

By: Representative Karriem

To: Judiciary B

HOUSE BILL NO. 924

1 AN ACT TO AUTHORIZE THE ISSUANCE OF A HARDSHIP DRIVER'S
 2 LICENSE TO A PERSON WHOSE LICENSE HAS BEEN SUSPENDED AS A RESULT
 3 OF BEING OUT OF COMPLIANCE WITH AN ORDER FOR SUPPORT; TO REQUIRE A
 4 PERSON TO ESTABLISH PROOF OF HARDSHIP; TO AMEND SECTION 63-1-43,
 5 MISSISSIPPI CODE OF 1972, TO ESTABLISH A FEE FOR A HARDSHIP
 6 LICENSE AND PROVIDE THAT A PERSON HOLDING A HARDSHIP LICENSE MAY
 7 ONLY DRIVE TO WORK AND RELIGIOUS SERVICES; TO AMEND SECTION
 8 63-1-47, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE TERM OF A
 9 HARDSHIP LICENSE SHALL BE FOUR YEARS; TO AMEND SECTIONS 63-1-5 AND
 10 93-11-157, MISSISSIPPI CODE OF 1972, IN CONFORMITY WITH THE
 11 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** (1) Whenever a person's driver's license has
 14 been suspended under Section 93-11-157 or 93-11-163 for being out
 15 of compliance with an order for support, such person may petition
 16 the chancery court in which the licensee resides or the Chancery
 17 Court of the First Judicial District of Hinds County, Mississippi,
 18 for an order authorizing such person to be issued a hardship
 19 license.

20 (2) (a) The court may grant the person hardship driving
 21 privileges if it finds reasonable cause to believe that suspension



22 of full driving privileges would hinder the person's ability to
23 continue his or her employment.

24 (b) Proof of the hardship shall be established by clear
25 and convincing evidence, which shall be supported by independent
26 documentation, and must include a recommendation letter from the
27 Mississippi Department of Human Services stating they have reason
28 to believe the person should receive a hardship license.

29 (3) Upon receiving a court order that grants a person
30 hardship driving privileges, the person shall take the order and a
31 hardship driver's license application form, prescribed by the
32 Mississippi Department of Public Safety, to a driver's licensing
33 location to be issued a hardship driver's license.

34 (4) The hardship driver's license issued under this section
35 shall be developed by the Mississippi Department of Public Safety
36 and shall look substantially different from a regular driver's
37 license.

38 (5) A hardship license cannot be issued to an applicant to
39 operate a commercial motor vehicle.

40 (6) (a) The Mississippi Department of Human Services shall
41 adopt regulations to carry out the provisions of subsection (2)(b)
42 of this section.

43 (b) The Mississippi Department of Public Safety shall
44 adopt regulations as necessary to carry out the provisions of this
45 section.



46 **SECTION 2.** Section 63-1-43, Mississippi Code of 1972, is
47 amended as follows:

48 63-1-43. (1) The commissioner shall charge and collect the
49 following fees:

50 (a) Fees to which the card stock fee authorized in
51 Section 45-1-21 shall be added:

52 Class R original or renewal four-year license
53 authorized in Section 63-1-5.....\$18.00

54 Class R original or renewal eight-year license
55 authorized in Section 63-1-5.....\$36.00

56 Class D original or renewal four-year license
57 authorized in Section 63-1-47.....\$23.00

58 Class D original or renewal eight-year license
59 authorized in Section 63-1-47.....\$46.00

60 Four-year Identification Card authorized in
61 Section 45-35-7.....\$11.00

62 Eight-year Identification Card authorized in
63 Section 45-35-7.....\$22.00

64 Eight-year Identification Card for the blind
65 authorized in Section 45-35-7.....\$11.00

66 Four-year Disability Identification Card authorized in
67 Section 45-35-53.....\$11.00

68 Learner's Permit authorized in
69 Section 63-1-21.....\$ 1.00

70 Duplicate Identification Card or Disability



71 Identification Card.....\$ 5.00
 72 Duplicate Class R or Class D license
 73 authorized in Section 63-1-37.....\$ 5.00
 74 Class A, B or C Commercial driver's license
 75 authorized in Section 63-1-208.....\$48.00
 76 CDL Learner's Permit authorized in Section 63-1-208....\$10.00
 77 Duplicate CDL or CDL learner's permit.....\$ 5.00
 78 Ignition-Interlock-Restricted License
 79 authorized in Section 63-11-31.....\$50.00
 80 (b) Driver services fees to which the card stock fee
 81 authorized in Section 45-1-21 is not added:
 82 Temporary Motorcycle Permit.....\$ 1.00
 83 Four-year or eight-year Motorcycle Endorsement.....\$ 5.00
 84 Late Renewal Fee.....\$ 1.00
 85 Four-year Identification Card upon medical reason for
 86 surrender of a driver's license as authorized in
 87 Section 45-35-7 (one (1) time only).....No fee
 88 Hazardous Materials Background Check (federal).....\$63.00
 89 Hazardous Materials Background Check (state).....\$37.00
 90 CDL Application Fee.....\$25.00
 91 CDL Endorsements:
 92 Tanker Endorsement.....\$ 5.00
 93 Doubles/Triples Endorsement.....\$ 5.00
 94 Passenger Endorsement.....\$ 5.00
 95 Hazardous Materials Endorsement.....\$ 5.00



96 School Bus Endorsement.....\$ 5.00
97 Hardship License authorized in Section 1 of this act...\$25.00

98 (c) In addition to the fees required in this section,
99 an applicant may contribute an additional One Dollar (\$1.00) which
100 shall be deposited into the Statewide Litter Prevention Fund. The
101 applicant shall be informed that he may contribute an additional
102 One Dollar (\$1.00) which shall be deposited into the Statewide
103 Litter Prevention Fund and shall be expended solely for the
104 purpose of funding litter prevention projects or litter education
105 programs, as recommended by the Statewide Litter Prevention
106 Program of Keep Mississippi Beautiful, Inc.

107 (d) Starting January 1, 2021, for any original or
108 renewal license for which the fee is greater than Ten Dollars
109 (\$10.00), if the applicant brings all required documentation but
110 does not receive his or her license within two and one-half
111 (2-1/2) hours of entering and remaining at the license station,
112 Ten Dollars (\$10.00) shall be deducted from the total amount owed
113 for the license.

114 (2) All originals and renewals of operators' licenses shall
115 be in compliance with Section 63-1-47.

116 **SECTION 3.** Section 63-1-47, Mississippi Code of 1972, is
117 amended as follows:

118 63-1-47. (1) (a) Except as otherwise provided in this
119 section, each applicant for an original or renewal Class R or
120 Class D license issued pursuant to this article, who is entitled



121 to issuance of same, shall be issued a four-year license or an
122 eight-year license, at the option of the applicant, which will
123 expire at midnight on the licensee's birthday and may be renewed
124 any time within six (6) months before the expiration of the
125 license upon application and payment of the required fee, unless
126 required to be reexamined.

127 (b) The term of an ignition-interlock-restricted
128 license issued under this article shall be four (4) years.

129 (c) The term of a hardship license issued under Section
130 1 of this act shall be four (4) years.

131 (2) Any commercial driver's license issued under Article 5
132 of this chapter shall be issued for a five-year term to expire at
133 midnight on the licensee's birthday.

134 (3) (a) All applications by an operator under eighteen (18)
135 years of age must be accompanied by documentation that the
136 applicant is in compliance with the education requirements of
137 Section 63-1-9(1)(g), and the documentation used in establishing
138 compliance must be dated no more than thirty (30) days before the
139 date of application.

140 (b) All applications by an operator under eighteen (18)
141 years of age, if applicable, must be accompanied by documentation
142 signed and notarized by the parent or guardian of the applicant
143 and the appropriate school official, authorizing the release of
144 the applicant's attendance records to the Department of Public
145 Safety as required under Section 63-1-10.



146 (c) The commissioner shall suspend the driver's license
147 or learner's permit of a student under eighteen (18) years of age
148 who has been reported by the Department of Education as required
149 by Section 63-1-10.1, and shall give notice of the suspension to
150 the licensee as provided in Section 63-1-52(4). A school
151 superintendent or designee may request that the driver's license
152 or learner's permit that has been suspended under the provisions
153 of this subsection be reinstated after the student has
154 successfully completed nine (9) weeks of school attendance without
155 an unlawful absence.

156 (4) (a) Any original or renewal license issued under this
157 chapter to a person who is not a United States citizen shall
158 expire four (4) years from the date of issuance or on the
159 expiration date of the applicant's authorized stay in the United
160 States, whichever is the lesser period of time, and may be
161 renewed, if the person is otherwise qualified to renew the
162 license, within thirty (30) days of expiration. The fee for any
163 such license and for renewal shall be as prescribed in Section
164 63-1-43.

165 (b) Any applicant for an original or renewal license
166 under this subsection (4) must present valid documentary evidence
167 documenting that the applicant:

168 (i) Is a citizen or national of the United States;

169 (ii) Is an alien lawfully admitted for permanent

170 or temporary residence in the United States;



171 (iii) Has conditional permanent residence status
172 in the United States;

173 (iv) Has an approved application for asylum in the
174 United States or has entered into the United States in refugee
175 status;

176 (v) Has a valid, unexpired nonimmigrant visa or
177 nonimmigrant visa status for entry into or lawful presence in the
178 United States;

179 (vi) Has a pending application for asylum in the
180 United States;

181 (vii) Has a pending or approved application for
182 temporary protected status in the United States;

183 (viii) Has approved deferred-action status;

184 (ix) Has a pending application for adjustment of
185 status to that of an alien lawfully admitted for permanent
186 residence in the United States or conditional permanent resident
187 status in the United States; or

188 (x) Has a valid employment authorization card
189 issued by the United States Department of Homeland Security.

190 (5) For any driver's license issued under this chapter, the
191 Department of Public Safety shall send an email and text message
192 notification of an upcoming driver's license expiration date to
193 the known emails and phone numbers authorized by license holders
194 for such notices not less than thirty (30) days before the
195 expiration date of that license.



196 **SECTION 4.** Section 63-1-5, Mississippi Code of 1972, is
197 amended as follows:

198 63-1-5. (1) (a) No person shall drive or operate a motor
199 vehicle or an autocycle as defined in Section 63-3-103 upon the
200 highways of the State of Mississippi without first securing an
201 operator's license to drive on the highways of the state, unless
202 specifically exempted by Section 63-1-7.

203 (b) The types of operator's licenses are:

204 (i) Class R;

205 (ii) Class D;

206 (iii) Class A, B or C commercial license governed
207 by Article 5 of this chapter; * * *

208 (iv) Interlock-restricted license as prescribed in
209 Section 63-11-31 * * *; and

210 (v) Hardship license as authorized in Section 1 of
211 this act.

212 (2) (a) Every person who makes application for an original
213 license or a renewal license to operate any single vehicle with a
214 gross weight rating of less than twenty-six thousand one (26,001)
215 pounds or any vehicle towing a vehicle with a gross vehicle weight
216 rating not in excess of ten thousand (10,000) pounds other than
217 vehicles included in Class C, vehicles which require a special
218 endorsement, or to operate a vehicle as a common carrier by motor
219 vehicle, taxicab, passenger coach, dray, contract carrier or
220 private commercial carrier as defined in Section 27-19-3, other



221 than those vehicles for which a Class A, B or C license is
222 required under Article 5 of this chapter, may, in lieu of the
223 Class R regular driver's license, apply for and obtain a Class D
224 driver's license. The fee for the issuance of a Class D driver's
225 license shall be as set forth in Section 63-1-43 and the Class D
226 license shall be valid for the term prescribed in Section 63-1-47.
227 Except as required under Article 5 of this chapter, no driver of a
228 pickup truck shall be required to have a Class D or a commercial
229 license regardless of the purpose for which the pickup truck is
230 used.

231 (b) Persons operating vehicles listed in paragraph (a)
232 of this subsection for private purposes or in emergencies need not
233 obtain a Class D license.

234 (3) An interlock-restricted license allows a person to drive
235 only a motor vehicle equipped with an ignition-interlock device.

236 (4) A person who violates this section is guilty of a
237 misdemeanor and, upon conviction, may be punished by imprisonment
238 for not less than two (2) days nor more than six (6) months, by a
239 fine of not less than Two Hundred Dollars (\$200.00) nor more than
240 Five Hundred Dollars (\$500.00), or both.

241 **SECTION 5.** Section 93-11-157, Mississippi Code of 1972, is
242 amended as follows:

243 93-11-157. (1) The division shall review the information
244 received under Section 93-11-155 and any other information
245 available to the division, and shall determine if a licensee is



246 out of compliance with an order for support. If a licensee is out
247 of compliance with the order for support, the division shall
248 notify the licensee by first class mail that ninety (90) days
249 after the licensee receives the notice of being out of compliance
250 with the order, the licensing entity will be notified to
251 immediately suspend the licensee's license unless the licensee
252 pays the arrearage owing, according to the accounting records of
253 the Mississippi Department of Human Services or the attorney
254 representing the party to whom support is due, as the case may be,
255 or enters into a stipulated agreement and agreed judgment
256 establishing a schedule for the payment of the arrearage. The
257 licensee shall be presumed to have received the notice five (5)
258 days after it is deposited in the mail.

259 (2) Upon receiving the notice provided in subsection (1) of
260 this section the licensee may:

261 (a) Request a review with the division; however, the
262 issues the licensee may raise at the review are limited to whether
263 the licensee is the person required to pay under the order for
264 support and whether the licensee is out of compliance with the
265 order for support; or

266 (b) Request to participate in negotiations with the
267 division for the purpose of establishing a payment schedule for
268 the arrearage.

269 (3) The division director or the designees of the division
270 director may and, upon request of a licensee, shall negotiate with



271 a licensee to establish a payment schedule for the arrearage.
272 Payments made under the payment schedule shall be in addition to
273 the licensee's ongoing obligation under the latest entered
274 periodic order for support.

275 (4) Should the division and the licensee reach an agreement
276 on a payment schedule for the arrearage, the division director may
277 submit to the court a stipulated agreement and agreed judgment
278 containing the payment schedule which, upon the court's approval,
279 is enforceable as any order of the court. If the court does not
280 approve the stipulated agreement and agreed judgment, the court
281 may require a hearing on a case-by-case basis for the judicial
282 review of the payment schedule agreement.

283 (5) If the licensee and the division do not reach an
284 agreement on a payment schedule for the arrearage, the licensee
285 may move the court to establish a payment schedule. However, this
286 action does not stay the license suspension.

287 (6) The notice given to a licensee that the licensee's
288 license will be suspended in ninety (90) days must clearly state
289 the remedies and procedures that are available to a licensee under
290 this section.

291 (7) If at the end of the ninety (90) days the licensee has
292 an arrearage according to the accounting records of the
293 Mississippi Department of Human Services or the attorney
294 representing the party to whom support is due, as the case may be,
295 and the licensee has not entered into a stipulated agreement and



296 agreed judgment establishing a payment schedule for the arrearage,
297 the division shall immediately notify all applicable licensing
298 entities in writing to suspend the licensee's license, and the
299 licensing entities shall immediately suspend the license and shall
300 within three (3) business days notify the licensee and the
301 licensee's employer, where known, of the license suspension and
302 the date of such suspension by certified mail return receipt
303 requested. Within forty-eight (48) hours of receipt of a request
304 in writing delivered personally, by mail or by electronic means,
305 the department shall furnish to the licensee, licensee's attorney
306 or other authorized representative a copy of the department's
307 accounting records of the licensee's payment history. A licensing
308 entity shall immediately reinstate the suspended license upon the
309 division's notification of the licensing entities in writing that
310 the licensee no longer has an arrearage or that the licensee has
311 entered into a stipulated agreement and agreed judgment.

312 (8) Within thirty (30) days after a licensing entity
313 suspends the licensee's license at the direction of the division
314 under subsection (7) of this section, the licensee may appeal the
315 license suspension to the chancery court of the county in which
316 the licensee resides or to the Chancery Court of the First
317 Judicial District of Hinds County, Mississippi, upon giving bond
318 with sufficient sureties in the amount of Two Hundred Dollars
319 (\$200.00), approved by the clerk of the chancery court and
320 conditioned to pay any costs that may be adjudged against the



321 licensee. Notice of appeal shall be filed in the office of the
322 clerk of the chancery court. If there is an appeal, the appeal
323 may, in the discretion of and on motion to the chancery court, act
324 as a supersedeas of the license suspension. The department shall
325 be the appellee in the appeal, and the licensing entity shall not
326 be a party in the appeal. The chancery court shall dispose of the
327 appeal and enter its decision within thirty (30) days of the
328 filing of the appeal. The hearing on the appeal may, in the
329 discretion of the chancellor, be tried in vacation. The decision
330 of the chancery court may be appealed to the Supreme Court in the
331 manner provided by the rules of the Supreme Court. In the
332 discretion of and on motion to the chancery court, no person shall
333 be allowed to practice any business, occupation or profession or
334 take any other action under the authority of any license the
335 suspension of which has been affirmed by the chancery court while
336 an appeal to the Supreme Court from the decision of the chancery
337 court is pending.

338 (9) If a licensee who has entered a stipulated agreement and
339 agreed judgment for the payment of an arrearage under this section
340 subsequently is out of compliance with an order for support, the
341 division shall immediately notify the licensing entity to suspend
342 the licensee's license, and the licensing entity shall immediately
343 suspend the license without a hearing and shall within three (3)
344 business days notify the licensee in writing of the license
345 suspension. In the case of a license suspension under the



346 provisions of this subsection, the procedures provided for under
347 subsections (1) and (2) of this section are not required; however,
348 the appeal provisions of subsection (8) of this section still
349 apply. After suspension of the license, if the licensee
350 subsequently enters into a stipulated agreement and agreed
351 judgment or the licensee otherwise informs the division of
352 compliance with the order for support, the division shall within
353 seven (7) days notify in writing the licensing entity that the
354 licensee is in compliance. Upon receipt of that notice from the
355 division, a licensing entity shall immediately reinstate the
356 license of the licensee and shall within three (3) business days
357 notify the licensee of the reinstatement.

358 (10) Nothing in this section prohibits a licensee from
359 filing a motion for the modification of an order for support or
360 for any other applicable relief. However, no such action shall
361 stay the license suspension procedure, except as may be allowed
362 under subsection (8) of this section.

363 (11) If a license is suspended under the provisions of this
364 section, the licensing entity is not required to refund any fees
365 paid by a licensee in connection with obtaining or renewing a
366 license.

367 (12) The requirement of a licensing entity to suspend a
368 license under this section does not affect the power of the
369 licensing entity to deny, suspend, revoke or terminate a license
370 for any other reason.



371 (13) The procedure for suspension of a license for being out
372 of compliance with an order for support, and the procedure for the
373 reissuance or reinstatement of a license suspended for that
374 purpose, shall be governed by this section and not by the general
375 licensing and disciplinary provisions applicable to a licensing
376 entity, except as provided in Section 1 of this act. Actions
377 taken by a licensing entity in suspending a license when required
378 by this section are not actions from which an appeal may be taken
379 under the general licensing and disciplinary provisions applicable
380 to the licensing entity. Any appeal of a license suspension that
381 is required by this section shall be taken in accordance with the
382 appeal procedure specified in subsection (8) of this section
383 rather than any procedure specified in the general licensing and
384 disciplinary provisions applicable to the licensing entity. If
385 there is any conflict between any provision of this section and
386 any provision of the general licensing and disciplinary provisions
387 applicable to a licensing entity, the provisions of this section
388 shall control.

389 (14) No license shall be suspended under this section until
390 ninety (90) days after July 1, 1996. This ninety-day period shall
391 be a one-time amnesty period in which any person who may be
392 subject to license suspension under this article may comply with
393 an order of support in order to avoid the suspension of any
394 license.



395 (15) Any individual who fails to comply with a subpoena or
396 warrant relating to paternity or child support proceedings after
397 receiving appropriate notice may be subject to suspension or
398 withholding of issuance of a license under this section.

399 **SECTION 6.** This act shall take effect and be in force from
400 and after July 1, 2023.

