

By: Representative Miles

To: Transportation

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1041

1 AN ACT TO AMEND SECTION 63-1-82, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT PERSONS APPLYING FOR THE ISSUANCE, RENEWAL, TRANSFER  
3 OR UPGRADE OF A COMMERCIAL DRIVER'S LICENSE WITH A HAZARDOUS  
4 MATERIAL ENDORSEMENT SHALL PAY THE DEPARTMENT OF PUBLIC SAFETY AN  
5 ADDITIONAL FEE PLUS ACTUAL COSTS THAT THE DEPARTMENT INCURS IN  
6 PERFORMING BACKGROUND CHECKS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 63-1-82, Mississippi Code of 1972, is  
9 amended as follows:

10 63-1-82. (1) Each commercial driver's license shall be  
11 marked "Commercial Driver's License" or "CDL" and shall, to the  
12 maximum extent practicable, be tamper proof. Each such license  
13 shall include thereon, but not be limited to, the following  
14 information:

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

16 (b) The licensee's color photograph;

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

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

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

25 (f) The licensee's signature;

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

29 (h) The name of this state; and

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

31 (2) The holder of a valid commercial driver's license may  
32 drive all vehicles in the class for which that license is issued  
33 and all lesser classes of vehicles, including any vehicle for  
34 which an operator's license or commercial driver's license issued  
35 under Article 1 of this chapter authorizes a person to drive.  
36 However, vehicles which require an endorsement may not be driven  
37 unless the proper endorsement appears on the license.

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

40 (a) Class A. Any combination of vehicles with a gross  
41 vehicle weight rating of twenty-six thousand one (26,001) pounds  
42 or more, provided the gross vehicle weight rating of the vehicle  
43 or vehicles being towed is in excess of ten thousand (10,000)  
44 pounds;

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

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

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

55 (ii) Vehicles used in the transportation of  
56 hazardous materials which are required to be placarded under the  
57 Hazardous Materials Transportation Act, 49 USCS Appx., Section  
58 1801 et seq.; and

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

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

65 (a) "H" authorizes the driver to drive a vehicle  
66 transporting hazardous materials;

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

69 (c) "T" authorizes driving double and triple trailers;

70 (d) "P" authorizes driving vehicles carrying  
71 passengers;

72 (e) "N" authorizes driving tank vehicles;

73 (f) "X" represents a combination of hazardous materials  
74 and tank vehicle endorsements;

75 (g) "S" restricts the driver to school buses being  
76 operated for the purpose of transporting pupils to and from school  
77 or to school-related functions and/or to all other vehicles not  
78 requiring a commercial driver's license; and

79 (h) "I" restricts driving which requires a commercial  
80 license to intrastate driving only.

81 (5) Before issuing a commercial driver's license, the  
82 Commissioner of Public Safety shall obtain driving record  
83 information through the Commercial Driver License Information  
84 System.

85 (6) Within ten (10) days after issuing a commercial driver's  
86 license, the Commissioner of Public Safety shall notify the  
87 Commercial Driver License Information System of that fact,  
88 providing all information required to ensure identification of the  
89 person.

90 (7) The fee charged for the issuance of each original and  
91 each renewal of a Class A, B or C commercial driver's license  
92 shall be Thirty-eight Dollars (\$38.00) plus the applicable  
93 photograph fee. In addition, a fee of Five Dollars (\$5.00) shall  
94 be charged for each endorsement or restriction entered on a  
95 commercial driver's license under subsection (4) of this section.

96 However, the fee charged for each original and renewal of a  
97 commercial driver's license with an "S" restriction shall be the  
98 same as the fee for a Class D commercial driver's license in  
99 addition to all application fees.

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

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

109 (10) Every person applying for renewal of a commercial  
110 driver's license shall complete the application form required by  
111 Section 63-1-81, Mississippi Code of 1972, providing updated  
112 information and required certifications and paying the appropriate  
113 fees. If the applicant wishes to retain a hazardous materials  
114 endorsement, the written test for a hazardous materials  
115 endorsement must be taken and passed.

116 (11) A fee of Thirty-seven Dollars (\$37.00), plus actual  
117 costs involved in conducting background record checks of  
118 applicants before issuing renewal, transfer or upgrade of a  
119 commercial driver's license with a hazardous material endorsement  
120 for the purpose of determining that the applicant does not pose a  
121 security threat warranting denial of such endorsement, shall be  
122 charged in addition to all other fees for the issuance of each  
123 original and each renewal of a Class A, B or C commercial driver's  
124 license. The fees collected under this subsection shall be  
125 deposited into a special fund in the State Treasury. Monies in  
126 the fund may be expended, upon legislative appropriation, solely  
127 for the purpose of paying administrative costs and expenses  
128 incurred by the department in performing background checks.

129           (12) The Commissioner of Public Safety, by rule or  
130 regulation, shall establish a driver's license photograph fee  
131 which shall be the actual cost of the photograph rounded off to  
132 the next highest dollar. Monies collected for the photograph fee  
133 shall be deposited into a special photograph fee account which the  
134 Department of Public Safety shall use to pay the actual cost of  
135 producing the photographs. Any monies collected in excess of the  
136 actual costs of the photography shall be deposited to the General  
137 Fund of the State of Mississippi.

138           **SECTION 2.** This act shall take effect and be in force from  
139 and after its passage.