

By: Representative Arnold

To: Judiciary B

HOUSE BILL NO. 1210

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
4 ACT; AND FOR RELATED PURPOSES.

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

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

8 63-1-216. (1) (a) A person shall be disqualified from
9 driving a commercial motor vehicle for a period of one (1) year if
10 the person's license or permit to drive has been administratively
11 suspended under Section 63-11-23 or the person has been convicted
12 of a first violation of:

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



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

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

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

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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

150 (3) A person shall be disqualified from driving a commercial
151 motor vehicle for life if the person is convicted of any crime
152 under the Mississippi Human Trafficking Act in Sections 97-3-54 et
153 seq.

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

