

By: Representatives McKnight, Busby

To: Transportation

HOUSE BILL NO. 971
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 63-1-49, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE TIME PERIOD DURING WHICH AN EXPIRED DRIVER'S LICENSE
3 MAY BE RENEWED WITHOUT EXAMINATION; TO CREATE A NEW SECTION OF LAW
4 TO PROVIDE THAT THE DEPARTMENT OF PUBLIC SAFETY SHALL BE THE STATE
5 AGENCY WITH RESPONSIBILITY FOR REGULATING CERTAIN DIGITAL WALLETS;
6 TO AMEND SECTION 63-1-216, MISSISSIPPI CODE OF 1972, TO PROHIBIT
7 ANY PERSON FROM DRIVING A COMMERCIAL MOTOR VEHICLE IF CONVICTED OF
8 ANY CRIME UNDER THE MISSISSIPPI HUMAN TRAFFICKING ACT OR ANY
9 FELONY INVOLVING A SEVERE FORM OF TRAFFICKING IN PERSONS AS
10 DEFINED BY FEDERAL LAW; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 63-1-49, Mississippi Code of 1972, is
13 amended as follows:

14 63-1-49. (1) An expired license issued pursuant to this
15 article may be renewed at any time within * * * sixty (60) months
16 after the expiration date of the license upon application and
17 payment of the required fee, and the payment of a delinquent fee
18 prescribed in Section 63-1-43, in lieu of a driver examination,
19 unless the holder of the expired license is required to be
20 examined, or unless the department has reason to believe the
21 licensee is no longer qualified to receive a license.



22 (2) (a) Any person in the Armed Services of the United
23 States, who holds a valid license issued pursuant to this chapter
24 and is out of state due to military service at the time the
25 license expires, may renew the license by mail or by online
26 renewal services while out of state due to military service or at
27 any time within ninety (90) days after being discharged from
28 military service or upon returning to the state without payment of
29 any delinquent fee or examination, unless the department has
30 reason to believe that the licensee is no longer qualified to
31 receive a license. The person shall make proof by affidavit of
32 the fact of the person's current military service or of the time
33 of discharge or return. The expiration of the license of a
34 military person under the provisions of this paragraph (a) shall
35 not affect the validity of the license, but the license shall
36 continue to be valid and permit the person to operate a motor
37 vehicle in this state for a period of ninety (90) days after
38 discharge from military service or return to the state or until
39 renewal of the license, whichever occurs first.

40 (b) The provisions of paragraph (a) of this subsection
41 (2) also apply to a dependent of a person in the Armed Services of
42 the United States who is out of state due to military service if
43 the dependent resides out of state with the Armed Services member
44 and the license of the dependent expires during the family
45 member's absence from the state. The Commissioner of Public
46 Safety may adopt such rules and regulations under the



47 Administrative Procedures Act as may be necessary to implement the
48 provisions of this paragraph.

49 (3) Any person holding a valid license issued pursuant to
50 this article who is going overseas for two (2) to four (4) years
51 and whose license will expire during the stay overseas may renew
52 the license for four (4) years or eight (8) years before leaving.
53 The person shall make proof by affidavit of the fact of the
54 overseas travel.

55 **SECTION 2.** The Department of Public Safety shall be the
56 state agency with responsibility for regulating a digital wallet
57 for state agency credentials. The Commissioner of Public Safety
58 may promulgate rules and regulations regarding such digital wallet
59 technology.

60 **SECTION 3.** Section 63-1-216, Mississippi Code of 1972, is
61 amended as follows:

62 63-1-216. (1) (a) A person shall be disqualified from
63 driving a commercial motor vehicle for a period of one (1) year if
64 the person's license or permit to drive has been administratively
65 suspended under Section 63-11-23 or the person has been convicted
66 of a first violation of:

67 (i) Operating, attempting to operate, or being in
68 actual physical control of a commercial motor vehicle on a highway
69 with an alcohol concentration of four one-hundredths percent
70 (0.04%) or more, or under the influence as provided in Section
71 63-11-30;



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

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

78 (iv) Refusal to submit to a test to determine the
79 operator's alcohol concentration, as provided in Title 63, Chapter
80 11, Mississippi Code of 1972;

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

86 (vi) Operating, attempting to operate, or being in
87 actual physical control of a motor vehicle on a highway when the
88 person is under the influence of any other drug or under the
89 combined influence of alcohol and any other drug to a degree which
90 renders the person incapable of driving safely as provided in
91 Section 63-11-30;

92 (vii) Operating or attempting to operate a
93 commercial motor vehicle while the license is revoked, suspended,
94 cancelled, or disqualified;

95 (viii) Operating a commercial motor vehicle in a
96 negligent manner resulting in a fatal injury.



97 (b) A person shall be disqualified from driving a
98 commercial motor vehicle for three (3) years if convicted of a
99 violation listed in subsection (1) of this section, if the
100 violation occurred while transporting a hazardous material
101 required to be placarded.

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

106 (d) A person shall be disqualified from driving a
107 commercial motor vehicle for a period of sixty (60) days if
108 convicted of two (2) serious traffic violations, or one hundred
109 twenty (120) days if convicted of three (3) serious traffic
110 violations, arising from separate incidents occurring within a
111 three-year period. A disqualification for three (3) serious
112 traffic violations must be imposed consecutively to any other
113 previous period of disqualification.

114 (e) A person shall be disqualified from driving a
115 commercial motor vehicle for life if the person uses a motor
116 vehicle in the commission of any offense under state or federal
117 law that is punishable by imprisonment for a term exceeding one
118 (1) year involving the manufacture, distribution, or dispensing of
119 a regulated drug, or possession with intent to manufacture,
120 distribute, or dispense a regulated drug and for which the person
121 was convicted.



122 (f) A person who is disqualified from driving a
123 commercial motor vehicle shall surrender the person's Mississippi
124 commercial driver's license no later than the effective date of
125 the disqualification. Upon receipt of the person's commercial
126 driver's license, that person, if otherwise eligible, may apply
127 for a non-CDL, and upon payment of sufficient fees receive the
128 driver's license.

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

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

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

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



146 subsequent railroad-highway grade crossing violation in separate
147 incidents.

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

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

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

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

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



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

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

181 (e) A person's privilege to operate a commercial motor
182 vehicle in the State of Mississippi shall be suspended for life if
183 the person uses a commercial motor vehicle in the commission of
184 any offense under state or federal law that is punishable by
185 imprisonment for a term exceeding one (1) year, involving the
186 manufacture, distribution, or dispensing of a regulated drug, or
187 possession with intent to manufacture, distribute, or dispense a
188 regulated drug, and for which the person was convicted.

189 (f) In addition to the reasons specified in this
190 section for suspension of the commercial driver's license, the
191 commissioner shall be authorized to suspend the commercial
192 driver's license of any person for being out of compliance with an
193 order for support, as defined in Section 93-11-153. The procedure
194 for suspension of a commercial driver's license for being out of



195 compliance with an order for support, and the procedure for the
196 reissuance or reinstatement of a commercial driver's license
197 suspended for that purpose, and the payment of any fees for the
198 reissuance or reinstatement of a commercial driver's license
199 suspended for that purpose, shall be governed by Section 93-11-157
200 or 93-11-163, as the case may be. If there is any conflict
201 between any provision of Section 93-11-157 or 93-11-163 and any
202 provision of this article, the provisions of Section 93-11-157 or
203 93-11-163, as the case may be, shall control.

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

209 **SECTION 4.** Section 1 of this act shall take effect and be in
210 force from and after its passage, and the remainder of this act
211 shall take effect and be in force from and after July 1, 2022.

