

By: Burton

To: Judiciary

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, 63-1-47 AND 63-1-51,  
3 MISSISSIPPI CODE OF 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 license, intermediate license or permit  
15 shall be issued pursuant to this article:

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

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

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

25 (d) To any person who would not be able by reason of  
26 physical or mental disability, in the opinion of the commissioner

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

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

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

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

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

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

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

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

58 (h) To any person under the age of eighteen (18) years  
59 who has been convicted under Section 63-11-30.

60 (2) \* \* \* (a) A learner's permit may be issued to any  
61 person who is at least fifteen (15) years of age who otherwise  
62 meets the requirements of this article.

63 (b) An intermediate license may be issued to any person

64 who is at least sixteen (16) years of age who otherwise meets the  
65 requirements of this article.

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

70 \* \* \*

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

73 63-1-21. (1) Every applicant for a new or original driver's  
74 or operator's license, except persons holding an out-of-state  
75 license, shall first obtain a temporary driving permit upon the  
76 payment of a fee of One Dollar (\$1.00) to the Department of Public  
77 Safety and upon the successful completion of the examination  
78 provided for in Section 63-1-33 and the payment of the fee for  
79 such examination provided for in Section 63-1-43.

80 (2) A temporary driving permit entitles the holder, provided  
81 the permit is in his immediate possession, to drive a motor  
82 vehicle other than a motorcycle on the highways of the State of  
83 Mississippi only when accompanied by a licensed operator who is at  
84 least twenty-one (21) years of age and who is actually occupying  
85 the seat beside the driver; the supervisor shall be the only other  
86 occupant of the front passenger section of the vehicle. The  
87 holder of a temporary driving permit may not place the vehicle in  
88 motion until every occupant of the vehicle is properly restrained  
89 by a seat belt which is properly fastened. A temporary driving  
90 permit may be issued to any applicant who is at least fifteen (15)  
91 years of age. A temporary driving permit shall be valid for a  
92 period of one (1) year from the date of issue.

93 (3) Every applicant for a new or original driver's or  
94 operator's license, except persons holding an out-of-state license  
95 who are at least twenty-one (21) years of age, shall first obtain  
96 an intermediate license and shall not be eligible for a new or

97 original driver's or operator's license prior to the expiration of  
98 six (6) months from the date of issuance of the intermediate  
99 license. An intermediate license authorizes the holder to drive a  
100 specified type or class of motor vehicle under the following  
101 conditions:

102 (a) The applicant shall have possessed a valid  
103 learner's permit for a period of not less than six (6) months  
104 without any conviction of drug, zero blood alcohol tolerance, seat  
105 belt or other driver-related safety law violation;

106 (b) Passed a road test;

107 (c) Passed a course of driver education in accordance  
108 with standards established by the State Board of Education and the  
109 commissioner; and

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

112 (4) An intermediate license allows unsupervised driving from  
113 5 a.m. to 10 p.m. At all other times the intermediate licensee  
114 must be supervised. While being supervised, the intermediate  
115 licensee must be accompanied by a parent, guardian or other person  
116 aged twenty-one (21) years or older. The supervisor shall possess  
117 a valid driver's license under this article. The supervisor shall  
118 be the only other occupant of the front passenger section of the  
119 vehicle.

120 (5) The intermediate licensee shall not place the vehicle in  
121 motion until every occupant of the vehicle is restrained by a seat  
122 belt which is properly fastened.

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

125 Except as otherwise provided by Section 63-1-6, every  
126 applicant for a restricted motorcycle operator's license or a  
127 motorcycle endorsement shall first obtain a temporary motorcycle  
128 driving permit upon the payment of a fee of One Dollar (\$1.00) to  
129 the Department of Public Safety, and upon the successful

130 completion of the examination provided for in Section 63-1-33, and  
131 payment of the fee for said examination provided for in Section  
132 63-1-43. All applicants for such temporary permit shall (a) be at  
133 least fifteen (15) years of age; (b) operate a motorcycle only  
134 under the direct supervision of a person at least twenty-one (21)  
135 years of age who possesses either a valid driver's or operator's  
136 license with a motorcycle endorsement or a valid restricted  
137 motorcycle operator's license; (c) be prohibited from transporting  
138 a passenger on a motorcycle; (d) be prohibited from operating a  
139 motorcycle upon any controlled access highway; and (e) be  
140 prohibited from operating a motorcycle during the hours of 6:00  
141 p.m. through 6:00 a.m. Temporary motorcycle driving permits  
142 shall be valid for the same period of time and may be renewed upon  
143 the same conditions as temporary driving permits issued for  
144 vehicles other than motorcycles.

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

147 63-1-23. The application of any person under the age of  
148 seventeen (17) years for a temporary driving permit, intermediate  
149 license or license issued pursuant to this article shall be signed  
150 and verified before a person authorized to administer oaths by  
151 both the father and mother of the applicant, if both are living  
152 and have custody of him, or in the event neither parent is living  
153 then by the person or guardian having such custody or by an  
154 employer of him, or in the event there is no guardian or employer  
155 then by any other responsible person who is willing to assume the  
156 obligation imposed under Section 63-1-25 upon a person signing the  
157 application of a minor.

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

160 63-1-47. (1) Each applicant for an original license issued  
161 pursuant to this article, who is entitled to issuance of same, and  
162 who is eighteen (18) years of age or older, shall be issued a

163 four-year license. Each license will expire at midnight on the  
164 licensee's birthday.

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

170 (b) From and after January 1, 1990, no commercial  
171 driver's license shall be issued under the provisions of this  
172 article for any commercial motor vehicle, the lawful operation of  
173 which requires the driver to obtain a Class A, B or C commercial  
174 driver's license under Article 2 of this chapter; however, from  
175 time to time, the holder of a commercial license may apply for a  
176 commercial driver's license under Article 2 of this chapter; and,  
177 if he fails to pass the required test for such license, he shall  
178 be entitled to an extension of his license that shall be valid for  
179 one hundred twenty (120) days or until he again is tested under  
180 Article 2 of this chapter, whichever occurs first. The extension  
181 shall entitle the license holder to operate all vehicles which  
182 such license authorized him to operate prior to taking the  
183 required test. The first extension shall be without charge;  
184 however, a fee of Fifteen Dollars (\$15.00) shall be imposed for  
185 any subsequent extension. No extension shall be valid past March  
186 31, 1992.

187 (2) [none]

188 (3) Any commercial driver's license issued under this  
189 article before January 1, 1990, which expires after March 31,  
190 1992, shall be void on April 1, 1992, for the operation of any  
191 commercial vehicle requiring a commercial license to be issued  
192 under Article 2 of this chapter; however, if the holder of any  
193 such license applies for a commercial driver's license under  
194 Article 2 of this chapter, passes the required tests for such  
195 license, pays all applicable fees under Article 2 of this chapter

196 except the Forty Dollars (\$40.00) license fee and otherwise meets  
197 all requirements for the issuance of such license, then such  
198 person shall be issued a license under Article 2 of this chapter  
199 which shall expire on the expiration date of the commercial  
200 driver's license being replaced.

201 (4) [none]

202 (5) The Commissioner of Public Safety shall notify, by  
203 United States mail addressed to the last known address of record  
204 with the Department of Public Safety, all holders of commercial  
205 driver's licenses issued under this article before January 1,  
206 1990, and which expire after March 31, 1992, that such licenses  
207 will be void on and after April 1, 1992, for the operation of any  
208 vehicle for which a commercial driver's license is required to be  
209 issued under Article 2 of this chapter.

210 (6) Any person holding a valid commercial driver's license  
211 issued under this article before January 1, 1990, shall continue  
212 thereafter, until expiration of such license, to be entitled to  
213 operate all vehicles which such license authorized him to operate  
214 immediately before January 1, 1990, except that from and after  
215 April 1, 1992, such license shall not entitle the licensee to  
216 operate a commercial motor vehicle the lawful operation of which  
217 requires a commercial driver's license under Article 2 of this  
218 chapter.

219 (7) Each applicant for an original or intermediate license  
220 issued pursuant to this article, who is entitled to issuance of  
221 same, being under eighteen (18) years of age, shall be issued a  
222 one-year license. Each license will expire at midnight on the  
223 licensee's birthday. Renewal licenses of operators under the age  
224 of eighteen (18) shall be for one-year periods and may be renewed  
225 any time within two (2) months before the expiration of the  
226 license upon application and payment of the required fee, unless  
227 required to be reexamined. The application for renewal by an  
228 operator under the age of eighteen (18) must be accompanied by

229 documentation that the applicant is in compliance with the  
230 education requirements of Section 63-1-9(g); the documentation  
231 must be dated no more than thirty (30) days prior to the date of  
232 application.

233 SECTION 6. Section 63-1-51, Mississippi Code of 1972, is  
234 amended as follows:[CSQ5]

235 63-1-51. (1) It shall be the duty of the trial judge, upon  
236 conviction of any person holding a permit, intermediate license or  
237 driver's license issued pursuant to this article where the penalty  
238 for a traffic violation is as much as Ten Dollars (\$10.00), to  
239 mail a copy of abstract of the court record or provide an  
240 electronically or computer generated copy of abstract of the court  
241 record immediately to the commissioner at Jackson, Mississippi,  
242 showing the date of conviction, penalty, etc., so that a record of  
243 same may be made by the Department of Public Safety. The  
244 commissioner shall forthwith revoke the license of any person for  
245 a period of one (1) year upon receiving a duly certified record of  
246 each person's convictions of any of the following offenses when  
247 such conviction has become final:

248 (a) Manslaughter or negligent homicide resulting from  
249 the operation of a motor vehicle;

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

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

255 (d) Perjury or the willful making of a false affidavit  
256 or statement under oath to the department under this article or  
257 under any other law relating to the ownership or operation of  
258 motor vehicles;

259 (e) Conviction, or forfeiture of bail not vacated, upon  
260 three (3) charges of reckless driving committed within a period of  
261 twelve (12) months or any one (1) charge of violation of



262 zero-tolerance for minors, serious moving traffic violation, seat  
263 belt law violation or other driver-related safety law violation;

264 (f) Contempt for failure to pay a fine or fee or to  
265 respond to a summons or citation pursuant to a charge of a  
266 violation of this title.

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

270 (3) In addition to the reasons specified in this section,  
271 the commissioner shall be authorized to suspend the license issued  
272 to any person pursuant to this article for being out of compliance  
273 with an order for support, as defined in Section 93-11-153. The  
274 procedure for suspension of a license for being out of compliance  
275 with an order for support, and the procedure for the reissuance or  
276 reinstatement of a license suspended for that purpose, and the  
277 payment of any fees for the reissuance or reinstatement of a  
278 license suspended for that purpose, shall be governed by Section  
279 93-11-157 or 93-11-163, as the case may be. If there is any  
280 conflict between any provision of Section 93-11-157 or 93-11-163  
281 and any provision of this article, the provisions of Section  
282 93-11-157 or 93-11-163, as the case may be, shall control.

283 SECTION 7. This act shall take effect and be in force from  
284 and after July 1, 2000.