

By: Burton, Dawkins

To: Judiciary

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3176

1 AN ACT TO ENACT A GRADUATED LICENSING SYSTEM; TO AMEND
2 SECTIONS 63-1-9, 63-1-21, 63-1-23 AND 63-1-47, MISSISSIPPI CODE OF
3 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

5 SECTION 1. The Legislature has recognized the need to
6 develop a graduated licensing system in light of the
7 disproportionately high incidence of motor vehicle crashes
8 involving youthful motorists. This system will improve highway
9 safety by progressively developing and improving the skills of
10 younger drivers in the safest possible environment, thereby
11 reducing the number of vehicle crashes.

12 SECTION 2. Section 63-1-9, Mississippi Code of 1972, is
13 amended as follows:[CSQ1]

14 63-1-9. (1) No driver's license, intermediate license or
15 temporary learning permit shall be issued pursuant to this
16 article:

17 (a) To any person under the age of eighteen (18) years
18 except as provided in subsection (2) of this section.

19 (b) To any person whose license to operate a motor
20 vehicle on the highways of Mississippi has been previously revoked
21 or suspended by this state or any other state and/or territory of
22 the United States or the District of Columbia, and such revocation
23 or suspension period has not expired.

24 (c) To any person who is an habitual drunkard or who is
25 addicted to the use of other narcotic drugs.

26 (d) To any person who would not be able by reason of

27 physical or mental disability, in the opinion of the commissioner
28 or other person authorized to grant an operator's license, to
29 operate a motor vehicle on the highways with safety. However,
30 persons who have one (1) arm or leg, or have arms or legs
31 deformed, and have their car provided with mechanical devices
32 whereby they are able to drive in a safe manner over the highways,
33 if otherwise qualified, shall receive an operator's license the
34 same as other persons. Moreover, deafness shall not be a bar to
35 obtaining a license.

36 (e) To any person who is under the age of seventeen
37 (17) years to drive any motor vehicle while in use as a school bus
38 for the transportation of pupils to or from school, or to drive
39 any motor vehicle while in use as a public or common carrier of
40 persons or property.

41 (f) To any person as an operator who has previously
42 been adjudged to be afflicted with and suffering from any mental
43 disability and who has not at time of application been restored to
44 mental competency.

45 (g) To any unmarried person under the age of eighteen
46 (18) years who does not at the time of application present a
47 diploma or other certificate of high school graduation or a
48 general education development certificate issued to the person in
49 this state or any other state, or documentation that the person:

50 (i) Is enrolled and making satisfactory progress
51 in a course leading to a general education development
52 certificate;

53 (ii) Is enrolled in school in this state or any
54 other state;

55 (iii) Is enrolled in a "nonpublic school," as such
56 term is defined in Section 37-13-91(2)(i); or

57 (iv) Is unable to attend any school program due to
58 circumstances deemed acceptable as set out in Section 63-1-10.

59 (h) To any person under the age of eighteen (18) years

60 who has been convicted under Section 63-11-30.

61 (2) (a) Upon meeting all other state requirements for
62 licensure, a minor who is a resident of this state, who is fifteen
63 (15) years of age, and who has possessed a temporary driving
64 permit for at least six (6) months may apply for and be issued an
65 intermediate driver's license if:

66 (i) He * * * resides with a physically impaired
67 parent whose physical impairment prevents the parent from securing
68 a driver's license; or

69 (ii) He * * * is gainfully employed and, in order
70 to avoid a severe hardship, needs to be authorized to drive a
71 vehicle in order to retain his employment; and

72 (b) He applies to the chancery court of the county of
73 his residence and secures an order of the chancery court approving
74 the hardship status of the minor under this subsection (2).

75 (i) The application therefor shall be made in
76 writing by the minor by his next friend, and it shall state the
77 age of such minor and join as defendants his parent or parents
78 then living, or, if neither be living, two of his adult kin within
79 the third degree, computed according to the civil law, and the
80 reasons on which the hardship determination is sought; and, when
81 such petition shall be filed, the clerk shall issue process as in
82 other suits to make such person or persons parties defendants,
83 which shall be executed and returned as in other cases, and shall
84 make publication for nonresident defendants as required by law,
85 and any person so made a party, or any other relative or friend of
86 the minor, may appear and resist the application.

87 In cases where a minor has been adopted by decree of court,
88 the adoptive parent or parents, or the next of kin of the adoptive
89 parent, or parents, as the case may be, shall be joined as
90 defendants in lieu of the natural parents or the next of kin of
91 the natural parents, as herein provided. Where the custody and
92 control of a minor has been by decree of court awarded to one of

93 the natural parents to the exclusion of the other, it shall be
94 sufficient herein to join as defendant only the parent to whom the
95 custody and control has been awarded.

96 (ii) If the parent or parents then living, or, if
97 they both be not living, if any two of his adult kin within the
98 third degree shall unite with the minor and his next friend in his
99 application, or if the minor has no parent then living and no
100 kindred within the prescribed degree whose place of residence is
101 known to him or his next friend, it shall not be necessary to make
102 any person defendant thereto. But the court shall proceed to
103 investigate the merits of such application, and decree thereon as
104 in other cases.

105 In cases where a minor has been adopted by decree of court,
106 the adoptive parent or parents, or the next of kin of the adoptive
107 parent or parents, as the case may be, may unite with the minor
108 and his next friend in his application in lieu of the natural
109 parents or the next of kin of the natural parents, as herein
110 provided. Where the custody and control of a minor has been by
111 decree of court awarded to one of the natural parents or adopted
112 parents, as the case may be, to the exclusion of the other, it
113 shall be sufficient herein for only the parent to whom the custody
114 and control has been awarded to unite with the minor and his next
115 friend in his application, as herein provided.

116 (iii) When the proper persons have been made
117 parties to the application, the court shall examine it, and the
118 objections to it, if any, and may hear testimony in open court in
119 reference thereto, and shall make such decree thereon as may be
120 for the best interest of the minor.

121 (iv) The decree, if granted, shall be directed to
122 the commissioner so as to direct the commissioner to issue to the
123 applicant an intermediate license under this hardship exception.

124 (3) All permits and licenses issued on or before June 30,
125 2000, shall be valid according to the terms upon which issued.

126 From and after July 1, 2000:

127 (a) A temporary driving permit may be issued to any
128 person who is at least fifteen (15) years of age who otherwise
129 meets the requirements of this article.

130 (b) An intermediate license may be issued to any person
131 who is at least sixteen (16) years of age who otherwise meets the
132 requirements of this article.

133 (c) A driver's license may be issued to any person who
134 is at least sixteen (16) years of age who has held an intermediate
135 license for at least six (6) months and who otherwise meets the
136 requirements of this article.

137 (4) The commissioner shall ensure that the temporary driving
138 permit, intermediate license and driver's license issued under
139 this chapter are clear, distinct and easily distinguishable from
140 one another.

141 SECTION 3. Section 63-1-21, Mississippi Code of 1972, is
142 amended as follows:[CSQ2]

143 63-1-21. (1) Every applicant for a new or original driver's
144 or operator's license, except persons holding an out-of-state
145 license, shall first obtain a temporary driving permit upon the
146 payment of a fee of One Dollar (\$1.00) to the Department of Public
147 Safety and upon the successful completion of the examination
148 provided for in Section 63-1-33 and the payment of the fee for
149 such examination provided for in Section 63-1-43.

150 (2) A temporary driving permit entitles the holder, provided
151 the permit is in his immediate possession, to drive a motor
152 vehicle other than a motorcycle on the highways of the State of
153 Mississippi only when accompanied by a licensed operator who is at
154 least twenty-one (21) years of age and who is actually occupying
155 the seat beside the driver; the supervisor shall be the only other
156 occupant of the front passenger section of the vehicle. The
157 holder of a temporary driving permit may not place the vehicle in
158 motion until every occupant of the vehicle is properly restrained

159 by a seat belt which is properly fastened. Any second or
160 subsequent violation of this seat belt requirement shall restart
161 the six-month requirement for the holding of a temporary driving
162 permit before an applicant can qualify for an intermediate
163 license. A temporary driving permit may be issued to any
164 applicant who is at least fifteen (15) years of age. A temporary
165 driving permit shall be valid for a period of one (1) year from
166 the date of issue.

167 (3) Every applicant for a new or original driver's or
168 operator's license, except persons holding an out-of-state license
169 who are at least twenty-one (21) years of age, shall first obtain
170 an intermediate license and shall not be eligible for a new or
171 original driver's or operator's license prior to the expiration of
172 six (6) months from the date of issuance of the intermediate
173 license. An intermediate license authorizes the holder to drive a
174 specified type or class of motor vehicle under the following
175 conditions:

176 (a) The applicant shall have possessed a valid
177 learner's permit for a period of not less than six (6) months;

178 (b) Passed a road test;

179 (c) Passed a course of driver education in accordance
180 with standards established by the State Board of Education and the
181 commissioner; and

182 (d) Paid a fee for an intermediate license of Five
183 Dollars (\$5.00).

184 (4) An intermediate license allows unsupervised driving from
185 5 a.m. to 10 p.m. At all other times the intermediate licensee
186 must be supervised. While being supervised, the intermediate
187 licensee must be accompanied by a parent, guardian or other person
188 aged twenty-one (21) years or older. The supervisor shall possess
189 a valid driver's license under this article. The supervisor shall
190 be the only other occupant of the front passenger section of the
191 vehicle.

192 (5) The intermediate licensee shall not place the vehicle in
193 motion until every occupant of the vehicle is restrained by a seat
194 belt which is properly fastened. Any second or subsequent
195 violation of this seat belt requirement shall restart the
196 six-month requirement for the holding of an intermediate license
197 before an applicant can qualify for a driver's license.

198 (6) An intermediate license shall be valid for a period of
199 one (1) year from the date of its issuance.

200 Except as otherwise provided by Section 63-1-6, every
201 applicant for a restricted motorcycle operator's license or a
202 motorcycle endorsement shall first obtain a temporary motorcycle
203 driving permit upon the payment of a fee of One Dollar (\$1.00) to
204 the Department of Public Safety, and upon the successful
205 completion of the examination provided for in Section 63-1-33, and
206 payment of the fee for said examination provided for in Section
207 63-1-43. All applicants for such temporary permit shall (a) be at
208 least fifteen (15) years of age; (b) operate a motorcycle only
209 under the direct supervision of a person at least twenty-one (21)
210 years of age who possesses either a valid driver's or operator's
211 license with a motorcycle endorsement or a valid restricted
212 motorcycle operator's license; (c) be prohibited from transporting
213 a passenger on a motorcycle; (d) be prohibited from operating a
214 motorcycle upon any controlled access highway; and (e) be
215 prohibited from operating a motorcycle during the hours of 6:00
216 p.m. through 6:00 a.m. Temporary motorcycle driving permits
217 shall be valid for the same period of time and may be renewed upon
218 the same conditions as temporary driving permits issued for
219 vehicles other than motorcycles.

220 SECTION 4. Section 63-1-23, Mississippi Code of 1972, is
221 amended as follows:[CSQ3]

222 63-1-23. The application of any person under the age of
223 seventeen (17) years for a temporary driving permit, intermediate
224 license or license issued pursuant to this article shall be signed

225 and verified before a person authorized to administer oaths by
226 both the father and mother of the applicant, if both are living
227 and have custody of him, or in the event neither parent is living
228 then by the person or guardian having such custody or by an
229 employer of him, or in the event there is no guardian or employer
230 then by any other responsible person who is willing to assume the
231 obligation imposed under Section 63-1-25 upon a person signing the
232 application of a minor.

233 SECTION 5. Section 63-1-47, Mississippi Code of 1972, is
234 amended as follows:[CSQ4]

235 63-1-47. (1) Each applicant for an original license issued
236 pursuant to this article, who is entitled to issuance of same, and
237 who is eighteen (18) years of age or older, shall be issued a
238 four-year license. Each license will expire at midnight on the
239 licensee's birthday.

240 (a) All renewal licenses of operators eighteen (18)
241 years of age or older shall be for four-year periods and may be
242 renewed any time within six (6) months before the expiration of
243 the license upon application and payment of the required fee,
244 unless required to be reexamined.

245 (b) From and after January 1, 1990, no commercial
246 driver's license shall be issued under the provisions of this
247 article for any commercial motor vehicle, the lawful operation of
248 which requires the driver to obtain a Class A, B or C commercial
249 driver's license under Article 2 of this chapter; however, from
250 time to time, the holder of a commercial license may apply for a
251 commercial driver's license under Article 2 of this chapter; and,
252 if he fails to pass the required test for such license, he shall
253 be entitled to an extension of his license that shall be valid for
254 one hundred twenty (120) days or until he again is tested under
255 Article 2 of this chapter, whichever occurs first. The extension
256 shall entitle the license holder to operate all vehicles which
257 such license authorized him to operate prior to taking the

258 required test. The first extension shall be without charge;
259 however, a fee of Fifteen Dollars (\$15.00) shall be imposed for
260 any subsequent extension. No extension shall be valid past March
261 31, 1992.

262 (2) [none]

263 (3) Any commercial driver's license issued under this
264 article before January 1, 1990, which expires after March 31,
265 1992, shall be void on April 1, 1992, for the operation of any
266 commercial vehicle requiring a commercial license to be issued
267 under Article 2 of this chapter; however, if the holder of any
268 such license applies for a commercial driver's license under
269 Article 2 of this chapter, passes the required tests for such
270 license, pays all applicable fees under Article 2 of this chapter
271 except the Forty Dollars (\$40.00) license fee and otherwise meets
272 all requirements for the issuance of such license, then such
273 person shall be issued a license under Article 2 of this chapter
274 which shall expire on the expiration date of the commercial
275 driver's license being replaced.

276 (4) [none]

277 (5) The Commissioner of Public Safety shall notify, by
278 United States mail addressed to the last known address of record
279 with the Department of Public Safety, all holders of commercial
280 driver's licenses issued under this article before January 1,
281 1990, and which expire after March 31, 1992, that such licenses
282 will be void on and after April 1, 1992, for the operation of any
283 vehicle for which a commercial driver's license is required to be
284 issued under Article 2 of this chapter.

285 (6) Any person holding a valid commercial driver's license
286 issued under this article before January 1, 1990, shall continue
287 thereafter, until expiration of such license, to be entitled to
288 operate all vehicles which such license authorized him to operate
289 immediately before January 1, 1990, except that from and after
290 April 1, 1992, such license shall not entitle the licensee to

291 operate a commercial motor vehicle the lawful operation of which
292 requires a commercial driver's license under Article 2 of this
293 chapter.

294 (7) Each applicant for an original or intermediate license
295 issued pursuant to this article, who is entitled to issuance of
296 same, being under eighteen (18) years of age, shall be issued a
297 one-year license. Each license will expire at midnight on the
298 licensee's birthday. Renewal licenses of operators under the age
299 of eighteen (18) shall be for one-year periods and may be renewed
300 any time within two (2) months before the expiration of the
301 license upon application and payment of the required fee, unless
302 required to be reexamined. The application for renewal by an
303 operator under the age of eighteen (18) must be accompanied by
304 documentation that the applicant is in compliance with the
305 education requirements of Section 63-1-9(g); the documentation
306 must be dated no more than thirty (30) days prior to the date of
307 application.

308 SECTION 6. This act shall take effect and be in force from
309 and after July 1, 2000.