

By: Representative Myers

To: Transportation

HOUSE BILL NO. 997

1 AN ACT TO AMEND SECTIONS 63-1-51 AND 63-1-53, MISSISSIPPI
2 CODE OF 1972, TO ALLOW A PERSON WITH A SUSPENDED DRIVER'S LICENSE
3 WHICH HAS BEEN SUSPENDED FOR CERTAIN OFFENSES TO PARTICIPATE IN A
4 PAYMENT PLAN; TO AUTHORIZE REINSTATEMENT OF A DRIVER'S LICENSE
5 WHILE PARTICIPATING IN SUCH PLAN; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 63-1-51, Mississippi Code of 1972, is
8 amended as follows:

9 63-1-51. (1) It shall be the duty of the trial judge, upon
10 conviction of any person holding a license issued pursuant to this
11 article where the penalty for a traffic violation is as much as
12 Ten Dollars (\$10.00), to mail a copy of abstract of the court
13 record or provide an electronically or computer generated copy of
14 abstract of the court record immediately to the commissioner at
15 Jackson, Mississippi, showing the date of conviction, penalty,
16 etc., so that a record of same may be made by the Department of
17 Public Safety. The commissioner shall forthwith revoke the
18 license of any person for a period of one (1) year upon receiving
19 a duly certified record of each person's convictions of any of the
20 following offenses when such conviction has become final:

21 (a) Manslaughter or negligent homicide resulting from
22 the operation of a motor vehicle;

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

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

28 (d) Perjury or the willful making of a false affidavit
29 or statement under oath to the department under this article or
30 under any other law relating to the ownership or operation of
31 motor vehicles;

32 (e) Conviction, or forfeiture of bail not vacated, upon
33 three (3) charges of reckless driving committed within a period of
34 twelve (12) months;

35 (f) Contempt for failure to pay a fine or fee or to
36 respond to a summons or citation pursuant to a charge of a
37 violation of this title.

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

41 (3) In addition to the reasons specified in this section,
42 the commissioner shall be authorized to suspend the license issued
43 to any person pursuant to this article for being out of compliance
44 with an order for support, as defined in Section 93-11-153. The
45 procedure for suspension of a license for being out of compliance
46 with an order for support, and the procedure for the reissuance or
47 reinstatement of a license suspended for that purpose, and the
48 payment of any fees for the reissuance or reinstatement of a
49 license suspended for that purpose, shall be governed by Section
50 93-11-157 or 93-11-163, as the case may be. If there is any
51 conflict between any provision of Section 93-11-157 or 93-11-163
52 and any provision of this article, the provisions of Section
53 93-11-157 or 93-11-163, as the case may be, shall control.

54 (4) A person who has had a license suspended under
55 subsection (1)(f) of this section shall be eligible for the
56 payment reinstatement plan as provided in Section 63-1-53(4).

57 **SECTION 2.** Section 63-1-53, Mississippi Code of 1972, is
58 amended as follows:

59 63-1-53. (1) Upon failure of any person to respond timely
60 and properly to a summons or citation charging such person with

61 any violation of this title, or upon failure of any person to pay
62 timely any fine, fee or assessment levied as a result of any
63 violation of this title, the clerk of the court shall give written
64 notice to such person by United States first class mail at his
65 last known address advising such person that if within ten (10)
66 days after such notice is deposited in the mail the person has not
67 properly responded to the summons or citation or has not paid the
68 entire amount of all fines, fees and assessments levied, then the
69 court will give notice thereof to the Commissioner of Public
70 Safety and the commissioner may suspend the driver's license of
71 such person. The actual cost incurred by the court in the giving
72 of such notice may be added to any other court costs assessed in
73 such case. If within ten (10) days after the notice is given in
74 accordance with this subsection such person has not satisfactorily
75 disposed of the matter pending before the court, then the clerk of
76 the court immediately shall mail a copy of the abstract of the
77 court record, along with a certified copy of the notice given
78 under this subsection, to the Commissioner of Public Safety, and
79 the commissioner may suspend the driver's license of such person
80 as authorized under subsections (2) and (3) of this section.

81 (2) The commissioner is hereby authorized to suspend the
82 license of an operator without preliminary hearing upon a showing
83 by his records or other sufficient evidence that the licensee:

84 (a) Has committed an offense for which mandatory
85 revocation of license is required upon conviction except under the
86 provisions of the Mississippi Implied Consent Law;

87 (b) Has been involved as a driver in any accident
88 resulting in the death or personal injury of another or serious
89 property damage;

90 (c) Is an habitually reckless or negligent driver of a
91 motor vehicle;

92 (d) Has been convicted with such frequency of serious
93 offenses against traffic regulations governing the movement of

94 vehicles as to indicate a disrespect for traffic laws and a
95 disregard for the safety of other persons on the highways;

96 (e) Is incompetent to drive a motor vehicle;

97 (f) Has permitted an unlawful or fraudulent use of such
98 license;

99 (g) Has committed an offense in another state which if
100 committed in this state would be grounds for suspension or
101 revocation;

102 (h) Has failed to pay any fine, fee or other assessment
103 levied as a result of any violation of this title;

104 (i) Has failed to respond to a summons or citation
105 which charged a violation of this title; or

106 (j) Has committed a violation for which mandatory
107 revocation of license is required upon conviction, entering a plea
108 of nolo contendere to, or adjudication of delinquency, pursuant to
109 the provisions of subsection (1) of Section 63-1-71.

110 (3) Notice that a person's license is suspended or will be
111 suspended under subsection (2) of this section shall be given by
112 the commissioner in the manner and at the time provided for under
113 Section 63-1-52, and upon such person's request, he shall be
114 afforded an opportunity for a hearing as early as practical within
115 not to exceed twenty (20) days after receipt of such request in
116 the county wherein the licensee resides unless the department and
117 the licensee agree that such hearing may be held in some other
118 county. Upon such hearing the commissioner, or his duly
119 authorized agent, may administer oaths and may issue subpoenas for
120 the attendance of witnesses and the production of relevant books
121 and papers and may require a reexamination of the licensee. Upon
122 such hearing the commissioner shall either rescind any order of
123 suspension or, good cause appearing therefor, may extend any
124 suspension of such license or revoke such license.

125 (4) A person whose license has been suspended, pursuant to
126 the provisions of subsection (1) or paragraph (h) of subsection

127 (2) of this section or subsection (1)(f) of Section 63-1-51,
128 subject to the approval of the court, may pay any local fines or
129 costs arising from such convictions or for failure to appear in
130 any court by establishing a payment plan with the local court or
131 the court clerk of the jurisdiction.

132 (5) The commissioner may reinstate a person's driving
133 privileges when such person provides the department with
134 certification from the local court or court clerk of the
135 jurisdiction that such person has entered into a payment plan with
136 the local court or the court clerk of the jurisdiction and has
137 satisfied all other provisions of law relating to the issuance and
138 restoration of a driver's license.

139 (6) The commission, upon notice of such person's failure to
140 comply with any payment plan established pursuant to this section,
141 shall suspend the license of such person. Persons who default
142 under this section shall not be eligible for any future payment
143 plans under this section. The commission shall notify the person
144 in writing of the proposed suspension and, upon request of such
145 person within thirty (30) days of such notification, shall provide
146 the person an opportunity for a hearing to show that such person
147 has, in fact, complied with the local court's or the court clerk's
148 payment plan. Failure to make such request within thirty (30)
149 days of receipt of notification shall constitute, without
150 exception, a waiver of such right.

151 (7) Any person who has defaulted on a pay plan to pay fines
152 and costs for suspension actions taken shall not be eligible to
153 participate in a payment plan nor shall the Department of Public
154 Safety have the authority to accept a payment plan as a condition
155 precedent to the restoration of driving privileges.

156 (8) Any county that participates in the payment plan
157 authorized by the provisions of this section shall pay to the
158 state any expense required to be paid for state implementation of
159 such payment plan. Such payment shall be divided pro rata among

160 the counties to which the plan applies. Such payment shall be
161 made before the implementation by the county of the provisions of
162 House Bill No. 997, 2005 Regular Session.

163 **SECTION 3.** This act shall take effect and be in force from
164 and after July 1, 2005.