

By: Representative Busby

To: Transportation

HOUSE BILL NO. 1074

1 AN ACT TO BRING FORWARD SECTIONS 63-1-208, 63-1-210 AND
2 63-1-211, MISSISSIPPI CODE OF 1972, WHICH PERTAIN TO INTRASTATE
3 COMMERCIAL DRIVER'S LICENSES, FOR PURPOSES OF POSSIBLE AMENDMENT;
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 63-1-208, Mississippi Code of 1972, is
7 brought forward as follows:

8 63-1-208. (1) Except as otherwise provided, the
9 commissioner shall not issue a commercial driver's license and
10 commercial learner's permit to any person under the age of
11 twenty-one (21) years.

12 (2) No person may be issued a commercial driver's license
13 unless that person is domiciled in this state and has passed a
14 knowledge and skills test for driving a commercial motor vehicle
15 which complies with minimum federal standards established by
16 federal regulation enumerated in 49 CFR, Part 383, subparts F, G
17 and H and has satisfied all other requirements of Title XII of
18 Public Law 99-570 in addition to other requirements imposed by
19 state law or federal regulation. The tests shall be prescribed



20 and conducted by the commissioner. If the applicant wishes to
21 have a hazardous materials endorsement, the written test for a
22 hazardous materials endorsement must be taken and passed. In
23 addition, the applicant must successfully complete the security
24 threat assessment required by 49 CFR, Part 1572.

25 (3) (a) Any person who has been certified to provide
26 commercial driver's license testing by the International Driver
27 Examiner Certification (IDEC) program administered by the American
28 Association of Motor Vehicle Administrators (AAMVA) shall, for
29 purposes of this section, be defined as a certified third party
30 examiner (CTPE). In addition, the commissioner shall authorize
31 any person, including an agency of this or another state, an
32 employer, a private driver training facility, or other private
33 institution, or a department, agency or instrumentality of local
34 government, to administer the knowledge and skills test specified
35 by this section, provided:

36 (i) The test is the same as would otherwise be
37 administered by the state; and

38 (ii) Either: 1. The third party has entered into
39 an agreement with this state which complies with requirements of
40 49 CFR, Part 383.75; or

41 2. The third party is a CTPE as defined in
42 this subsection. The CTPE shall not be a direct employee of a
43 trucking company.



44 (b) A CTPE performing testing under this section shall
45 not be liable for any claim sounding in tort arising out of such
46 testing.

47 (4) A skills test may be waived as follows:

48 (a) The commissioner, by rules adopted pursuant to the
49 Mississippi Administrative Procedures Law, shall provide for a
50 waiver of the skills test specified in this section for a
51 commercial driver's license applicant who meets the requirements
52 of 49 CFR, Part 383.77;

53 (b) The rules may establish deadlines by which
54 applicants must claim entitlement and qualification to skills test
55 waivers and may provide for the scheduling of group knowledge
56 testing;

57 (c) The commissioner shall adopt rules and regulations
58 to carry out the provisions of this subsection (4) as soon as
59 practicable after July 1, 2017, but in any case no later than July
60 1, 2018.

61 (5) A commercial learner's permit shall be issued as
62 follows:

63 (a) A commercial learner's permit may be issued to an
64 individual who holds a valid Mississippi driver's license who has
65 passed the vision and written tests required for the class of
66 license authorizing the operation of the type of vehicle for which
67 the permit application is being made;



68 (b) The commercial learner's permit shall be issued for
69 a period of six (6) months for the fee prescribed in Section
70 63-1-43. Only one (1) renewal or reissuance may be granted within
71 a two-year period. The holder of a commercial learner's permit
72 may, unless otherwise disqualified, drive a commercial motor
73 vehicle on a highway only when accompanied by the holder of a
74 commercial driver's license valid for the type of vehicle driven
75 who occupies a seat beside the individual for the purpose of
76 giving instruction in driving the commercial motor vehicle.

77 (6) A commercial driver's license or commercial learner's
78 permit may not be issued to a person while the person is subject
79 to a disqualification from driving a commercial motor vehicle, or
80 while the person's driver's license is suspended, revoked or
81 cancelled in any state. A driver's license may not be issued to a
82 person who has a commercial driver's license issued by any state
83 unless the person first surrenders all driver's licenses issued by
84 any state, which licenses shall be returned to the issuing states
85 for cancellation.

86 (7) A person shall be entitled to take the test for a
87 commercial driver's license unless the person's driver's license
88 is, at the time of the requested test, suspended, revoked,
89 cancelled or disqualified in any other state.

90 (8) Notwithstanding any requirement imposed by state law or
91 state or federal regulations restricting the issuance of a
92 commercial driver's license to a person suffering from diabetes, a



93 person suffering from diabetes may be issued a commercial driver's
94 license if the person otherwise meets all qualifications for
95 issuance provided:

96 (a) The driver is physically examined every year,
97 including an examination by a board-certified/eligible
98 endocrinologist attesting to the fact that the driver is:

99 (i) Free of insulin reactions (an individual is
100 free of insulin reactions if that individual does not have severe
101 hypoglycemia or hypoglycemia unawareness, and has less than one
102 (1) documented, symptomatic hypoglycemic reaction per month);

103 (ii) Able to and has demonstrated willingness to
104 properly monitor and manage the person's diabetes; and

105 (iii) Not likely to suffer any diminution in
106 driving ability due to the person's diabetic condition.

107 (b) The driver agrees to and complies with the
108 following conditions:

109 (i) A source of rapidly absorbable glucose shall
110 be carried at all times while driving;

111 (ii) Blood glucose levels shall be self-monitored
112 one (1) hour prior to driving and at least once every four (4)
113 hours while driving or on duty prior to driving using a portable
114 glucose monitoring device equipped with a computerized memory;

115 (iii) Submit blood glucose logs to the
116 endocrinologist or medical examiner at the annual examination or
117 when otherwise directed by the Department of Public Safety;



(iv) Provide a copy of the endocrinologist's report to the medical examiner at the time of the annual medical examination; and

(v) Provide a copy of the annual medical certification to the person's employer for retention in the driver's qualification file and retain a copy of the certification on his person while driving for presentation to a duly authorized federal, state or local enforcement official.

(c) The commercial license issued under this subsection (8) will bear an endorsement restricting commercial driving on the license to driving only within the boundaries of Mississippi.

(9) The fees for all licenses, permits, renewals and endorsements shall be as prescribed in Section 63-1-43.

SECTION 2. Section 63-1-210, Mississippi Code of 1972, is brought forward as follows:

63-1-210. (1) The application for a commercial driver's license or commercial learner's permit shall include the following:

(a) The full name and current mailing and residential addresses of the person.

(b) A physical description of the person, including sex, height and weight.

(c) Date of birth.

(d) The applicant's social security number.

(e) The person's signature.



(f) Certifications that:

(i) For an applicant who operates or expects to operate in interstate or foreign commerce or who is otherwise subject to 49 CFR, Part 391, the applicant meets the qualification requirements contained in Part 391; or for an applicant who operates or expects to operate entirely in intrastate commerce and who is not subject to Part 391, that the applicant is subject to state driver qualification requirements and is not subject to Part 391;

(ii) The motor vehicle in which the applicant's skills test will be taken is representative of the type of motor vehicle that the applicant operates or expects to operate;

(iii) The applicant is not subject to any disqualification under 49 CFR, Part 385.51, or any license suspension, revocation, or cancellation under state law; and

(iv) The applicant does not have a driver's license from more than one (1) state or jurisdiction.

(g) Any other information required by the commissioner, including, but not limited to, the names of all states or jurisdictions where the applicant has been licensed to operate any type of motor vehicle during the previous ten (10) years.

(h) The application shall be accompanied by a fee as prescribed in Section 63-1-43.

(2) When a licensee or permittee changes his or her name, mailing address, or residence or in the case of the loss,



168 mutilation, or destruction of a license or permit, the licensee or
169 permittee shall notify the commissioner within sixty (60) days and
170 apply in person for a duplicate license or permit in the same
171 manner as set forth in subsection (1) of this section. The fee
172 for a duplicate license or permit shall be as prescribed in
173 Section 63-1-43.

174 (3) A person who has been a resident of this state for more
175 than thirty (30) days shall not drive a commercial motor vehicle
176 under the authority of a commercial driver's license issued by
177 another jurisdiction.

178 (4) Any person who knowingly falsifies information or
179 certifications required under subsection (1) of this section shall
180 have the person's commercial driver's license revoked. Such
181 persons may reapply for a commercial driver's license no sooner
182 than sixty (60) days after the revocation.

183 (5) (a) Any male who is at least eighteen (18) years of age
184 but less than twenty-six (26) years of age and who applies for or
185 renews a commercial driver's license or renewal of a commercial
186 learner's permit under this article shall be registered in
187 compliance with the requirements of Section 3 of the Military
188 Selective Service Act, 50 USCS Appx. 451 et seq., as amended.

189 (b) The department shall forward in an electronic
190 format the necessary personal information of the applicant to the
191 Selective Service System. The applicant's submission of the
192 application shall serve as an indication that the applicant either



has already registered with the Selective Service System or that he is authorizing the department to forward to the Selective Service System the necessary information for registration. The commissioner shall notify the applicant on, or as a part of, the application that his submission of the application will serve as his consent to registration with the Selective Service System, if so required. The commissioner also shall notify any male applicant under the age of eighteen (18) that he will be registered upon turning age eighteen (18) as required by federal law.

SECTION 3. Section 63-1-211, Mississippi Code of 1972, is brought forward as follows:

63-1-211. (1) **Contents of license.** A commercial driver's license shall be marked "commercial driver's license" or "CDL," and shall be, to the maximum extent practicable, tamper proof, and shall include, but not be limited to, the following information:

- (a) The name and residential address of the person.
- (b) The person's color photograph or imaged likeness.
- (c) A physical description of the person including sex, height, and weight.
- (d) Date of birth.
- (e) Any number or identifier deemed appropriate by the commissioner.
- (f) The person's signature.



(g) The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions.

(h) The name of this state.

(i) The dates between which the license is valid.

(2) **Classifications, endorsements and restrictions.**

Driver's licenses may be issued with the following classifications, endorsements, and restrictions:

(a) **Classifications.** Licensees may drive all vehicles in the class for which the license is issued and all lesser classes of vehicles, except those requiring special endorsements.

(i) Class A - Any combination of vehicles with a gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, provided the gross vehicle weight rating of the vehicle being towed is in excess of ten thousand (10,000) pounds.

(ii) Class B - Any single vehicle with a gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, and any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds.

(iii) Class C - Any single vehicle with a gross vehicle weight rating of less than twenty-six thousand one (26,001) pounds:

1. Vehicles designed to transport sixteen (16) or more passengers, including the driver; and



241 2. Vehicles used in the transportation of
242 hazardous materials as defined in Section 63-1-203.

243 (iv) Class D - Class D licenses are not commercial
244 driver's licenses and shall be governed by the provisions of
245 Section 63-1-5.

246 (b) Licenses may be issued with appropriate
247 endorsements and restrictions noted thereon. The commissioner
248 shall determine the manner of notation. Endorsements and
249 restrictions may include, but are not limited to, those which:

250 (i) Authorize a driver to drive a vehicle
251 transporting hazardous materials;

252 (ii) Restrict the driver to vehicles not equipped
253 with air brakes when the person either fails the air brake
254 component of the knowledge test or performs the skills test in a
255 vehicle not equipped with air brakes;

256 (iii) Authorize driving motorcycles that are not
257 autocycles as defined in Section 63-3-103;

258 (iv) Authorize driving tank vehicles;

259 (v) Authorize driving vehicles carrying
260 passengers;

261 (vi) Authorize driving school buses;

262 (vii) Authorize driving double trailers;

263 (viii) Restrict the driver to operation solely
264 within this state. A commercial driver's license or commercial



265 learner's permit with this restriction may be issued to any person
266 who has attained the age of eighteen (18) years.

267 (3) Before issuing a commercial driver's license, the
268 commissioner shall request the applicant's complete operating
269 record from any state in which the applicant was previously
270 licensed to operate any type of motor vehicle in the past ten (10)
271 years, conduct a check of the applicant's operating record by
272 querying the national driver register, established under 49 USCS
273 Section 30302, and the Commercial Driver's License Information
274 System, established under 49 USCS Section 31309, to determine if:

275 (a) The applicant has already been issued a commercial
276 driver's license; and the applicant's commercial driver's license
277 has been suspended, revoked, or canceled;

278 (b) The applicant had been convicted of any offenses
279 contained in Section 205(a)(3) of the National Driver Register Act
280 of 1982 (23 USCS Section 401 note).

281 (4) Within ten (10) days after issuing a commercial driver's
282 license, the commissioner shall notify the Commercial Driver
283 License Information System of that fact, providing all information
284 required to ensure identification of the person.

285 (5) The commercial driver's license shall expire in the
286 manner set forth in Section 63-1-47.

287 (6) When applying for renewal of a commercial driver's
288 license, the applicant shall complete the application form
289 required by Section 63-1-210, providing updated information and



required certifications. The department shall provide online renewals of a commercial driver's license as long as the renewal meets standards set forth in 49 CFR, Parts 383 and 384. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed. In addition, the applicant must successfully complete the security threat assessment required by 49 CFR, Part 1572. If notice is received from the United States Transportation Security Administration that the applicant poses a security risk, the commissioner shall refuse to issue, or revoke within fifteen (15) days of receipt of the notice, a hazardous materials endorsement.

(7) The department shall provide a means for electronic transmission of a medical card and may charge a vendor convenience fee in an amount not to exceed Two Dollars and Fifty Cents (\$2.50) per transmission. The department shall upload medical card information to the Commercial Driver License Information System within five (5) days of receiving the updated medical card information. In addition, within twenty-four (24) hours of such upload, the department shall notify the license holder by regular mail or electronically and request that receipt be acknowledged by the license holder. If receipt is not acknowledged by the license holder, the department shall exhaust any available means to contact the license holder.

SECTION 4. This act shall take effect and be in force from and after July 1, 2022.

