

By: Senator(s) Sojourner, McDaniel

To: Judiciary, Division B;  
Highways and Transportation

SENATE BILL NO. 2394

1 AN ACT TO AMEND SECTION 63-1-208, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE PERSONS POSSESSING CERTAIN FEDERALLY APPROVED  
3 MILITARY DOCUMENTATION OF COMMERCIAL DRIVING EXPERIENCE TO APPLY  
4 FOR A COMMERCIAL DRIVER'S LICENSE LEARNING PERMIT; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** Section 63-1-208, Mississippi Code of 1972, is  
8 amended as follows:

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

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



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

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

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

39 (ii) Either: 1. The third party has entered into  
40 an agreement with this state which complies with requirements of  
41 49 CFR, Part 383.75; or

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



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

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

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

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

58 (c) The commissioner shall adopt rules and regulations  
59 to carry out the provisions of this subsection (4) as soon as  
60 practicable after July 1, 2017, but in any case no later than July  
61 1, 2018.

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

64 (a) A commercial learner's permit may be issued to an  
65 individual who holds a valid Mississippi driver's license or who  
66 holds United States military driving credentials that satisfy the  
67 requirements of 49 CFR, Part 383, if the person has passed the  
68 vision and written tests required for the class of license



69 authorizing the operation of the type of vehicle for which the  
70 permit application is being made;

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

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

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



93 (8) Notwithstanding any requirement imposed by state law or  
94 state or federal regulations restricting the issuance of a  
95 commercial driver's license to a person suffering from diabetes, a  
96 person suffering from diabetes may be issued a commercial driver's  
97 license if the person otherwise meets all qualifications for  
98 issuance provided:

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

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

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

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

110 (b) The driver agrees to and complies with the  
111 following conditions:

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

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



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

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

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

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

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

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

