

By: Senator(s) Burton

To: Judiciary

SENATE BILL NO. 2660

1 AN ACT TO AMEND SECTION 63-1-9, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE AGE OF THE EDUCATIONAL REQUIREMENT TO OBTAIN A DRIVER'S
3 LICENSE; TO AMEND SECTION 63-1-10, MISSISSIPPI CODE OF 1972, TO
4 CONFORM; TO AMEND SECTION 63-1-47, MISSISSIPPI CODE OF 1972, TO
5 CONFORM; AND FOR RELATED PURPOSES.

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

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

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

12 (a) To any person under the age of nineteen (19) years
13 except as provided in this article.

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

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

21 (d) To any person who would not be able by reason of
22 physical or mental disability, in the opinion of the commissioner
23 or other person authorized to grant an operator's license, to
24 operate a motor vehicle on the highways with safety. However,
25 persons who have one (1) arm or leg, or have arms or legs
26 deformed, and have their car provided with mechanical devices
27 whereby they are able to drive in a safe manner over the highways,
28 if otherwise qualified, shall receive an operator's license the



29 same as other persons. Moreover, deafness shall not be a bar to
30 obtaining a license.

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

36 (f) To any person as an operator who has previously
37 been adjudged to be afflicted with and suffering from any mental
38 disability and who has not at time of application been restored to
39 mental competency.

40 (g) To any unmarried person under the age of nineteen
41 (19) years who does not at the time of application present a
42 diploma or other certificate of high school graduation or a
43 general education development certificate issued to the person in
44 this state or any other state, or documentation that the person:

45 (i) Is enrolled and making satisfactory progress
46 in a course leading to a general education development
47 certificate;

48 (ii) Is enrolled in school in this state or any
49 other state;

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

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

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

56 (2) All permits and licenses issued on or before June 30,
57 2000, shall be valid according to the terms upon which issued.
58 From and after July 1, 2000:

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



62 (b) An intermediate license may be issued to any person
63 who is at least fifteen (15) years of age who otherwise meets the
64 requirements of this article and who has held a temporary driving
65 permit for at least six (6) months without any conviction under
66 Section 63-11-30 or of a moving violation. Any conviction under
67 Section 63-11-30 or of a moving violation shall restart the
68 six-month requirement for the holding of a temporary driving
69 permit before an applicant can qualify for an intermediate
70 license.

71 (c) A driver's license may be issued to any person who
72 is at least sixteen (16) years of age who otherwise meets the
73 requirements of this article and who has held an intermediate
74 license for at least six (6) months without any conviction under
75 Section 63-11-30 or of a moving violation. Any conviction under
76 Section 63-11-30 or of a moving violation shall restart the
77 six-month requirement for the holding of an intermediate license
78 before an applicant can qualify for a driver's license. However,
79 a person who is at least seventeen (17) years of age who has been
80 issued a temporary driving permit and who has never been convicted
81 under Section 63-11-30 or of a moving violation shall not be
82 required to have held an intermediate license.

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

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

93 **SECTION 2.** Section 63-1-10, Mississippi Code of 1972, is
94 amended as follows:



95 63-1-10. (1) Any applicant for a license under nineteen
96 (19) years of age must submit with the application documentation
97 from the appropriate authority that the applicant is in compliance
98 with Section 63-1-9(g). The appropriate authority shall be the
99 school principal of a public or private school, or his designee,
100 or, in the case of a home study program, the parent, or the adult
101 education supervisor of the General Education Development Program,
102 or his designee. Documentation of the applicant's enrollment
103 status shall be on a form designed by the Department of Education
104 as approved by the Department of Public Safety in a manner that
105 insures the authenticity of the form and any information or
106 signature contained thereon. Any student who is eligible to apply
107 for a license and who is properly enrolled in a school under the
108 jurisdiction of the authority is entitled to receive the
109 documentation for presentation to the Department of Public Safety
110 to accompany the application. The forms required under this
111 section to provide documentation shall be made available to public
112 schools, private schools approved by the State Board of Elementary
113 and Secondary Education, and adult education supervisors at school
114 board offices and shall be made available to others through the
115 Department of Public Safety.

116 (2) Whenever an applicant who is under nineteen (19) years
117 of age is unable to attend any school program due to acceptable
118 circumstances, the appropriate authority where the student last
119 attended shall provide the student with documentation to present
120 to the department to excuse such student from the provisions of
121 Section 63-1-9(g). The appropriate authority shall be the sole
122 judge of whether withdrawal of a student or failure of a student
123 to attend is due to acceptable circumstances. Suspension or
124 expulsion from school or incarceration in a correctional
125 institution is not an acceptable circumstance for a person being
126 unable to attend school.



127 (3) Any person denied a license for failure to satisfy the
128 education requirements of Section 63-1-9(g) shall have the right
129 to file a request within thirty (30) days thereafter for a hearing
130 before the Department of Public Safety to determine whether the
131 person is entitled to a license or is subject to the cancellation
132 of his license under the provisions of this section. The hearing
133 shall be held within ten (10) days of the receipt by the
134 department of the request. Appeal from the decision of the
135 department may be taken under Section 63-1-31.

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

138 63-1-47. (1) Each applicant for an original license issued
139 pursuant to this article, who is entitled to issuance of same, and
140 who is nineteen (19) years of age or older, shall be issued a
141 four-year license. Each license will expire at midnight on the
142 licensee's birthday.

143 (a) All renewal licenses of operators nineteen (19)
144 years of age or older shall be for four-year periods and may be
145 renewed any time within six (6) months before the expiration of
146 the license upon application and payment of the required fee,
147 unless required to be reexamined.

148 (b) From and after January 1, 1990, no commercial
149 driver's license shall be issued under the provisions of this
150 article for any commercial motor vehicle, the lawful operation of
151 which requires the driver to obtain a Class A, B or C commercial
152 driver's license under Article 2 of this chapter; however, from
153 time to time, the holder of a commercial license may apply for a
154 commercial driver's license under Article 2 of this chapter; and,
155 if he fails to pass the required test for such license, he shall
156 be entitled to an extension of his license that shall be valid for
157 one hundred twenty (120) days or until he again is tested under
158 Article 2 of this chapter, whichever occurs first. The extension
159 shall entitle the license holder to operate all vehicles which



160 such license authorized him to operate prior to taking the
161 required test. The first extension shall be without charge;
162 however, a fee of Fifteen Dollars (\$15.00) shall be imposed for
163 any subsequent extension. No extension shall be valid past March
164 31, 1992.

165 (2) [none]

166 (3) Any commercial driver's license issued under this
167 article before January 1, 1990, which expires after March 31,
168 1992, shall be void on April 1, 1992, for the operation of any
169 commercial vehicle requiring a commercial license to be issued
170 under Article 2 of this chapter; however, if the holder of any
171 such license applies for a commercial driver's license under
172 Article 2 of this chapter, passes the required tests for such
173 license, pays all applicable fees under Article 2 of this chapter
174 except the Forty Dollars (\$40.00) license fee and otherwise meets
175 all requirements for the issuance of such license, then such
176 person shall be issued a license under Article 2 of this chapter
177 which shall expire on the expiration date of the commercial
178 driver's license being replaced.

179 (4) [none]

180 (5) The Commissioner of Public Safety shall notify, by
181 United States mail addressed to the last known address of record
182 with the Department of Public Safety, all holders of commercial
183 driver's licenses issued under this article before January 1,
184 1990, and which expire after March 31, 1992, that such licenses
185 will be void on and after April 1, 1992, for the operation of any
186 vehicle for which a commercial driver's license is required to be
187 issued under Article 2 of this chapter.

188 (6) Any person holding a valid commercial driver's license
189 issued under this article before January 1, 1990, shall continue
190 thereafter, until expiration of such license, to be entitled to
191 operate all vehicles which such license authorized him to operate
192 immediately before January 1, 1990, except that from and after



193 April 1, 1992, such license shall not entitle the licensee to
194 operate a commercial motor vehicle the lawful operation of which
195 requires a commercial driver's license under Article 2 of this
196 chapter.

197 (7) Except as otherwise provided in this article, each
198 applicant for an original driver's license issued pursuant to this
199 article, who is entitled to issuance of same, being under nineteen
200 (19) years of age, shall be issued a one-year license which will
201 expire at midnight on the licensee's birthday. Renewal driver's
202 licenses of operators under the age of nineteen (19) shall be for
203 one-year periods and may be renewed any time within two (2) months
204 before the expiration of the license upon application and payment
205 of the required fee, unless required to be reexamined. An
206 intermediate license shall be valid for one (1) year from its date
207 of issue and may be renewed any time within fourteen (14) days
208 before expiration of the license. All applications by an operator
209 under the age of nineteen (19) must be accompanied by
210 documentation that the applicant is in compliance with the
211 education requirements of Section 63-1-9(1)(g); the documentation
212 must be dated no more than thirty (30) days prior to the date of
213 application.

214 **SECTION 4.** This act shall take effect and be in force from
215 and after July 1, 2002.

