

By: Senator(s) Dearing

To: Judiciary

SENATE BILL NO. 2959  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 63-1-35, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT DRIVER LICENSES MAY BE RENEWED BY ELECTRONIC MEANS  
3 ACCORDING TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER  
4 OF PUBLIC SAFETY; TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO  
5 ACCEPT BANK CREDIT CARDS AND DEBIT CARDS IN PAYMENT OF FEES FOR  
6 DRIVER LICENSE RENEWALS THAT ARE PROCESSED BY ELECTRONIC MEANS; TO  
7 AMEND SECTIONS 63-1-37, 63-1-43, 63-1-82 AND 45-35-7, MISSISSIPPI  
8 CODE OF 1972, TO REVISE THE FEES CHARGED BY THE DEPARTMENT OF  
9 PUBLIC SAFETY FOR DRIVER LICENSES AND IDENTIFICATION CARDS; TO  
10 ALLOW THE COMMISSIONER OF PUBLIC SAFETY TO ESTABLISH BY RULE OR  
11 REGULATION THE FEE TO BE CHARGED FOR THE PHOTOGRAPH OF THE HOLDER  
12 OF THE LICENSE OR IDENTIFICATION CARD; AND FOR RELATED PURPOSES.

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

14 SECTION 1. Section 63-1-35, Mississippi Code of 1972, is  
15 amended as follows:

16 63-1-35. The Commissioner of Public Safety shall prescribe  
17 the form of licenses issued pursuant to this article which shall,  
18 among other features, include a driver's license number assigned  
19 by the Department of Public Safety which, at the option of the  
20 licensee, may or may not be the social security number of the  
21 licensee. A licensee who chooses not to use his social security  
22 number as his driver's license number shall list his social  
23 security number with the department which shall cross reference  
24 the social security number with the driver's license number for  
25 purposes of identification. Additionally, each license shall bear  
26 a full face color photograph of the licensee in such form that the  
27 license and the photograph cannot be separated. Such photograph  
28 shall be taken so that one (1) exposure will photograph the  
29 applicant and the application simultaneously on the same film.  
30 The department shall use a process in the issuance of a license  
31 with a color photograph which shall prevent as nearly as possible

32 any alteration, counterfeiting, duplication, reproduction, forging  
33 or modification of such license or the superimposition of a  
34 photograph without ready detection. Such photograph shall be  
35 replaced \* \* \* by the department at the time of renewal. Driver  
36 licenses, including photographs appearing thereon, may be renewed  
37 by electronic means according to rules and regulations promulgated  
38 by the commissioner. The Department of Public Safety may accept  
39 bank credit cards and debit cards in payment of fees for driver  
40 license renewals that are processed by electronic means and, if  
41 authorized by general law, may charge an additional fee for the  
42 use of such cards.

43 SECTION 2. Section 63-1-37, Mississippi Code of 1972, is  
44 amended as follows:

45 63-1-37. In the event that a license or temporary driving  
46 permit issued under the provisions of this article is lost or  
47 destroyed, the licensee shall obtain from the commissioner a  
48 duplicate copy thereof and shall pay a fee in the amount of Three  
49 Dollars (\$3.00) plus the applicable photograph fee therefor. The  
50 license or permit shall be marked "Duplicate."

51 SECTION 3. Section 63-1-43, Mississippi Code of 1972, is  
52 amended as follows:

53 63-1-43. (1) The fee for receiving the application and  
54 issuing the driver's or operator's license and the fee for  
55 renewing the license shall be Eighteen Dollars (\$18.00) plus the  
56 applicable photograph fee for each applicant for a four-year  
57 license and Three Dollars (\$3.00) plus the applicable photograph  
58 fee for each applicant for a one-year license. All originals and  
59 renewals of regular operators' licenses shall be in compliance  
60 with Section 63-1-47.

61 (2) The fee for receiving the application and issuing a  
62 motorcycle endorsement shall be Five Dollars (\$5.00). Motorcycle  
63 endorsements shall be valid for the same period of time as the  
64 applicant's operator's license.

65           (3) The fee for receiving the application and issuing a  
66 restricted motorcycle operator's license and the fee for renewing  
67 such license shall be Eleven Dollars (\$11.00) plus the applicable  
68 photograph fee. All originals and renewals of restricted  
69 motorcycle licenses shall be valid for a period of four (4) years,  
70 in compliance with Section 63-1-47.

71           (4) From and after January 1, 1990, every person who makes  
72 application for an original license or a renewal license to  
73 operate a vehicle as a common carrier by motor vehicle, taxicab,  
74 passenger coach, dray, contract carrier or private commercial  
75 carrier as such terms are defined in Section 27-19-3, except for  
76 those vehicles for which a Class A, B or C license is required  
77 under Article 2 of this chapter, shall, in lieu of the regular  
78 driver's license above provided for, apply for and obtain a Class  
79 D commercial driver's license, the fee for which shall be  
80 Twenty-three Dollars (\$23.00) plus the applicable photograph fee  
81 for a period of four (4) years; provided, however, except as  
82 required under Article 2 of this chapter, no driver of a pickup  
83 truck shall be required to have a commercial license regardless of  
84 the purpose for which the pickup truck is used.

85           All originals and renewals of commercial licenses issued  
86 under this section shall be valid for a period of four (4) years,  
87 in compliance with Section 63-1-47. Only persons who operate the  
88 above-mentioned vehicles in the course of the regular and  
89 customary business of the owner shall be required to obtain a  
90 Class D commercial operator's license, and persons operating such  
91 vehicles for private purposes or in emergencies shall not be  
92 required to obtain such license.

93           (5) The Commissioner of Public Safety, by rule or  
94 regulation, shall establish a driver's license photograph fee  
95 which shall be the actual cost of the photograph rounded off to  
96 the next highest dollar. Monies collected for the photograph fee  
97 shall be deposited into a special photograph fee account which the

98 Department of Public Safety shall use to pay the actual cost of  
99 producing the photographs. Any monies collected in excess of the  
100 actual costs of the photography shall be deposited to the general  
101 fund of the State of Mississippi.

102 SECTION 4. Section 63-1-82, Mississippi Code of 1972, is  
103 amended as follows:

104 63-1-82. (1) Each commercial driver's license shall be  
105 marked "Commercial Driver's License" or "CDL," and shall, to the  
106 maximum extent practicable, be tamper proof. Each such license  
107 shall include thereon, but not be limited to, the following  
108 information:

109 (a) The name and residential address of the licensee;

110 (b) The licensee's color photograph;

111 (c) A physical description of the licensee, including  
112 his sex, height, weight, eye and hair color;

113 (d) The licensee's date of birth;

114 (e) Except for a nonresident commercial driver's  
115 license, the licensee's social security number; and any other  
116 identifying information which the Commissioner of Public Safety,  
117 by rule or regulation, determines necessary and essential for the  
118 purposes of complying with the provisions of this article;

119 (f) The licensee's signature;

120 (g) The class or type of commercial motor vehicle or  
121 vehicles which the licensee is authorized to drive together with  
122 any endorsements or restrictions;

123 (h) The name of this state; and

124 (i) The dates between which the license is valid.

125 (2) The holder of a valid commercial driver's license may  
126 drive all vehicles in the class for which that license is issued  
127 and all lesser classes of vehicles, including any vehicle for  
128 which an operator's license or commercial driver's license issued  
129 under Article 1 of this chapter authorizes a person to drive.

130 However, vehicles which require an endorsement may not be driven  
131 unless the proper endorsement appears on the license.

132 (3) Commercial driver's licenses may be issued with the  
133 following classifications:

134 (a) Class A. Any combination of vehicles with a gross  
135 vehicle weight rating of twenty-six thousand one (26,001) pounds  
136 or more, provided the gross vehicle weight rating of the vehicle  
137 or vehicles being towed is in excess of ten thousand (10,000)  
138 pounds;

139 (b) Class B. Any single vehicle with a gross vehicle  
140 weight rating of twenty-six thousand one (26,001) pounds or more,  
141 and any such vehicle towing a vehicle not in excess of ten  
142 thousand (10,000) pounds;

143 (c) Class C. Any single vehicle with a gross vehicle  
144 weight rating of less than twenty-six thousand one (26,001) pounds  
145 or any such vehicle towing a vehicle with a gross vehicle weight  
146 rating not in excess of ten thousand (10,000) pounds comprising:

147 (i) Vehicles designed to transport sixteen (16) or  
148 more passengers, including the driver; and

149 (ii) Vehicles used in the transportation of  
150 hazardous materials which are required to be placarded under the  
151 Hazardous Materials Transportation Act, 49 USCS Appx., Section  
152 1801 et seq.; and

153 (d) Class D. All other vehicles or combination of  
154 vehicles which are not included in Class A, Class B or Class C and  
155 for which a commercial license is required to be issued as  
156 provided by Section 63-1-43, Mississippi Code of 1972.

157 (4) Commercial driver's licenses may be issued with the  
158 following endorsements and restrictions:

159 (a) "H" authorizes the driver to drive a vehicle  
160 transporting hazardous materials;

161 (b) "K" restricts the driver to vehicles not equipped  
162 with air brakes;

163 (c) "T" authorizes driving double and triple trailers;  
164 (d) "P" authorizes driving vehicles carrying  
165 passengers;  
166 (e) "N" authorizes driving tank vehicles; and  
167 (f) "X" represents a combination of hazardous materials  
168 and tank vehicle endorsements.

169 (g) "S" restricts the driver to school buses being  
170 operated for the purpose of transporting pupils to and from school  
171 or to school-related functions and/or to all other vehicles not  
172 requiring a commercial driver's license.

173 (5) Before issuing a commercial driver's license, the  
174 Commissioner of Public Safety shall obtain driving record  
175 information through the Commercial Driver License Information  
176 System.

177 (6) Within ten (10) days after issuing a commercial driver's  
178 license, the Commissioner of Public Safety shall notify the  
179 Commercial Driver License Information System of that fact,  
180 providing all information required to ensure identification of the  
181 person.

182 (7) The fee charged for the issuance of each original and  
183 each renewal of a Class A, B or C commercial driver's license  
184 shall be Thirty-eight Dollars (\$38.00) plus the applicable  
185 photograph fee. In addition, a fee of Five Dollars (\$5.00) shall  
186 be charged for each endorsement or restriction entered on a  
187 commercial driver's license under subsection (4) of this section.  
188 However, the fee charged for each original and renewal of a  
189 commercial driver's license with an "S" restriction shall be the  
190 same as the fee for a Class D commercial driver's license in  
191 addition to all application fees.

192 (8) If a commercial driver instruction permit or commercial  
193 driver's license is lost or destroyed, or if the holder of a  
194 commercial driver's license changes his name, mailing address or

195 residence, an application for a duplicate permit or license shall  
196 be made as provided by Section 63-1-37, Mississippi Code of 1972.

197 (9) All commercial driver's licenses issued under the  
198 provisions of this article shall be issued for a period of not  
199 more than four (4) years and shall expire at midnight on the last  
200 day of the licensee's month of birth.

201 (10) Every person applying for renewal of a commercial  
202 driver's license shall complete the application form required by  
203 Section 63-1-81, Mississippi Code of 1972, providing updated  
204 information and required certifications and paying the appropriate  
205 fees. If the applicant wishes to retain a hazardous materials  
206 endorsement, the written test for a hazardous materials  
207 endorsement must be taken and passed.

208 (11) The Commissioner of Public Safety, by rule or  
209 regulation, shall establish a driver's license photograph fee  
210 which shall be the actual cost of the photograph rounded off to  
211 the next highest dollar. Monies collected for the photograph fee  
212 shall be deposited into a special photograph fee account which the  
213 Department of Public Safety shall use to pay the actual cost of  
214 producing the photographs. Any monies collected in excess of the  
215 actual costs of the photography shall be deposited to the General  
216 Fund of the State of Mississippi.

217 SECTION 5. Section 45-35-7, Mississippi Code of 1972, is  
218 amended as follows:

219 45-35-7. (1) Except as provided in subsection (3) of this  
220 section, each applicant for an original identification card issued  
221 pursuant to this chapter who is entitled to issuance of such a  
222 card shall be issued a four-year card. Each card shall expire at  
223 midnight on the last day of the cardholder's birth month.

224 (2) Except as provided in subsection (3) of this section,  
225 all renewal identification cards shall be for four-year periods  
226 and may be renewed any time during the birth month of the  
227 cardholder upon application and payment of the required fee.

228           (3) Any applicant who is blind, as defined in Section  
229 43-6-1, upon payment of the fee prescribed in this section, shall  
230 be issued an original identification card which shall remain valid  
231 for a period of ten (10) years. All renewal identification cards  
232 issued to such persons shall also be valid for a period of ten  
233 (10) years.

234           (4) A fee of Eleven Dollars (\$11.00) shall be collected for  
235 the issuance of an original or renewal identification card.  
236 The Commissioner of Public Safety, by rule or regulation, shall  
237 establish a driver's license photograph fee which shall be the  
238 actual cost of the photograph rounded off to the next highest  
239 dollar. Monies collected for the photograph fee shall be  
240 deposited into a special photograph fee account which the  
241 Department of Public Safety shall use to pay the actual cost of  
242 producing the photographs. Any monies collected in excess of the  
243 actual costs of the photography shall be deposited to the General  
244 Fund of the State of Mississippi. Such fee shall be deposited  
245 into the State General Fund.

246           (5) Any person who, for medical reasons, surrenders his  
247 unexpired driver's license, and any person whose unexpired  
248 driver's license is suspended for medical reasons by the  
249 Commissioner of Public Safety under Section 63-1-53(e), may be  
250 issued an identification card without payment of a fee. The  
251 identification card shall be valid for a period of four (4) years  
252 from its date of issue. All renewals of such card shall be  
253 subject to the fee prescribed in subsection (4) of this section.

254           (6) The department shall maintain a record of all  
255 identification cards issued, except for those cards cancelled,  
256 surrendered or denied renewal.

257           SECTION 6. This act shall take effect and be in force from  
258 and after July 1, 2001.