

By: Representative Newman

To: Judiciary B

HOUSE BILL NO. 192

1 AN ACT TO AMEND SECTIONS 63-1-51 AND 63-1-216, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF PUBLIC SAFETY TO
3 SUSPEND THE DRIVER'S LICENSE OF PERSON WHO FAIL TO APPEAR FOR
4 COURT OR OTHERWISE DISPOSE OF HIS OR HER CHARGES OF A SERIOUS
5 TRAFFIC VIOLATION BEFORE THE SCHEDULED COURT APPEARANCE AS STATED
6 ON THE UNIFORM TRAFFIC CITATION; TO PRESCRIBE THE PROCEDURE TO BE
7 FOLLOWED BY THE CLERK OF THE COURT IN THE AFFECTED JURISDICTION TO
8 PROVIDE NOTICE TO THE ACCUSED AND THE APPROPRIATE INFORMATION TO
9 THE DEPARTMENT OF PUBLIC SAFETY-DRIVER SERVICES BUREAU TO
10 EFFECTUATE THE SUSPENSION; TO PRESCRIBE THE CONDITIONS AND
11 REQUIREMENTS UNDER WHICH THE DRIVERS'S LICENSE OF AN ACCUSED MAY
12 BE REINSTATED; AND FOR RELATED PURPOSES.

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

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

16 63-1-51. (1) It shall be the duty of the court clerk, upon
17 conviction of any person holding a license issued pursuant to this
18 article where the penalty for a traffic violation is as much as
19 Ten Dollars (\$10.00), to mail a copy of abstract of the court
20 record or provide an electronically or computer generated copy of
21 abstract of the court record immediately to the commissioner at
22 Jackson, Mississippi, showing the date of conviction, penalty,
23 etc., so that a record of same may be made by the Department of



24 Public Safety. The commissioner shall forthwith revoke the
25 license of any person for a period of one (1) year upon receiving
26 a duly certified record of each person's convictions of any of the
27 following offenses when such conviction has become final:

28 (a) Manslaughter or negligent homicide resulting from
29 the operation of a motor vehicle;

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

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

35 (d) Perjury or the willful making of a false affidavit
36 or statement under oath to the department under this article or
37 under any other law relating to the ownership or operation of
38 motor vehicles; or

39 (e) Conviction, or forfeiture of bail not vacated, upon
40 three (3) charges of reckless driving committed within a period of
41 twelve (12) months.

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

45 (3) In addition to the reasons specified in this section,
46 the commissioner shall be authorized to suspend the license issued
47 to any person pursuant to this article for being out of compliance
48 with an order for support, as defined in Section 93-11-153. The



49 procedure for suspension of a license for being out of compliance
50 with an order for support, and the procedure for the reissuance or
51 reinstatement of a license suspended for that purpose, and the
52 payment of any fees for the reissuance or reinstatement of a
53 license suspended for that purpose, shall be governed by Section
54 93-11-157 or 93-11-163, as the case may be. If there is any
55 conflict between any provision of Section 93-11-157 or 93-11-163
56 and any provision of this article, the provisions of Section
57 93-11-157 or 93-11-163, as the case may be, shall control.

58 (4) (a) When a uniform traffic citation is issued and if
59 the accused fails to appear for court or otherwise dispose of his
60 or her charges before his or her scheduled court appearance as
61 stated on the uniform traffic citation, before the court issuing a
62 bench warrant, the clerk of court shall notify the accused by
63 first-class mail or by postcard at the address listed on the
64 uniform traffic citation of his or her failure to appear. The
65 notice shall be dated and allow the accused thirty (30) days from
66 such date to dispose of his or her charges or waive arraignment
67 and plead not guilty. If after the expiration of the thirty-day
68 period the accused fails to dispose of his or her charges or waive
69 arraignment and plead not guilty, the clerk of court in which the
70 charges are lodged shall, within five (5) days of such date,
71 forward driver's license number of the accused to the Department
72 of Public Safety-Driver Services Bureau unless otherwise ordered
73 by the court. The commissioner of shall, upon receipt of the



74 driver's license number, suspend the driver's license and driving
75 privilege of the accused until notified by the clerk of court that
76 the driver's license is to be reinstated. The driver's license
77 shall be reinstated when the accused has scheduled a new date to
78 appear before the court; has appeared in court for a hearing,
79 arraignment, or waiver of arraignment and entry of a plea; or the
80 charge against the accused has been finally adjudicated and the
81 Department of Driver Services receives notice to reinstate the
82 license by the court and the accused individual pays the
83 applicable reinstatement fee as set forth in Section 63-1-46,
84 unless such fee is waived by the court or otherwise as provided by
85 law.

86 (b) (i) The scheduling of a new date to appear before
87 the court for disposition of a uniform traffic citation shall not
88 be conditioned upon payment of any fee for a previous failure to
89 appear.

90 (ii) After the clerk of court has notified the
91 Driver Services Bureau of a license reinstatement based upon a
92 newly scheduled date for an accused to appear before the court
93 pursuant to paragraph (a) of this subsection, when the accused
94 requests, for a second or subsequent time, a new date for
95 disposition of the same uniform traffic citation, the court may
96 forward to the Driver Services Bureau the driver's license number
97 of the accused. The commissioner of driver services shall suspend
98 the driver's license and driving privilege of the accused until



99 notified by the clerk of court that the driver's license of the
100 accused is to be reinstated. Nothing in this subsection shall
101 require a clerk of court to suspend the driver's license of an
102 accused who schedules a second or subsequent new date for
103 disposition of the same uniform traffic citation pursuant to this
104 subparagraph.

105 (iii) When the accused fails, for a second or
106 subsequent time, to appear for court or otherwise dispose of his
107 or her charges before his or her newly scheduled court appearance
108 for disposition of the same uniform traffic citation, the court
109 may forward to the Driver Services Bureau the driver's license
110 number of the accused. The commissioner of driver services shall
111 suspend the driver's license and driving privileges of the accused
112 until notified by the clerk of court that the driver's license of
113 the accused is to be reinstated. Nothing in this subsection shall
114 require a clerk of court to suspend the driver's license of an
115 accused who fails to appear for court pursuant to this
116 subparagraph.

117 (iv) Nothing in this subsection shall prevent a
118 court from establishing a policy or practice, by standing order or
119 otherwise, to reinstate the driver's license of an accused.

120 (v) Any notification to suspend or reinstate the
121 driver's license and driving privileges of the accused shall be
122 compliant with procedures established by the Driver Services
123 Bureau.



124 **SECTION 2.** Section 63-1-216, Mississippi Code of 1972, is
125 amended as follows:

126 63-1-216. (1) (a) A person shall be disqualified from
127 driving a commercial motor vehicle for a period of one (1) year if
128 the person's license or permit to drive has been administratively
129 suspended under Section 63-11-23 or the person has been convicted
130 of a first violation of:

131 (i) Operating, attempting to operate, or being in
132 actual physical control of a commercial motor vehicle on a highway
133 with an alcohol concentration of four one-hundredths percent
134 (0.04%) or more, or under the influence as provided in Section
135 63-11-30;

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

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

142 (iv) Refusal to submit to a test to determine the
143 operator's alcohol concentration, as provided in Title 63, Chapter
144 11, Mississippi Code of 1972;

145 (v) Operating, attempting to operate, or being in
146 actual physical control of a motor vehicle on a highway with an
147 alcohol concentration of eight one-hundredths percent (0.08%) or



more, or under the influence of intoxicating liquor or other substance, as provided in Section 63-11-30;

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

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

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

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

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

(d) A person shall be disqualified from driving a commercial motor vehicle for a period of sixty (60) days if convicted of two (2) serious traffic violations, or one hundred



173 twenty (120) days if convicted of three (3) serious traffic
174 violations, arising from separate incidents occurring within a
175 three-year period. A disqualification for three (3) serious
176 traffic violations must be imposed consecutively to any other
177 previous period of disqualification.

178 (e) A person shall be disqualified from driving a
179 commercial motor vehicle for life if the person uses a motor
180 vehicle in the commission of any offense under state or federal
181 law that is punishable by imprisonment for a term exceeding one
182 (1) year involving the manufacture, distribution, or dispensing of
183 a regulated drug, or possession with intent to manufacture,
184 distribute, or dispense a regulated drug and for which the person
185 was convicted.

186 (f) A person who is disqualified from driving a
187 commercial motor vehicle shall surrender the person's Mississippi
188 commercial driver's license no later than the effective date of
189 the disqualification. Upon receipt of the person's commercial
190 driver's license, that person, if otherwise eligible, may apply
191 for a non-CDL, and upon payment of sufficient fees receive the
192 driver's license.

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



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

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

207 (j) A person shall be disqualified from driving a
208 commercial motor vehicle for a period of one (1) year if, during
209 any three-year period, the driver is convicted of a third or
210 subsequent railroad-highway grade crossing violation in separate
211 incidents.

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

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

220 (i) The person is convicted of a first violation
221 of operating, attempting to operate or being in actual physical
222 control of a commercial motor vehicle on a highway with an alcohol



concentration of four one-hundredths percent (0.04%) or more, or
under the influence, as provided in Section 63-11-30; and

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

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

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

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

(e) A person's privilege to operate a commercial motor
vehicle in the State of Mississippi shall be suspended for life if
the person uses a commercial motor vehicle in the commission of



any offense under state or federal law that is punishable by imprisonment for a term exceeding one (1) year, involving the manufacture, distribution, or dispensing of a regulated drug, or possession with intent to manufacture, distribute, or dispense a regulated drug, and for which the person was convicted.

(f) In addition to the reasons specified in this section for suspension of the commercial driver's license, the commissioner shall be authorized to suspend the commercial driver's license of any person for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a commercial driver's license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a commercial driver's license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a commercial driver's license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this article, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(g) In addition to the reasons specified in this section for suspension of the commercial driver's license, the commissioner shall be authorized to suspend the commercial driver's license of any person who fails to appear for court or otherwise dispose of his or her charges of a serious traffic



273 violation before his or her scheduled court appearance as
274 prescribed in Section 63-1-51(4). The procedure for suspension of
275 a commercial driver's license for failure to appear, and the
276 procedure for the reissuance or reinstatement of a commercial
277 driver's license suspended for that purpose, and the payment of
278 any fees for the reissuance or reinstatement of a commercial
279 driver's license suspended for that purpose, shall be governed by
280 Sections 63-1-51.

281 (3) A person shall be disqualified from driving a commercial
282 motor vehicle for life if the person is convicted of any crime
283 under the Mississippi Human Trafficking Act in Section 97-3-54 et
284 seq. or any felony involving a severe form of trafficking in
285 persons, as defined by 22 USC 7102(11).

286 **SECTION 3.** This act shall take effect and be in force from
287 and after July 1, 2025.

