

By: Representative McBride

To: Transportation

HOUSE BILL NO. 1091

1 AN ACT TO AMEND SECTION 63-1-9, MISSISSIPPI CODE OF 1972, TO  
 2 AUTHORIZE THE ISSUANCE OF A DRIVER'S LICENSE, INTERMEDIATE LICENSE  
 3 OR TEMPORARY LEARNING PERMIT TO PERSONS WHO SUFFER FROM SEIZURE  
 4 DISORDER, MOMENTARY LAPSES OF CONSCIOUSNESS OR OTHER CONDITIONS  
 5 HAVING A SIMILAR EFFECT UPON RECEIPT BY THE DEPARTMENT OF PUBLIC  
 6 SAFETY FROM SUCH PERSON'S LICENSED PHYSICIAN OF A STATEMENT  
 7 VERIFYING THAT SUCH PERSON HAS REMAINED FREE OF SEIZURE OR LAPSE  
 8 OF CONSCIOUSNESS FOR A PERIOD OF SIX MONTHS; AND FOR RELATED  
 9 PURPOSES.

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

11 **SECTION 1.** Section 63-1-9, Mississippi Code of 1972, is  
 12 amended as follows:

13 63-1-9. (1) No driver's license, intermediate license or  
 14 temporary learning permit shall be issued pursuant to this  
 15 article:

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

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) Subject to the provisions of paragraph (e) of this  
 26 section, to any person who would not be able by reason of physical  
 27 or mental disability, in the opinion of the commissioner or other  
 28 person authorized to grant an operator's license, to operate a  
 29 motor vehicle on the highways with safety. However, persons who  
 30 have one (1) arm or leg, or have arms or legs deformed, and have



31 their car provided with mechanical devices whereby they are able  
32 to drive in a safe manner over the highways, if otherwise  
33 qualified, shall receive an operator's license the same as other  
34 persons. Moreover, deafness shall not be a bar to obtaining a  
35 license.

36 (e) To any person who suffers from uncontrolled  
37 epilepsy (also known as seizure disorder), momentary lapses of  
38 consciousness or control due to epilepsy, cardiac syncope,  
39 diabetes or other conditions having a similar effect. However,  
40 any such person shall be entitled to be issued a driver's license,  
41 intermediate license or temporary learning permit, if such person  
42 is otherwise qualified, upon receipt by the Department of Public  
43 Safety from such person's licensed physician of a statement  
44 verifying that such person has remained free of seizure or lapse  
45 of consciousness for a period of six (6) months.

46 (f) To any person who is under the age of seventeen  
47 (17) years to drive any motor vehicle while in use as a school bus  
48 for the transportation of pupils to or from school, or to drive  
49 any motor vehicle while in use as a public or common carrier of  
50 persons or property.

51 (g) To any person as an operator who has previously  
52 been adjudged to be afflicted with and suffering from any mental  
53 disability and who has not at time of application been restored to  
54 mental competency.

55 (h) To any unmarried person under the age of eighteen  
56 (18) years who does not at the time of application present a  
57 diploma or other certificate of high school graduation or a  
58 general education development certificate issued to the person in  
59 this state or any other state, or documentation that the person:

60 (i) Is enrolled and making satisfactory progress  
61 in a course leading to a general education development  
62 certificate;



63 (ii) Is enrolled in school in this state or any  
64 other state;

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

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

69 (i) To any person under the age of eighteen (18) years  
70 who has been convicted under Section 63-11-30.

71 (2) All permits and licenses issued on or before June 30,  
72 2000, shall be valid according to the terms upon which issued.  
73 From and after July 1, 2000:

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

77 (b) An intermediate license may be issued to any person  
78 who is at least fifteen (15) years of age who otherwise meets the  
79 requirements of this article and who has held a temporary driving  
80 permit for at least six (6) months without any conviction under  
81 Section 63-11-30 or of a moving violation. Any conviction under  
82 Section 63-11-30 or of a moving violation shall restart the  
83 six-month requirement for the holding of a temporary driving  
84 permit before an applicant can qualify for an intermediate  
85 license.

86 (c) A driver's license may be issued to any person who  
87 is at least sixteen (16) years of age who otherwise meets the  
88 requirements of this article and who has held an intermediate  
89 license for at least six (6) months without any conviction under  
90 Section 63-11-30 or of a moving violation. Any conviction under  
91 Section 63-11-30 or of a moving violation shall restart the  
92 six-month requirement for the holding of an intermediate license  
93 before an applicant can qualify for a driver's license. However,  
94 a person who is at least seventeen (17) years of age who has been  
95 issued a temporary driving permit and who has never been convicted



96 under Section 63-11-30 or of a moving violation shall not be  
97 required to have held an intermediate license.

98 (d) An applicant for a Mississippi driver's license  
99 who, at the time of application, is at least sixteen (16) years of  
100 age and who has held a valid motor vehicle driver's license issued  
101 by another state for at least six (6) months shall not be required  
102 to hold a temporary driving permit or an intermediate license  
103 before being issued a driver's license.

104 (3) The commissioner shall ensure that the temporary driving  
105 permit, intermediate license and driver's license issued under  
106 this article are clear, distinct and easily distinguishable from  
107 one another.

108 **SECTION 2.** This act shall take effect and be in force from  
109 and after July 1, 2002.

