

By: Representative Newman

To: Judiciary B

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; AND FOR RELATED
5 PURPOSES.

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

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

9 63-1-51. (1) It shall be the duty of the court clerk, upon
10 conviction of any person holding a license issued pursuant to this
11 article where the penalty for a traffic violation is as much as
12 Ten Dollars (\$10.00), to mail a copy of abstract of the court
13 record or provide an electronically or computer generated copy of
14 abstract of the court record immediately to the commissioner at
15 Jackson, Mississippi, showing the date of conviction, penalty,
16 etc., so that a record of same may be made by the Department of
17 Public Safety. The commissioner shall forthwith revoke the
18 license of any person for a period of one (1) year upon receiving



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

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

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

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

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

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

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

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

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



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

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

56 63-1-53. (1) Upon failure of any person to respond timely
57 and properly to a summons or citation charging such person with
58 any violation of this title, or upon failure of any person to pay
59 timely any fine, fee or assessment levied as a result of any
60 violation of this title, the clerk of the court shall give written
61 notice to such person by United States first-class mail at his
62 last known address advising such person that, if within ninety
63 (90) days after such notice is deposited in the mail, the person
64 has not properly responded to the summons or citation or has not
65 paid the entire amount of all fines, fees and assessments levied,
66 then the court will give notice thereof to the Commissioner of
67 Public Safety and the commissioner may suspend the driver's
68 license of such person. The actual cost incurred by the court in



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

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

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

87 (b) Has been involved as a driver in any accident
88 resulting in the death or personal injury of another or serious
89 property damage;

90 (c) Is * * * a habitually reckless or negligent driver
91 of a motor vehicle;

92 (d) Has been convicted with such frequency of serious
93 offenses against traffic regulations governing the movement of



94 vehicles as to indicate a disrespect for traffic laws and a
95 disregard for the safety of other persons on the highways;

96 (e) Is incompetent to drive a motor vehicle;

97 (f) Has permitted an unlawful or fraudulent use of such
98 license;

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

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

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

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

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



119 authorized agent, may administer oaths and may issue subpoenas for
120 the attendance of witnesses and the production of relevant books
121 and papers and may require a reexamination of the licensee. Upon
122 such hearing the commissioner shall either rescind any order of
123 suspension or, good cause appearing therefor, may extend any
124 suspension of such license or revoke such license.

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

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

138 63-1-52. (1) Whenever the Commissioner of Public Safety
139 suspends, cancels or revokes the driver's license or driving
140 privileges of any person, notice of the suspension, cancellation
141 or revocation shall be given to such person by the commissioner,
142 or his duly authorized agent, in the manner provided in subsection
143 (2) of this section and at the time provided in subsection (3) of



144 this section or in the manner and at the time provided in
145 subsection (4) of this section.

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

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

160 (b) In writing, by United States first class mail,
161 whenever a person's driver's license or driving privileges are
162 suspended, revoked or cancelled in accordance with the Mississippi
163 Commercial Driver's License Law, the Youth Court Law, Chapter 23
164 of Title 43, Mississippi Code of 1972, Section 63-1-45, Section
165 63-1-51, subsection (2)(g) * * *, (2)(h) or (2)(i) of Section
166 63-1-53, or Section 63-9-25.

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



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

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

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

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



192 63-1-71. (1) In addition to any penalty authorized by the
193 Uniform Controlled Substances Law or any other statute indicating
194 the dispositions that can be ordered for an adjudication of
195 delinquency, every person convicted of, or entering a plea of nolo
196 contendere to, or adjudicated delinquent in a court of this state
197 for a violation of any offense defined in the Uniform Controlled
198 Substances Law, and every person convicted of, or entering a plea
199 of nolo contendere to, or adjudicated delinquent under the laws of
200 the United States, another state, a territory or possession of the
201 United States, the District of Columbia or the Commonwealth of
202 Puerto Rico of a violation for the use, distribution, possession,
203 manufacture, sale, barter, transfer or dispensing of a "controlled
204 substance," "counterfeit substance," "narcotic drug" or "drug," as
205 such terms are defined under Section 41-29-105, shall forthwith
206 forfeit his right to operate a motor vehicle over the highways of
207 this state for a period of six (6) months. Notwithstanding the
208 provisions of Section 63-11-30(3) and in addition to any penalty
209 authorized by the Uniform Controlled Substances Law or any other
210 statute indicating the dispositions that can be ordered for an
211 adjudication of delinquency, every person convicted of driving
212 under the influence of a controlled substance, or entering a plea
213 of nolo contendere thereto, or adjudicated delinquent therefor, in
214 a court of this state, and every person convicted of driving under
215 the influence of a controlled substance, or entering a plea of
216 nolo contendere thereto, or adjudicated delinquent therefor, under



217 the laws of the United States, another state, a territory or
218 possession of the United States, the District of Columbia or the
219 Commonwealth of Puerto Rico, shall forthwith forfeit his right to
220 operate a motor vehicle over the highways of this state for a
221 period of not less than six (6) months. In the case of any person
222 who at the time of the imposition of sentence does not have a
223 driver's license or is less than sixteen (16) years of age, the
224 period of the suspension of driving privileges authorized herein
225 shall commence on the day the sentence is imposed and shall run
226 for a period of not less than six (6) months after the day the
227 person obtains a driver's license or reaches the age of sixteen
228 (16). If the driving privilege of any person is under revocation
229 or suspension at the time of any conviction or adjudication of
230 delinquency for driving under the influence of a controlled
231 substance in violation of any offense defined in the Uniform
232 Controlled Substances Law, the revocation or suspension period
233 imposed herein shall commence as of the date of termination of the
234 existing revocation or suspension.

235 (2) The court in this state before whom any person is
236 convicted of or adjudicated delinquent for driving under the
237 influence of a controlled substance in violation of an offense
238 under subsection (1) of this section shall collect forthwith the
239 Mississippi driver's license of the person and forward such
240 license to the Department of Public Safety along with a report
241 indicating the first and last day of the suspension or revocation



242 period imposed pursuant to this section. If the court is for any
243 reason unable to collect the license of the person, the court
244 shall cause a report of the conviction or adjudication of
245 delinquency to be filed with the Commissioner of Public Safety.
246 That report shall include the complete name, address, date of
247 birth, eye color and sex of the person and shall indicate the
248 first and last day of the suspension or revocation period imposed
249 by the court pursuant to this section. The court shall inform the
250 person orally and in writing that if the person is convicted of
251 personally operating a motor vehicle during the period of license
252 suspension or revocation imposed pursuant to this section, the
253 person shall, upon conviction, be subject to the penalties set
254 forth in Section 63-11-40. A person shall be required to
255 acknowledge receipt of the written notice in writing. Failure to
256 receive a written notice or failure to acknowledge in writing the
257 receipt of a written notice shall not be a defense to a subsequent
258 charge of a violation of Section 63-11-40. If the person is the
259 holder of a driver's license from another jurisdiction, the court
260 shall not collect the license but shall notify forthwith the
261 Commissioner of Public Safety who shall notify the appropriate
262 officials in the licensing jurisdiction. The court shall,
263 however, in accordance with the provisions of this section, revoke
264 the person's nonresident driving privilege in this state.

265 (3) The county court or circuit court having jurisdiction,
266 on petition, may reduce the suspension of driving privileges under



267 this section if the suspension would constitute a hardship on the
268 offender. When the petition is filed, such person shall pay to
269 the circuit clerk of the court where the petition is filed a fee
270 of Twenty Dollars (\$20.00) for each year, or portion thereof, of
271 license revocation or suspension remaining under the original
272 sentence, which shall be deposited into the State General Fund to
273 the credit of a special fund hereby created in the State Treasury
274 to be used for alcohol or drug abuse treatment and education, upon
275 appropriation by the Legislature. This fee shall be in addition
276 to any other court costs or fees required for the filing of
277 petitions.

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

280 63-1-46. (1) (a) Except as otherwise provided in this
281 section, a fee of One Hundred Dollars (\$100.00) shall be charged
282 for the reinstatement of a license issued under this article to
283 every person whose license has been validly suspended, revoked or
284 cancelled.

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

287 (i) Twenty-five Dollars (\$25.00) shall be
288 deposited into the State General Fund in accordance with Section
289 45-1-23;

290 (ii) Twenty-five Dollars (\$25.00) shall be paid to
291 the Board of Trustees of the Public Employees' Retirement System



292 for funding the Mississippi Highway Safety Patrol Retirement
293 System as provided under Section 25-13-7;

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

298 (iv) Twenty-five Dollars (\$25.00) shall be
299 deposited into the Interlock Device Fund created in Section
300 63-11-33.

301 (2) (a) A fee of One Hundred Seventy-five Dollars (\$175.00)
302 shall be charged for the reinstatement of a license issued under
303 this article to every person whose license has been validly
304 suspended or revoked under the provisions of the Mississippi
305 Implied Consent Law or as a result of a conviction of a violation
306 of the Uniform Controlled Substances Law under the provisions of
307 Section 63-1-71.

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

310 (i) One Hundred Dollars (\$100.00) shall be
311 deposited into the State General Fund in accordance with Section
312 45-1-23;

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



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

321 (iv) Twenty-five Dollars (\$25.00) shall be
322 deposited into the Interlock Device Fund created in Section
323 63-11-33.

324 (3) (a) A fee of Twenty-five Dollars (\$25.00) shall be
325 charged for the reinstatement of a license issued under this
326 article to every person whose license has been validly suspended
327 for nonpayment of child support under the provisions of Sections
328 93-11-151 through 93-11-163. The funds received under the
329 provisions of this subsection shall be deposited into the State
330 General Fund in accordance with Section 45-1-23.

331 (b) The procedure for the reinstatement of a license
332 issued under this article that has been suspended for being out of
333 compliance with an order for support, as defined in Section
334 93-11-153, and the payment of any fees for the reinstatement of a
335 license suspended for that purpose, shall be governed by Section
336 93-11-157 or 93-11-163, as the case may be.

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



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

343 **SECTION 6.** This act shall take effect and be in force from
344 and after July 1, 2024.

