

By: Representatives Clark, Blackmon

To: Judiciary B

HOUSE BILL NO. 357

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 of the county in which the licensee resides or
17 the Chancery Court of the First Judicial District of Hinds County,
18 Mississippi, within thirty (30) days after a licensing entity
19 suspends the license, for an order authorizing such person to be
20 issued a hardship license.

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

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

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

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

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

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

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

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

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

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

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

53 Class R original or renewal four-year license	
54 authorized in Section 63-1-5.....	\$18.00
55 Class R original or renewal eight-year license	
56 authorized in Section 63-1-5.....	\$36.00
57 Class D original or renewal four-year license	
58 authorized in Section 63-1-47.....	\$23.00
59 Class D original or renewal eight-year license	
60 authorized in Section 63-1-47.....	\$46.00
61 Four-year Identification Card authorized in	
62 Section 45-35-7.....	\$11.00
63 Eight-year Identification Card authorized in	
64 Section 45-35-7.....	\$22.00
65 Eight-year Identification Card for the blind	
66 authorized in Section 45-35-7.....	\$11.00
67 Four-year Disability Identification Card authorized in	
68 Section 45-35-53.....	\$11.00
69 Learner's Permit authorized in	
70 Section 63-1-21.....	\$ 1.00
71 Duplicate Identification Card or Disability	

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



97 School Bus Endorsement.....\$ 5.00

98 Hardship License authorized in Section 1 of this act.....\$25.00

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

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

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

117 (3) Notwithstanding any provision of law to the contrary in
118 this section, the commissioner shall waive the driver's license or
119 learner's permit fee for any applicant in the custody of the
120 Department of Child Protection Services.

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

123 63-1-47. (1) (a) Except as otherwise provided in this
124 section, each applicant for an original or renewal Class R or
125 Class D license issued pursuant to this article, who is entitled
126 to issuance of same, shall be issued a four-year license or an
127 eight-year license, at the option of the applicant, which will
128 expire at midnight on the licensee's birthday and may be renewed
129 any time within six (6) months before the expiration of the
130 license upon application and payment of the required fee, unless
131 required to be reexamined.

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

134 (c) The term of a hardship license issued under Section
135 1 of this act shall be four (4) years.

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

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



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

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

161 (4) (a) Any original or renewal license issued under this
162 chapter to a person who is not a United States citizen shall
163 expire four (4) years from the date of issuance or on the
164 expiration date of the applicant's authorized stay in the United
165 States, whichever is the lesser period of time, and may be
166 renewed, if the person is otherwise qualified to renew the
167 license, within thirty (30) days of expiration. The fee for any
168 such license and for renewal shall be as prescribed in Section
169 63-1-43.



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

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

174 (ii) Is an alien lawfully admitted for permanent
175 or temporary residence in the United States;

176 (iii) Has conditional permanent residence status
177 in the United States;

178 (iv) Has an approved application for asylum in the
179 United States or has entered into the United States in refugee
180 status;

181 (v) Has a valid, unexpired nonimmigrant visa or
182 nonimmigrant visa status for entry into or lawful presence in the
183 United States;

184 (vi) Has a pending application for asylum in the
185 United States;

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

188 (viii) Has approved deferred-action status;
189 (ix) Has a pending application for adjustment of
190 status to that of an alien lawfully admitted for permanent
191 residence in the United States or conditional permanent resident
192 status in the United States; or

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



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

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

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

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

209 (i) Class R;

210 (ii) Class D;

213 (iv) Interlock-restricted license as prescribed in
214 Section 63-11-31 * * * and

217 (2) (a) Every person who makes application for an original
218 license or a renewal license to operate any single vehicle with a
219 gross weight rating of less than twenty-six thousand one (26,001)



220 pounds or any vehicle towing a vehicle with a gross vehicle weight
221 rating not in excess of ten thousand (10,000) pounds other than
222 vehicles included in Class C, vehicles which require a special
223 endorsement, or to operate a vehicle as a common carrier by motor
224 vehicle, taxicab, passenger coach, dray, contract carrier or
225 private commercial carrier as defined in Section 27-19-3, other
226 than those vehicles for which a Class A, B or C license is
227 required under Article 5 of this chapter, may, in lieu of the
228 Class R regular driver's license, apply for and obtain a Class D
229 driver's license. The fee for the issuance of a Class D driver's
230 license shall be as set forth in Section 63-1-43 and the Class D
231 license shall be valid for the term prescribed in Section 63-1-47.
232 Except as required under Article 5 of this chapter, no driver of a
233 pickup truck shall be required to have a Class D or a commercial
234 license regardless of the purpose for which the pickup truck is
235 used.

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

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

241 (4) A person who violates this section is guilty of a
242 misdemeanor and, upon conviction, may be punished by imprisonment
243 for not less than two (2) days nor more than six (6) months, by a



244 fine of not less than Two Hundred Dollars (\$200.00) nor more than
245 Five Hundred Dollars (\$500.00), or both.

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

248 93-11-157. (1) The division shall review the information
249 received under Section 93-11-155 and any other information
250 available to the division, and shall determine if a licensee is
251 out of compliance with an order for support. If a licensee is out
252 of compliance with the order for support, the division shall
253 notify the licensee by first class mail that ninety (90) days
254 after the licensee receives the notice of being out of compliance
255 with the order, the licensing entity will be notified to
256 immediately suspend the licensee's license unless the licensee
257 pays the arrearage owing, according to the accounting records of
258 the Mississippi Department of Human Services or the attorney
259 representing the party to whom support is due, as the case may be,
260 or enters into a stipulated agreement and agreed judgment
261 establishing a schedule for the payment of the arrearage. The
262 licensee shall be presumed to have received the notice five (5)
263 days after it is deposited in the mail.

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

266 (a) Request a review with the division; however, the
267 issues the licensee may raise at the review are limited to whether
268 the licensee is the person required to pay under the order for



269 support and whether the licensee is out of compliance with the
270 order for support; or

271 (b) Request to participate in negotiations with the
272 division for the purpose of establishing a payment schedule for
273 the arrearage.

274 (3) The division director or the designees of the division
275 director may and, upon request of a licensee, shall negotiate with
276 a licensee to establish a payment schedule for the arrearage.
277 Payments made under the payment schedule shall be in addition to
278 the licensee's ongoing obligation under the latest entered
279 periodic order for support.

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

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

292 (6) The notice given to a licensee that the licensee's
293 license will be suspended in ninety (90) days must clearly state

294 the remedies and procedures that are available to a licensee under
295 this section.

296 (7) If at the end of the ninety (90) days the licensee has
297 an arrearage according to the accounting records of the
298 Mississippi Department of Human Services or the attorney
299 representing the party to whom support is due, as the case may be,
300 and the licensee has not entered into a stipulated agreement and
301 agreed judgment establishing a payment schedule for the arrearage,
302 the division shall immediately notify all applicable licensing
303 entities in writing to suspend the licensee's license, and the
304 licensing entities shall immediately suspend the license and shall
305 within three (3) business days notify the licensee and the
306 licensee's employer, where known, of the license suspension and
307 the date of such suspension by certified mail return receipt
308 requested. Within forty-eight (48) hours of receipt of a request
309 in writing delivered personally, by mail or by electronic means,
310 the department shall furnish to the licensee, licensee's attorney
311 or other authorized representative a copy of the department's
312 accounting records of the licensee's payment history. A licensing
313 entity shall immediately reinstate the suspended license upon the
314 division's notification of the licensing entities in writing that
315 the licensee no longer has an arrearage or that the licensee has
316 entered into a stipulated agreement and agreed judgment.

317 (8) Within thirty (30) days after a licensing entity
318 suspends the licensee's license at the direction of the division

319 under subsection (7) of this section, the licensee may appeal the
320 license suspension to the chancery court of the county in which
321 the licensee resides or to the Chancery Court of the First
322 Judicial District of Hinds County, Mississippi, upon giving bond
323 with sufficient sureties in the amount of Two Hundred Dollars
324 (\$200.00), approved by the clerk of the chancery court and
325 conditioned to pay any costs that may be adjudged against the
326 licensee. Notice of appeal shall be filed in the office of the
327 clerk of the chancery court. If there is an appeal, the appeal
328 may, in the discretion of and on motion to the chancery court, act
329 as a supersedeas of the license suspension. The department shall
330 be the appellee in the appeal, and the licensing entity shall not
331 be a party in the appeal. The chancery court shall dispose of the
332 appeal and enter its decision within thirty (30) days of the
333 filing of the appeal. The hearing on the appeal may, in the
334 discretion of the chancellor, be tried in vacation. The decision
335 of the chancery court may be appealed to the Supreme Court in the
336 manner provided by the rules of the Supreme Court. In the
337 discretion of and on motion to the chancery court, no person shall
338 be allowed to practice any business, occupation or profession or
339 take any other action under the authority of any license the
340 suspension of which has been affirmed by the chancery court while
341 an appeal to the Supreme Court from the decision of the chancery
342 court is pending.



(9) If a licensee who has entered a stipulated agreement and agreed judgment for the payment of an arrearage under this section subsequently is out of compliance with an order for support, the division shall immediately notify the licensing entity to suspend the licensee's license, and the licensing entity shall immediately suspend the license without a hearing and shall within three (3) business days notify the licensee in writing of the license suspension. In the case of a license suspension under the provisions of this subsection, the procedures provided for under subsections (1) and (2) of this section are not required; however, the appeal provisions of subsection (8) of this section still apply. After suspension of the license, if the licensee subsequently enters into a stipulated agreement and agreed judgment or the licensee otherwise informs the division of compliance with the order for support, the division shall within seven (7) days notify in writing the licensing entity that the licensee is in compliance. Upon receipt of that notice from the division, a licensing entity shall immediately reinstate the license of the licensee and shall within three (3) business days notify the licensee of the reinstatement.

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



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

372 (12) The requirement of a licensing entity to suspend a
373 license under this section does not affect the power of the
374 licensing entity to deny, suspend, revoke or terminate a license
375 for any other reason.

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



392 applicable to a licensing entity, the provisions of this section
393 shall control.

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

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

404 **SECTION 6.** This act shall take effect and be in force from
405 and after July 1, 2025.

