

By: Representative Moak (By Request)

To: Transportation

HOUSE BILL NO. 1528

1 AN ACT TO AMEND SECTIONS 63-1-21, 63-1-37, 63-1-43, 63-1-46,
2 63-1-81 AND 63-1-82, MISSISSIPPI CODE OF 1972, TO INCREASE THE
3 FEES FOR THE ISSUANCE OF TEMPORARY DRIVING PERMITS, INTERMEDIATE
4 DRIVER'S LICENSES, REGULAR DRIVERS' LICENSES, MOTORCYCLE
5 ENDORSEMENTS, RESTRICTED MOTORCYCLE OPERATORS' LICENSES, CLASS D
6 COMMERCIAL DRIVERS' LICENSES, AND CLASS A, CLASS B AND CLASS C
7 COMMERCIAL DRIVERS' LICENSES; TO PROVIDE THAT SUCH INCREASED FEES
8 SHALL BE DEPOSITED INTO THE STATEWIDE LITTER PREVENTION FUND AND
9 MAY BE EXPENDED BY THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO
10 DEVELOP AND IMPLEMENT A COMPREHENSIVE STATEWIDE PROGRAM OF LITTER
11 PREVENTION PURSUANT TO CONTRACTS ENTERED INTO WITH KEEP
12 MISSISSIPPI BEAUTIFUL, INCORPORATED; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 63-1-21, Mississippi Code of 1972, is
15 amended as follows:

16 63-1-21. (1) Every applicant for a new or original driver's
17 or operator's license, except persons holding an out-of-state
18 license, shall first obtain a temporary driving permit upon the
19 payment of a fee of Two Dollars (\$2.00) to the Department of
20 Public Safety and upon the successful completion of the
21 examination provided for in Section 63-1-33 and the payment of the
22 fee for such examination provided for in Section 63-1-43. One
23 Dollar (\$1.00) of the fee collected under the provisions of this
24 subsection shall be deposited into the Statewide Litter Prevention
25 Fund created under Section 65-1-167, and may be expended by the
26 Mississippi Department of Transportation to develop and implement
27 a comprehensive statewide program of litter prevention pursuant to
28 contracts entered into with Keep Mississippi Beautiful, Inc., as
29 authorized under Section 65-1-165.

30 (2) A temporary driving permit entitles the holder, provided
31 the permit is in his immediate possession, to drive a motor
32 vehicle other than a motorcycle on the highways of the State of

33 Mississippi only when accompanied by a licensed operator who is at
34 least twenty-one (21) years of age and who is actually occupying
35 the seat beside the driver. A temporary driving permit may be
36 issued to any applicant who is at least fifteen (15) years of age.
37 A temporary driving permit shall be valid for a period of one (1)
38 year from the date of issue.

39 (3) An intermediate license allows unsupervised driving from
40 6:00 a.m. to 10:00 p.m. At all other times the intermediate
41 licensee must be supervised by a parent, guardian or other person
42 age twenty-one (21) years or older who holds a valid driver's
43 license under this article and who is actually occupying the seat
44 beside the driver.

45 (4) The fee for issuance of an intermediate license shall be
46 Six Dollars (\$6.00). One Dollar (\$1.00) of the fee collected
47 under the provisions of this subsection shall be deposited into
48 the Statewide Litter Prevention Fund created under Section
49 65-1-167, and may be expended by the Mississippi Department of
50 Transportation to develop and implement a comprehensive statewide
51 program of litter prevention pursuant to contracts entered into
52 with Keep Mississippi Beautiful, Inc., as authorized under Section
53 65-1-165.

54 Except as otherwise provided by Section 63-1-6, every
55 applicant for a restricted motorcycle operator's license or a
56 motorcycle endorsement shall first obtain a temporary motorcycle
57 driving permit upon the payment of a fee of One Dollar (\$1.00) to
58 the Department of Public Safety, and upon the successful
59 completion of the examination provided for in Section 63-1-33, and
60 payment of the fee for said examination provided for in Section
61 63-1-43. All applicants for such temporary permit shall (a) be at
62 least fifteen (15) years of age; (b) operate a motorcycle only
63 under the direct supervision of a person at least twenty-one (21)
64 years of age who possesses either a valid driver's or operator's
65 license with a motorcycle endorsement or a valid restricted

66 motorcycle operator's license; (c) be prohibited from transporting
67 a passenger on a motorcycle; (d) be prohibited from operating a
68 motorcycle upon any controlled access highway; and (e) be
69 prohibited from operating a motorcycle during the hours of 6:00
70 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall
71 be valid for the same period of time and may be renewed upon the
72 same conditions as temporary driving permits issued for vehicles
73 other than motorcycles.

74 **SECTION 2.** Section 63-1-43, Mississippi Code of 1972, is
75 amended as follows:

76 63-1-43. (1) The fee for receiving the application and
77 issuing the regular driver's or operator's license and the fee for
78 renewing the license shall be:

79 (a) Nineteen Dollars (\$19.00) plus the applicable
80 photograph fee for each applicant for a four-year license;

81 (b) Four Dollars (\$4.00) plus the applicable photograph
82 fee for each applicant for a one-year license, except as provided
83 in paragraph (c) of this subsection; and

84 (c) Nine Dollars (\$9.00) plus the applicable photograph
85 fee for a one-year license for each applicant who is not a United
86 States citizen and who does not possess a social security number
87 issued by the United States government.

88 All originals and renewals of regular operators' licenses
89 shall be in compliance with Section 63-1-47.

90 (2) The fee for receiving the application and issuing a
91 motorcycle endorsement shall be Six Dollars (\$6.00). Motorcycle
92 endorsements shall be valid for the same period of time as the
93 applicant's operator's license.

94 (3) The fee for receiving the application and issuing a
95 restricted motorcycle operator's license and the fee for renewing
96 such license shall be:

97 (a) Twelve Dollars (\$12.00) plus the applicable
98 photograph fee for a four-year license; and

99 (b) Nine Dollars (\$9.00) plus the applicable photograph
100 fee for a one (1) year license.

101 All originals and renewals of restricted motorcycle licenses
102 shall be valid for the same period of time that an original
103 regular driver's license may be issued to such person in
104 compliance with Section 63-1-47.

105 (4) From and after January 1, 1990, every person who makes
106 application for an original license or a renewal license to
107 operate a vehicle as a common carrier by motor vehicle, taxicab,
108 passenger coach, dray, contract carrier or private commercial
109 carrier as such terms are defined in Section 27-19-3, except for
110 those vehicles for which a Class A, B or C license is required
111 under Article 2 of this chapter, shall, in lieu of the regular
112 driver's license above provided for, apply for and obtain a Class
113 D commercial driver's license. Except as otherwise provided in
114 subsection (5) of this section, the fee for the issuance of a
115 Class D commercial driver's license shall be Twenty-four Dollars
116 (\$24.00) plus the applicable photograph fee for a period of four
117 (4) years; however, except as required under Article 2 of this
118 chapter, no driver of a pickup truck shall be required to have a
119 commercial license regardless of the purpose for which the pickup
120 truck is used.

121 Except as otherwise provided in subsection (5) of this
122 section, all originals and renewals of commercial licenses issued
123 under this section shall be valid for a period of four (4) years,
124 in compliance with Section 63-1-47. Only persons who operate the
125 above-mentioned vehicles in the course of the regular and
126 customary business of the owner shall be required to obtain a
127 Class D commercial operator's license, and persons operating such
128 vehicles for private purposes or in emergencies shall not be
129 required to obtain such license.

130 (5) The original and each renewal of a commercial driver's
131 license issued under this section to a person who is not a United

132 States citizen and who does not possess a social security number
133 issued by the United States government shall be issued for a
134 period of one (1) year for a fee of Nine Dollars (\$9.00) plus the
135 applicable photograph fee and shall expire one (1) year from the
136 date of issuance. Such person may renew a commercial license
137 issued under this section within thirty (30) days of expiration of
138 the license.

139 (6) The Commissioner of Public Safety, by rule or
140 regulation, shall establish a driver's license photograph fee
141 which shall be the actual cost of the photograph rounded off to
142 the next highest dollar. Monies collected for the photograph fee
143 shall be deposited into a special photograph fee account which the
144 Department of Public Safety shall use to pay the actual cost of
145 producing the photographs. Except as provided in subsection (7)
146 of this section, any monies collected in excess of the actual
147 costs of the photography shall be deposited to the General Fund of
148 the State of Mississippi.

149 (7) One Dollar (\$1.00) of each of the fees collected under
150 subsections (1) through (5) of this section shall be deposited
151 into the Statewide Litter Prevention Fund created under Section
152 65-1-167, and may be expended by the Mississippi Department of
153 Transportation to develop and implement a comprehensive statewide
154 program of litter prevention pursuant to contracts entered into
155 with Keep Mississippi Beautiful, Inc., as authorized under Section
156 65-1-165.

157 **SECTION 3.** Section 63-1-81, Mississippi Code of 1972, is
158 amended as follows:

159 63-1-81. (1) Each application for a commercial driver's
160 license or commercial driver instruction permit shall include the
161 following:

162 (a) The full name and the current mailing and
163 residential address of the applicant;

164 (b) A physical description of the applicant, including
165 sex, height, weight, eye and hair color;

166 (c) The applicant's date of birth;

167 (d) The applicant's social security number unless the
168 application is for a nonresident commercial driver's license;

169 (e) The applicant's signature;

170 (f) The applicant's color photograph;

171 (g) All certifications required by applicable federal
172 regulations;

173 (h) Any other information which the Commissioner of
174 Public Safety, by rule or regulation, determines necessary and
175 essential; and

176 (i) The consent of the applicant to release driving
177 record information.

178 (2) The fee for accepting and processing an application for
179 a commercial driver instruction permit shall be Eleven Dollars
180 (\$11.00). One Dollar (\$1.00) of the fee collected under the
181 provisions of this subsection shall be deposited into the
182 Statewide Litter Prevention Fund created under Section 65-1-167,
183 and may be expended by the Mississippi Department of
184 Transportation to develop and implement a comprehensive statewide
185 program of litter prevention pursuant to contracts entered into
186 with Keep Mississippi Beautiful, Inc., as authorized under Section
187 65-1-165.

188 (3) The fee for accepting and processing an application for
189 a Class A, B or C commercial driver's license shall be Twenty-six
190 Dollars (\$26.00). One Dollar (\$1.00) of the fee collected under
191 the provisions of this subsection shall be deposited into the
192 Statewide Litter Prevention Fund created under Section 65-1-167,
193 and may be expended by the Mississippi Department of
194 Transportation to develop and implement a comprehensive statewide
195 program of litter prevention pursuant to contracts entered into

196 with Keep Mississippi Beautiful, Inc., as authorized under Section
197 65-1-165.

198 (4) No person who has been a resident of this state for
199 thirty (30) days may drive a commercial motor vehicle under the
200 authority of a commercial driver's license issued by another
201 jurisdiction. Any violation of this subsection shall be
202 punishable as provided by Section 63-1-69, Mississippi Code of
203 1972.

204 (5) Any person who knowingly falsifies information or
205 certifications required under subsection (1) of this section shall
206 be subject to the penalties prescribed in Section 63-1-59,
207 Mississippi Code of 1972, and shall be subject to suspension of
208 his commercial driver instruction permit or commercial driver's
209 license in accordance with Section 63-1-51, Mississippi Code of
210 1972.

211 (6) Each application or filing made under this section shall
212 include the social security number(s) of the applicant in
213 accordance with Section 93-11-64, Mississippi Code of 1972.

214 (7) (a) Any male who is at least eighteen (18) years of age
215 but less than twenty-six (26) years of age and who applies for a
216 commercial license or renewal of a commercial license under this
217 article shall be registered in compliance with the requirements of
218 Section 3 of the Military Selective Service Act, 50 USCS Appx 451
219 et seq., as amended.

220 (b) The department shall forward in an electronic
221 format the necessary personal information of the applicant to the
222 Selective Service System. The applicant's submission of the
223 application shall serve as an indication that the applicant either
224 has already registered with the Selective Service System or that
225 he is authorizing the department to forward to the Selective
226 Service System the necessary information for registration. The
227 commissioner shall notify the applicant on, or as a part of, the
228 application that his submission of the application will serve as

229 his consent to registration with the Selective Service System, if
230 so required. The commissioner also shall notify any male
231 applicant under the age of eighteen (18) that he will be
232 registered upon turning age eighteen (18) as required by federal
233 law.

234 **SECTION 4.** Section 63-1-82, Mississippi Code of 1972, is
235 amended as follows:

236 63-1-82. (1) Each commercial driver's license shall be
237 marked "Commercial Driver's License" or "CDL," and shall, to the
238 maximum extent practicable, be tamper proof. Each such license
239 shall include thereon, but not be limited to, the following
240 information:

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

242 (b) The licensee's color photograph;

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

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

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

251 (f) The licensee's signature;

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

255 (h) The name of this state; and

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

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

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

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

266 (a) Class A. Any combination of vehicles with a gross
267 vehicle weight rating of twenty-six thousand one (26,001) pounds
268 or more, provided the gross vehicle weight rating of the vehicle
269 or vehicles being towed is in excess of ten thousand (10,000)
270 pounds;

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

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

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

281 (ii) Vehicles used in the transportation of
282 hazardous materials which are required to be placarded under the
283 Hazardous Materials Transportation Act, 49 USCS Appx., Section
284 1801 et seq.; and

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

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

291 (a) "H" authorizes the driver to drive a vehicle
292 transporting hazardous materials;

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

295 (c) "T" authorizes driving double and triple trailers;
296 (d) "P" authorizes driving vehicles carrying
297 passengers;
298 (e) "N" authorizes driving tank vehicles; * * *
299 (f) "X" represents a combination of hazardous materials
300 and tank vehicle endorsements; and
301 (g) "S" restricts the driver to school buses being
302 operated for the purpose of transporting pupils to and from school
303 or to school-related functions and/or to all other vehicles not
304 requiring a commercial driver's license.

305 (5) Before issuing a commercial driver's license, the
306 Commissioner of Public Safety shall obtain driving record
307 information through the Commercial Driver License Information
308 System.

309 (6) Within ten (10) days after issuing a commercial driver's
310 license, the Commissioner of Public Safety shall notify the
311 Commercial Driver License Information System of that fact,
312 providing all information required to ensure identification of the
313 person.

314 (7) The fee charged for the issuance of each original and
315 each renewal of a Class A, B or C commercial driver's license
316 shall be Thirty-nine Dollars (\$39.00) plus the applicable
317 photograph fee. In addition, a fee of Six Dollars (6.00) shall be
318 charged for each endorsement or restriction entered on a
319 commercial driver's license under subsection (4) of this section.
320 However, the fee charged for each original and renewal of a
321 commercial driver's license with an "S" restriction shall be the
322 same as the fee for a Class D commercial driver's license in
323 addition to all application fees. One Dollar (\$1.00) of each of
324 the fees collected under the provisions of this subsection shall
325 be deposited into the Statewide Litter Prevention Fund created
326 under Section 65-1-167, and may be expended by the Mississippi
327 Department of Transportation to develop and implement a

328 comprehensive statewide program of litter prevention pursuant to
329 contracts entered into with Keep Mississippi Beautiful, Inc., as
330 authorized under Section 65-1-165.

331 (8) If a commercial driver instruction permit or commercial
332 driver's license is lost or destroyed, or if the holder of a
333 commercial driver's license changes his name, mailing address or
334 residence, an application for a duplicate permit or license shall
335 be made as provided by Section 63-1-37, Mississippi Code of 1972.

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

340 (10) Every person applying for renewal of a commercial
341 driver's license shall complete the application form required by
342 Section 63-1-81, Mississippi Code of 1972, providing updated
343 information and required certifications and paying the appropriate
344 fees. If the applicant wishes to retain a hazardous materials
345 endorsement, the written test for a hazardous materials
346 endorsement must be taken and passed.

347 (11) The Commissioner of Public Safety, by rule or
348 regulation, shall establish a driver's license photograph fee
349 which shall be the actual cost of the photograph rounded off to
350 the next highest dollar. Monies collected for the photograph fee
351 shall be deposited into a special photograph fee account which the
352 Department of Public Safety shall use to pay the actual cost of
353 producing the photographs. Except as otherwise specifically
354 provided in this section, any monies collected in excess of the
355 actual costs of the photography shall be deposited to the General
356 Fund of the State of Mississippi.

357 **SECTION 5.** This act shall take effect and be in force from
358 and after July 1, 2004.