

By: Representative Newman

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 445

1 AN ACT TO AMEND SECTIONS 63-1-51, 63-1-53, 63-1-52, 63-1-71
2 AND 63-1-46, MISSISSIPPI CODE OF 1972, TO RESTORE THE ABILITY TO
3 SUSPEND DRIVER'S LICENSE FOR CERTAIN TRAFFIC VIOLATIONS AS SUCH
4 LAWS PROVIDED FOR PRIOR TO THE 2019 AMENDMENTS; TO AMEND SECTION
5 99-19-20, MISSISSIPPI CODE OF 1972, TO REVISE PAYMENTS OF FINES;
6 AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 63-1-51, Mississippi Code of 1972, is
9 amended as follows:

10 63-1-51. (1) It shall be the duty of the court clerk, upon
11 conviction of any person holding a license issued pursuant to this
12 article where the penalty for a traffic violation is as much as
13 Ten Dollars (\$10.00), to mail a copy of abstract of the court
14 record or provide an electronically or computer generated copy of
15 abstract of the court record immediately to the commissioner at
16 Jackson, Mississippi, showing the date of conviction, penalty,
17 etc., so that a record of same may be made by the Department of
18 Public Safety. The commissioner shall forthwith revoke the
19 license of any person for a period of one (1) year upon receiving



20 a duly certified record of each person's convictions of any of the
21 following offenses when such conviction has become final:

22 (a) Manslaughter or negligent homicide resulting from
23 the operation of a motor vehicle;

24 (b) Any felony in the commission of which a motor
25 vehicle is used;

26 (c) Failure to stop and render aid as required under
27 the laws of this state in event of a motor vehicle accident
28 resulting in the death or personal injury of another;

29 (d) Perjury or the willful making of a false affidavit
30 or statement under oath to the department under this article or
31 under any other law relating to the ownership or operation of
32 motor vehicles; * * *

33 (e) Conviction, or forfeiture of bail not vacated, upon
34 three (3) charges of reckless driving committed within a period of
35 twelve (12) months * * *; or

36 (f) Contempt for failure to pay a fine or fee or to
37 respond to a summons or citation pursuant to a charge of a
38 violation of this title.

39 (2) The commissioner shall revoke the license issued
40 pursuant to this article of any person convicted of negligent
41 homicide, in addition to any penalty now provided by law.

42 (3) In addition to the reasons specified in this section,
43 the commissioner shall be authorized to suspend the license issued
44 to any person pursuant to this article for being out of compliance



45 with an order for support, as defined in Section 93-11-153. The
46 procedure for suspension of a license for being out of compliance
47 with an order for support, and the procedure for the reissuance or
48 reinstatement of a license suspended for that purpose, and the
49 payment of any fees for the reissuance or reinstatement of a
50 license suspended for that purpose, shall be governed by Section
51 93-11-157 or 93-11-163, as the case may be. If there is any
52 conflict between any provision of Section 93-11-157 or 93-11-163
53 and any provision of this article, the provisions of Section
54 93-11-157 or 93-11-163, as the case may be, shall control.

55 **SECTION 2.** Section 63-1-53, Mississippi Code of 1972, is
56 amended as follows:

57 63-1-53. (1) Upon failure of any person to respond timely
58 and properly to a summons or citation charging such person with
59 any violation of this title, or upon failure of any person to pay
60 timely any fine, fee or assessment levied as a result of any
61 violation of this title, the clerk of the court shall give written
62 notice to such person by United States first-class mail at his
63 last known address advising such person that, if within ninety
64 (90) days after such notice is deposited in the mail, the person
65 has not properly responded to the summons or citation or has not
66 paid the entire amount of all fines, fees and assessments levied,
67 then the court will give notice thereof to the Commissioner of
68 Public Safety and the commissioner may suspend the driver's
69 license of such person. The actual cost incurred by the court in



70 the giving of such notice may be added to any other court costs
71 assessed in such case. If within ninety (90) days after the
72 notice is given in accordance with this subsection such person has
73 not satisfactorily disposed of the matter pending before the
74 court, then the clerk of the court immediately shall mail a copy
75 of the abstract of the court record, along with a certified copy
76 of the notice given under this subsection, to the commissioner,
77 and the commissioner may suspend the driver's license of such
78 person as authorized under subsections (2) and (3) of this
79 section, and pursue collection as for any other delinquent
80 payment, and shall be entitled to collection of all additional
81 fees in accordance with subsection (4) of this section.

82 (2) The commissioner is hereby authorized to suspend the
83 license of an operator without preliminary hearing upon a showing
84 by his records or other sufficient evidence that the licensee:

85 (a) Has committed an offense for which mandatory
86 revocation of license is required upon conviction except under the
87 provisions of the Mississippi Implied Consent Law;

88 * * *

89 (* * * b) Is * * * a habitually reckless or negligent
90 driver of a motor vehicle;

91 (* * * c) Has been convicted with such frequency of
92 serious offenses against traffic regulations governing the
93 movement of vehicles as to indicate a disrespect for traffic laws
94 and a disregard for the safety of other persons on the highways;



95 (* * *d) Is incompetent to drive a motor vehicle;

96 (* * *e) Has permitted an unlawful or fraudulent use
97 of such license;

98 (* * *f) Has committed an offense in another state
99 which if committed in this state would be grounds for suspension
100 or revocation; * * *

101 (g) Has failed to pay any fine, fee or other assessment
102 levied as a result of any violation of this title;

103 (h) Has failed to respond to a summons or citation
104 which charged a violation of this title; or

105 (* * *i) Has committed a violation for which mandatory
106 revocation of license is required upon conviction, entering a plea
107 of nolo contendere to, or adjudication of delinquency, pursuant to
108 the provisions of subsection (1) of Section 63-1-71.

109 (3) Notice that a person's license is suspended or will be
110 suspended under subsection (2) of this section shall be given by
111 the commissioner in the manner and at the time provided for under
112 Section 63-1-52, and upon such person's request, he shall be
113 afforded an opportunity for a hearing as early as practicable, but
114 not to exceed twenty (20) days after receipt of such request in
115 the county wherein the licensee resides unless the department and
116 the licensee agree that such hearing may be held in some other
117 county. Upon such hearing the commissioner, or his duly
118 authorized agent, may administer oaths and may issue subpoenas for
119 the attendance of witnesses and the production of relevant books



120 and papers and may require a reexamination of the licensee. Upon
121 such hearing the commissioner shall either rescind any order of
122 suspension or, good cause appearing therefor, may extend any
123 suspension of such license or revoke such license.

124 (4) (a) If a licensee has not paid all cash appearance
125 bonds authorized under Section 99-19-3 or all fines, fees or other
126 assessments levied as a result of a violation of this title within
127 ninety (90) days after receiving notice of the licensee's failure
128 to pay all fines, fees or other assessments as provided in
129 subsection (1) of this section and after the commissioner has
130 suspended the license of a person under subsection (2)(i) of this
131 section, the court is authorized to pursue collection under
132 Section 21-17-1(6) or 19-3-41(2) as for any other delinquent
133 payment, and shall be entitled to collection of all additional
134 fees authorized under those sections.

135 (b) Periods of confinement imposed for nonpayment of
136 fines, fees or other assessments shall run concurrently with the
137 offense for which the person is confined, if such offense or
138 offenses occurred from a common nucleus of operative facts and on
139 the same date as the offense for which the person is confined.

140 **SECTION 3.** Section 63-1-52, Mississippi Code of 1972, is
141 amended as follows:

142 63-1-52. (1) Whenever the Commissioner of Public Safety
143 suspends, cancels or revokes the driver's license or driving
144 privileges of any person, notice of the suspension, cancellation



145 or revocation shall be given to such person by the commissioner,
146 or his duly authorized agent, in the manner provided in subsection
147 (2) of this section and at the time provided in subsection (3) of
148 this section or in the manner and at the time provided in
149 subsection (4) of this section.

150 (2) Notice shall be given in the following manner:

151 (a) In writing, (i) by United States Certificate of
152 Mailing; or (ii) by personal service at the person's address as it
153 appears on the driving record maintained by the Department of
154 Public Safety or at the person's last-known address; or (iii) by
155 personal notice being given by any law enforcement officer of this
156 state or any duly authorized agent of the Commissioner of Public
157 Safety on forms prescribed and furnished by the Commissioner of
158 Public Safety; whenever a person's driver's license or driving
159 privileges are suspended, revoked or cancelled in accordance with
160 the Mississippi Driver License Compact Law, the Mississippi
161 Implied Consent Law, the Mississippi Motor Vehicle Safety
162 Responsibility Law or subsection (2)(c), (2)(d), (2)(e) or (2)(f)
163 of Section 63-1-53.

164 (b) In writing, by United States first class mail,
165 whenever a person's driver's license or driving privileges are
166 suspended, revoked or cancelled in accordance with the Mississippi
167 Commercial Driver's License Law, the Youth Court Law, Chapter 23
168 of Title 43, Mississippi Code of 1972, Section 63-1-45, Section



169 63-1-51, subsection (2)(g) * * *, (2)(h) or (2)(i) of Section
170 63-1-53, or Section 63-9-25.

171 (3) Notice shall be given at the following time:

172 (a) Before suspension, revocation or cancellation,
173 whenever a person's driver's license or driving privileges are
174 suspended, revoked or cancelled in accordance with the Mississippi
175 Driver License Compact Law, the Mississippi Motor Vehicle Safety
176 Responsibility Law or subsection (2)(c), (2)(d), (2)(e) or (2)(f)
177 of Section 63-1-53.

178 (b) Unless otherwise specifically provided for by law,
179 at the time of suspension, revocation or cancellation, whenever a
180 person's driver's license or driving privileges are suspended,
181 revoked or cancelled in accordance with the Mississippi Commercial
182 Driver's License Law, the Mississippi Implied Consent Law, the
183 Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972,
184 Section 63-1-45, Section 63-1-51, subsection (2)(g) * * *, (2)(h)
185 or (2)(i) of Section 63-1-53, or Section 63-9-25.

186 (4) Whenever the Commissioner of Public Safety suspends,
187 revokes or cancels the driver's license or driving privileges of
188 any person in accordance with some provision of law other than a
189 provision of law referred to in subsections (2) and (3) of this
190 section, and the manner and time for giving notice is not provided
191 for in such law, then notice of such suspension, revocation or
192 cancellation shall be given in the manner and at the time provided
193 for under subsections (2)(b) and (3)(b) of this section.



194 (5) Whenever the Commissioner of Public Safety suspends,
195 revokes or cancels the driver's license or driving privileges of
196 any person who is confined as a result of a violation of this
197 title, the Commissioner shall return the person's driver's license
198 upon completion of all terms and condition of such confinement.

199 **SECTION 4.** Section 63-1-71, Mississippi Code of 1972, is
200 amended as follows:

201 63-1-71. (1) In addition to any penalty authorized by the
202 Uniform Controlled Substances Law or any other statute indicating
203 the dispositions that can be ordered for an adjudication of
204 delinquency, every person convicted of, or entering a plea of nolo
205 contendere to, or adjudicated delinquent in a court of this state
206 for a violation of any offense defined in the Uniform Controlled
207 Substances Law, and every person convicted of, or entering a plea
208 of nolo contendere to, or adjudicated delinquent under the laws of
209 the United States, another state, a territory or possession of the
210 United States, the District of Columbia or the Commonwealth of
211 Puerto Rico of a violation for the use, distribution, possession,
212 manufacture, sale, barter, transfer or dispensing of a "controlled
213 substance," "counterfeit substance," "narcotic drug" or "drug," as
214 such terms are defined under Section 41-29-105, shall forthwith
215 forfeit his right to operate a motor vehicle over the highways of
216 this state for a period of six (6) months. Notwithstanding the
217 provisions of Section 63-11-30(3) and in addition to any penalty
218 authorized by the Uniform Controlled Substances Law or any other



219 statute indicating the dispositions that can be ordered for an
220 adjudication of delinquency, every person convicted of driving
221 under the influence of a controlled substance, or entering a plea
222 of nolo contendere thereto, or adjudicated delinquent therefor, in
223 a court of this state, and every person convicted of driving under
224 the influence of a controlled substance, or entering a plea of
225 nolo contendere thereto, or adjudicated delinquent therefor, under
226 the laws of the United States, another state, a territory or
227 possession of the United States, the District of Columbia or the
228 Commonwealth of Puerto Rico, shall forthwith forfeit his right to
229 operate a motor vehicle over the highways of this state for a
230 period of not less than six (6) months. In the case of any person
231 who at the time of the imposition of sentence does not have a
232 driver's license or is less than sixteen (16) years of age, the
233 period of the suspension of driving privileges authorized herein
234 shall commence on the day the sentence is imposed and shall run
235 for a period of not less than six (6) months after the day the
236 person obtains a driver's license or reaches the age of sixteen
237 (16). If the driving privilege of any person is under revocation
238 or suspension at the time of any conviction or adjudication of
239 delinquency for driving under the influence of a controlled
240 substance in violation of any offense defined in the Uniform
241 Controlled Substances Law, the revocation or suspension period
242 imposed herein shall commence as of the date of termination of the
243 existing revocation or suspension.



244 (2) The court in this state before whom any person is
245 convicted of or adjudicated delinquent for driving under the
246 influence of a controlled substance in violation of an offense
247 under subsection (1) of this section shall collect forthwith the
248 Mississippi driver's license of the person and forward such
249 license to the Department of Public Safety along with a report
250 indicating the first and last day of the suspension or revocation
251 period imposed pursuant to this section. If the court is for any
252 reason unable to collect the license of the person, the court
253 shall cause a report of the conviction or adjudication of
254 delinquency to be filed with the Commissioner of Public Safety.
255 That report shall include the complete name, address, date of
256 birth, eye color and sex of the person and shall indicate the
257 first and last day of the suspension or revocation period imposed
258 by the court pursuant to this section. The court shall inform the
259 person orally and in writing that if the person is convicted of
260 personally operating a motor vehicle during the period of license
261 suspension or revocation imposed pursuant to this section, the
262 person shall, upon conviction, be subject to the penalties set
263 forth in Section 63-11-40. A person shall be required to
264 acknowledge receipt of the written notice in writing. Failure to
265 receive a written notice or failure to acknowledge in writing the
266 receipt of a written notice shall not be a defense to a subsequent
267 charge of a violation of Section 63-11-40. If the person is the
268 holder of a driver's license from another jurisdiction, the court



269 shall not collect the license but shall notify forthwith the
270 Commissioner of Public Safety who shall notify the appropriate
271 officials in the licensing jurisdiction. The court shall,
272 however, in accordance with the provisions of this section, revoke
273 the person's nonresident driving privilege in this state.

274 (3) The county court or circuit court having jurisdiction,
275 on petition, may reduce the suspension of driving privileges under
276 this section if the suspension would constitute a hardship on the
277 offender. When the petition is filed, such person shall pay to
278 the circuit clerk of the court where the petition is filed a fee
279 of Twenty Dollars (\$20.00) for each year, or portion thereof, of
280 license revocation or suspension remaining under the original
281 sentence, which shall be deposited into the State General Fund to
282 the credit of a special fund hereby created in the State Treasury
283 to be used for alcohol or drug abuse treatment and education, upon
284 appropriation by the Legislature. This fee shall be in addition
285 to any other court costs or fees required for the filing of
286 petitions.

287 **SECTION 5.** Section 63-1-46, Mississippi Code of 1972, is
288 amended as follows:

289 63-1-46. (1) (a) Except as otherwise provided in this
290 section, a fee of One Hundred Dollars (\$100.00) shall be charged
291 for the reinstatement of a license issued under this article to
292 every person whose license has been validly suspended, revoked or
293 cancelled.



294 (b) The funds received under the provisions of this
295 subsection shall be distributed as follows:

296 (i) Twenty-five Dollars (\$25.00) shall be
297 deposited into the State General Fund in accordance with Section
298 45-1-23;

299 (ii) Twenty-five Dollars (\$25.00) shall be paid to
300 the Board of Trustees of the Public Employees' Retirement System
301 for funding the Mississippi Highway Safety Patrol Retirement
302 System as provided under Section 25-13-7;

303 (iii) Twenty-five Dollars (\$25.00) shall be
304 deposited into the special fund created in Section 63-1-45(3) for
305 purchases of equipment by the Mississippi Highway Safety Patrol;
306 and

307 (iv) Twenty-five Dollars (\$25.00) shall be
308 deposited into the Interlock Device Fund created in Section
309 63-11-33.

310 (2) (a) A fee of One Hundred Seventy-five Dollars (\$175.00)
311 shall be charged for the reinstatement of a license issued under
312 this article to every person whose license has been validly
313 suspended or revoked under the provisions of the Mississippi
314 Implied Consent Law or as a result of a conviction of a violation
315 of the Uniform Controlled Substances Law under the provisions of
316 Section 63-1-71.

317 (b) The funds received under the provisions of this
318 subsection shall be distributed as follows:



319 (i) One Hundred Dollars (\$100.00) shall be
320 deposited into the State General Fund in accordance with Section
321 45-1-23;

322 (ii) Twenty-five Dollars (\$25.00) shall be paid to
323 the Board of Trustees of the Public Employees' Retirement System
324 for funding the Mississippi Highway Safety Patrol Retirement
325 System as provided under Section 25-13-7;

326 (iii) Twenty-five Dollars (\$25.00) shall be
327 deposited into the special fund created in Section 63-1-45(3) for
328 purchases of equipment by the Mississippi Highway Safety Patrol;
329 and

330 (iv) Twenty-five Dollars (\$25.00) shall be
331 deposited into the Interlock Device Fund created in Section
332 63-11-33.

333 (3) (a) A fee of Twenty-five Dollars (\$25.00) shall be
334 charged for the reinstatement of a license issued under this
335 article to every person whose license has been validly suspended
336 for nonpayment of child support under the provisions of Sections
337 93-11-151 through 93-11-163. The funds received under the
338 provisions of this subsection shall be deposited into the State
339 General Fund in accordance with Section 45-1-23.

340 (b) The procedure for the reinstatement of a license
341 issued under this article that has been suspended for being out of
342 compliance with an order for support, as defined in Section
343 93-11-153, and the payment of any fees for the reinstatement of a



344 license suspended for that purpose, shall be governed by Section
345 93-11-157 or 93-11-163, as the case may be.

346 (4) A fee of Twenty-five Dollars (\$25.00) will be charged
347 for the reinstatement of a license that was suspended due to
348 payment by a draft or other instrument that is dishonored by the
349 payor.

350 (5) All reinstatement fees charged under this section shall
351 be in addition to the fees prescribed in Section 63-1-43.

352 **SECTION 6.** Section 99-19-20, Mississippi Code of 1972, is
353 amended as follows:

354 99-19-20. (1) Except as otherwise provided under Section
355 99-19-20.1, when any court sentences a defendant to pay a fine,
356 the court may order (a) that the fine be paid immediately, or (b)
357 that the fine be paid in installments to the clerk of the court or
358 to the judge, if there be no clerk, or (c) that payment of the
359 fine be a condition of probation, or (d) that the defendant be
360 required to work on public property for public benefit under the
361 direction of the sheriff for a specific number of hours, or (e)
362 any combination of the above.

363 (2) Except as otherwise provided under Section 99-19-20.1,
364 the defendant may be imprisoned until the fine is paid if the
365 defendant is financially able to pay a fine and the court so
366 finds, subject to the limitations provided under this section.
367 The defendant shall not be imprisoned if the defendant is
368 financially unable to pay a fine and so states to the court in



369 writing, under oath, after sentence is pronounced, and the court
370 so finds, except if the defendant is financially unable to pay a
371 fine and such defendant failed or refused to comply with a prior
372 sentence as specified in subsection (1) of this section, the
373 defendant may be imprisoned.

374 This subsection shall be limited as follows:

375 (a) In no event shall such period of imprisonment
376 exceed one (1) day for each One Hundred Dollars (\$100.00) of the
377 fine.

378 (b) If a sentence of imprisonment, as well as a fine,
379 were imposed, the aggregate of such term for nonpayment of a fine
380 and the original sentence of imprisonment shall not exceed the
381 maximum authorized term of imprisonment.

382 (c) It shall be in the discretion of the judge to
383 determine the rate of the credit to be earned for work performed
384 under subsection (1)(d), but the rate shall be no lower than the
385 rate of the highest current federal minimum wage.

386 (3) (a) Periods of confinement imposed for nonpayment of
387 two (2) or more fines * * * may run consecutively unless specified
388 by the court to run concurrently.

389 (b) Periods of confinement imposed for nonpayment of
390 finances shall run concurrently with the offense for which the person
391 is confined, if such offense or offenses occurred from a common
392 nucleus of operative facts and on the same date as the offense for
393 which the person is confined.



394 **SECTION 7.** This act shall take effect and be in force from
395 and after July 1, 2024, and shall stand repealed on June 30, 2024.

