may provide one (1) of the documents described in subsection
177 (2) of this section and one (1) of the following documents:

178 (a) The Individual Taxpayer Identification Number
179 (ITIN) issued by the Internal Revenue Service;

180 (b) Form I-94 issued to the applicant by the United
181 States Immigration and Naturalization Service;

182 (c) An Employment Authorization Card (EAC) issued to
183 the applicant by the United States Immigration and Naturalization
184 Service;

185 (d) A permanent Residence Card issued to the applicant
186 by the United States Immigration and Naturalization Service; or

187 (e) A stamp in a foreign passport issued by the United
188 States Immigration and Naturalization Service showing evidence of
189 lawful admission for permanent residence.

190 (4) The documents described in subsections (1) and (2) of
191 this section must include the applicant's name; if the applicant
192 has a spouse; the name of the applicant's spouse, or if the
193 applicant is a minor, the name of a parent or legal guardian.
194 These documents must also show the applicant's valid residence
195 address used on the application for the Mississippi driver's
196 license.



197 Each application or filing made under this section, except as
198 otherwise provided under Section 63-1-35(2), shall include the
199 social security number(s) of the application in accordance with
200 Section 93-11-64.

201 (* * *5) Whenever a person who has applied for or who has
202 been issued a license or permit under this article moves from the
203 address listed in the application or on the permit or license, or
204 whenever the name of a licensee changes by marriage or otherwise,
205 such person, within thirty (30) days thereafter, shall notify, in
206 writing, the Department of Public Safety, Driver Services
207 Division, and inform the department of his or her previous address
208 and new address and of his or her former name and new name. The
209 department shall not change the name of a licensee or permittee on
210 his or her license or permit unless the applicant appears in
211 person at an office of the department and provides a certified
212 copy of his or her marriage license, court order, birth
213 certificate or divorce decree changing the licensee's or
214 permittee's name.

215 (* * *6) (a) Any male who is at least eighteen (18) years
216 of age but less than twenty-six (26) years of age and who applies
217 for a permit or license or a renewal of a permit or license under
218 this chapter shall be registered in compliance with the
219 requirements of Section 3 of the Military Selective Service Act,
220 50 USCS Appx 451 et seq., as amended.



221 (b) The department shall forward in an electronic
222 format the necessary personal information of the applicant to the
223 Selective Service System. The applicant's submission of the
224 application shall serve as an indication that the applicant either
225 has already registered with the Selective Service System or that
226 he is authorizing the department to forward to the Selective
227 Service System the necessary information for registration. The
228 commissioner shall notify the applicant on, or as a part of, the
229 application that his submission of the application will serve as
230 his consent to registration with the Selective Service System, if
231 so required. The commissioner also shall notify any male
232 applicant under the age of eighteen (18) that he will be
233 registered upon turning age eighteen (18) as required by federal
234 law.

235 **SECTION 5.** The following shall be codified as Section
236 63-1-20, Mississippi Code of 1972:

237 63-1-20. (1) The Department of Public Safety may issue a
238 certificate for driving to persons whose presence in the United
239 States has been authorized by the federal government for a
240 specific purpose and for a specified period of authorized stay.
241 This certificate of driving shall be valid only during the period
242 of time of the applicant's authorized stay in the United States.
243 No certificate shall be issued for a period of less than one (1)
244 year or longer than five (5) years.



245 (2) In addition to the purpose set out under subsection (1)
246 of this section, the Department of Public Safety may issue a
247 certificate for driving to persons with a disability. For a
248 person to obtain a certificate of driving under this subsection
249 (2), the person shall complete the driving test but shall not have
250 to complete the written test. A certificate of driving under this
251 subsection (2) shall only be valid for travel to and from the
252 person's work. Such certificate shall be issued for a period of
253 four (4) years.

254 (3) Except as otherwise provided in this section, all laws
255 applicable to driver's licenses and financial responsibility shall
256 also apply to certificates for driving. All laws applicable to
257 convictions, suspensions, cancellations and revocations of
258 driver's licenses shall also apply to certificates for driving.

259 (4) Any applicant applying for a certificate for driving,
260 upon initial issuance, renewal or reinstatement, shall meet the
261 requirements of this section.

262 (5) For the purposes of this section, "certificate for
263 driving" means a certificate issued by the department to an
264 individual who does not satisfy the requirements of Section
265 63-1-35 to obtain a driver's license. A certificate for driving
266 shall be clearly distinguishable from a driver's license and shall
267 clearly display on its face a phrase substantially similar to:
268 "FOR DRIVING PURPOSES ONLY - NOT VALID FOR IDENTIFICATION."



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

