

By: Representative Holland

To: Transportation

## HOUSE BILL NO. 1197

1 AN ACT TO AMEND SECTIONS 63-1-43, 63-1-45, 63-1-47 AND  
2 63-1-49, MISSISSIPPI CODE OF 1972, TO INCREASE FROM FOUR TO FIVE  
3 THE NUMBER OF YEARS THAT A REGULAR DRIVER'S LICENSE AND A CLASS D  
4 COMMERCIAL DRIVER'S LICENSE SHALL BE VALID; TO INCREASE THE FEES  
5 CHARGED FOR THE ISSUANCE OF REGULAR DRIVER'S LICENSES AND CLASS D  
6 COMMERCIAL DRIVER'S LICENSES; TO PROVIDE THAT THE ADDITIONAL FEES  
7 SHALL BE DEPOSITED INTO A SPECIAL FUND IN THE STATE TREASURY AND  
8 MAY BE EXPENDED SOLELY FOR THE OPERATION AND SUPPORT OF THE  
9 MISSISSIPPI HIGHWAY SAFETY PATROL; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 63-1-43, Mississippi Code of 1972, is  
12 amended as follows:

13 63-1-43. (1) The fee for receiving the application and  
14 issuing the regular driver's or operator's license and the fee for  
15 renewing the license shall be:

16 (a) Twenty-three Dollars (\$23.00) plus the applicable  
17 photograph fee for each applicant for a five-year license;

18 (b) Three Dollars (\$3.00) plus the applicable  
19 photograph fee for each applicant for a one-year license, except  
20 as provided in paragraph (c) of this subsection; and

21 (c) Eight Dollars (\$8.00) plus the applicable  
22 photograph fee for a one-year license for each applicant who is  
23 not a United States citizen and who does not possess a social  
24 security number issued by the United States government.

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

27 (2) The fee for receiving the application and issuing a  
28 motorcycle endorsement shall be Five Dollars (\$5.00). Motorcycle  
29 endorsements shall be valid for the same period of time as the  
30 applicant's operator's license.

31           (3) The fee for receiving the application and issuing a  
32 restricted motorcycle operator's license and the fee for renewing  
33 such license shall be:

34           (a) Sixteen Dollars (\$16.00) plus the applicable  
35 photograph fee for a five-year license; and

36           (b) Eight Dollars (\$8.00) plus the applicable  
37 photograph fee for a one (1) year license.

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

42           (4) From and after January 1, 1990, every person who makes  
43 application for an original license or a renewal license to  
44 operate a vehicle as a common carrier by motor vehicle, taxicab,  
45 passenger coach, dray, contract carrier or private commercial  
46 carrier as such terms are defined in Section 27-19-3, except for  
47 those vehicles for which a Class A, B or C license is required  
48 under Article 2 of this chapter, shall, in lieu of the regular  
49 driver's license above provided for, apply for and obtain a Class  
50 D commercial driver's license. Except as otherwise provided in  
51 subsection (5) of this section, the fee for the issuance of a  
52 Class D commercial driver's license shall be Twenty-eight Dollars  
53 (\$28.00) plus the applicable photograph fee for a period of five  
54 (5) years; however, except as required under Article 2 of this  
55 chapter, no driver of a pickup truck shall be required to have a  
56 commercial license regardless of the purpose for which the pickup  
57 truck is used.

58           Except as otherwise provided in subsection (5) of this  
59 section, all originals and renewals of commercial licenses issued  
60 under this section shall be valid for a period of five (5) years,  
61 in compliance with Section 63-1-47. Only persons who operate the  
62 above-mentioned vehicles in the course of the regular and  
63 customary business of the owner shall be required to obtain a

64 Class D commercial operator's license, and persons operating such  
65 vehicles for private purposes or in emergencies shall not be  
66 required to obtain such license.

67 (5) The original and each renewal of a commercial driver's  
68 license issued under this section to a person who is not a United  
69 States citizen and who does not possess a social security number  
70 issued by the United States government shall be issued for a  
71 period of one (1) year for a fee of Eight Dollars (\$8.00) plus the  
72 applicable photograph fee and shall expire one (1) year from the  
73 date of issuance. Such person may renew a commercial license  
74 issued under this section within thirty (30) days of expiration of  
75 the license.

76 (6) The Commissioner of Public Safety, by rule or  
77 regulation, shall establish a driver's license photograph fee  
78 which shall be the actual cost of the photograph rounded off to  
79 the next highest dollar. Monies collected for the photograph fee  
80 shall be deposited into a special photograph fee account which the  
81 Department of Public Safety shall use to pay the actual cost of  
82 producing the photographs. Any monies collected in excess of the  
83 actual costs of the photography shall be deposited to the General  
84 Fund of the State of Mississippi.

85 **SECTION 2.** Section 63-1-45, Mississippi Code of 1972, is  
86 amended as follows:

87 63-1-45. License examiners shall keep a complete record of  
88 all funds received from applicants upon forms to be prescribed and  
89 furnished by the department out of the operating funds of the  
90 department. Application forms shall be printed in book form and  
91 serially numbered and in such form that the original thereof may  
92 be transmitted by the license examiner to the commissioner,  
93 together with the renewal fee. A copy thereof, signed by the  
94 examiner, shall be given to the applicant, and a copy thereof  
95 shall be retained by the examiner. The license examiner shall,  
96 not later than ten (10) days from the date of an application,

97 transmit the same, together with the fee, to the commissioner.  
98 Such application blanks and funds shall be subject to audit at any  
99 time. The commissioner shall maintain records of all application  
100 forms on hand and issued to the examiners, who shall be charged  
101 therewith. The receipt provided for herein shall be the only  
102 valid and recognized form of receipt for fees paid by applicants,  
103 and such receipt shall be sufficient in lieu of the renewed  
104 license for a period of sixty (60) days or until such renewed  
105 license has been issued to the applicant by the commissioner.  
106 There shall be tendered with all applications for a temporary  
107 driving permit or temporary motorcycle driving permit, or for the  
108 initial issuance of any license issued pursuant to this article,  
109 the proper fee required by law, in cash, or by money order,  
110 cashier's or certified check. The required fee for issuance of  
111 renewal licenses, duplicate licenses or other services, for which  
112 a fee is charged, shall be tendered with the application therefor  
113 by cash, check or money order. In the event a check for renewal  
114 of a license is dishonored for any reason, the person whose  
115 license was being renewed by such check shall be notified in  
116 writing and be given thirty (30) days after such written notice in  
117 which to pay the renewal fee. This shall be done by forwarding a  
118 certified check or postal money order in the correct amount to the  
119 department. If, at the end of thirty (30) days, such certified  
120 check or postal money order has not been received by the  
121 department, the commissioner shall cancel that person's license,  
122 and, in order for that license to be reinstated, a reinstatement  
123 fee of Ten Dollars (\$10.00) plus the amount due on the returned  
124 check must be received by the department.

125 The Commissioner of Public Safety shall deposit the amount of  
126 fees, together with all fees for duplicate licenses, permits,  
127 delinquent fees and reinstatement fees collected by him into the  
128 General Fund of the State Treasury, in accordance with the  
129 provisions of Section 45-1-23(2); however:

130           (a) Seven Dollars (\$7.00) of the fee derived from the  
131 fee charged for original and renewal operators' licenses imposed  
132 under Section 63-1-43(1) and Four Dollars (\$4.00) of the fee  
133 derived from the fee charged for original and renewal Class D  
134 commercial drivers' licenses under Section 63-1-43(4) shall be  
135 deposited into a special fund that is created in the State  
136 Treasury. Monies in the fund may be expended pursuant to  
137 legislative appropriation solely for the purchase by the  
138 Mississippi Highway Safety Patrol of patrol cars, communications  
139 equipment and weapons; and

140           (b) Five Dollars (\$5.00) of the fee derived from the  
141 fee charged for original and renewal operators' licenses imposed  
142 under Section 63-1-43(1) and Five Dollars (\$5.00) of the fee  
143 derived from the fee charged for original and renewal Class D  
144 commercial drivers' licenses under Section 63-1-43(4) shall be  
145 deposited into a special fund that is created in the State  
146 Treasury. Monies in the fund may be expended pursuant to  
147 legislative appropriation solely for the operation and support of  
148 the Mississippi Highway Safety Patrol.

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

151           63-1-47. (1) Except as otherwise provided in this section,  
152 each applicant for an original license issued pursuant to this  
153 article, who is entitled to issuance of same, and who is eighteen  
154 (18) years of age or older, shall be issued a five-year license  
155 which will expire at midnight on the licensee's birthday.

156           (a) Except as otherwise provided in this section, all  
157 renewal licenses of operators eighteen (18) years of age or older  
158 shall be for five-year periods and may be renewed any time within  
159 six (6) months before the expiration of the license upon  
160 application and payment of the required fee, unless required to be  
161 reexamined.

162           (b) From and after January 1, 1990, no commercial  
163 driver's license shall be issued under the provisions of this  
164 article for any commercial motor vehicle, the lawful operation of  
165 which requires the driver to obtain a Class A, B or C commercial  
166 driver's license under Article 2 of this chapter; however, from  
167 time to time, the holder of a commercial license may apply for a  
168 commercial driver's license under Article 2 of this chapter; and,  
169 if he fails to pass the required test for such license, he shall  
170 be entitled to an extension of his license that shall be valid for  
171 one hundred twenty (120) days or until he again is tested under  
172 Article 2 of this chapter, whichever occurs first. The extension  
173 shall entitle the license holder to operate all vehicles which  
174 such license authorized him to operate prior to taking the  
175 required test. The first extension shall be without charge;  
176 however, a fee of Fifteen Dollars (\$15.00) shall be imposed for  
177 any subsequent extension. No extension shall be valid past March  
178 31, 1992.

179           (2) Any commercial driver's license issued under this  
180 article before January 1, 1990, which expires after March 31,  
181 1992, shall be void on April 1, 1992, for the operation of any  
182 commercial vehicle requiring a commercial license to be issued  
183 under Article 2 of this chapter; however, if the holder of any  
184 such license applies for a commercial driver's license under  
185 Article 2 of this chapter, passes the required tests for such  
186 license, pays all applicable fees under Article 2 of this chapter  
187 except the Forty Dollars (\$40.00) license fee and otherwise meets  
188 all requirements for the issuance of such license, then such  
189 person shall be issued a license under Article 2 of this chapter  
190 which shall expire on the expiration date of the commercial  
191 driver's license being replaced.

192           (3) The fee for the issuance of an original and renewals of  
193 a Class D commercial driver's license under this article to an  
194 applicant who is not a United States citizen and who does not

195 possess a social security number issued by the United States  
196 government and the period for which such license will be valid and  
197 expire shall be as prescribed in Section 63-1-43.

198 (4) The Commissioner of Public Safety shall notify, by  
199 United States mail addressed to the last known address of record  
200 with the Department of Public Safety, all holders of a commercial  
201 driver's license issued under this article before January 1, 1990,  
202 and which expire after March 31, 1992, that such license will be  
203 void on and after April 1, 1992, for the operation of any vehicle  
204 for which a commercial driver's license is required to be issued  
205 under Article 2 of this chapter.

206 (5) Any person holding a valid commercial driver's license  
207 issued under this article before January 1, 1990, shall continue  
208 thereafter, until expiration of such license, to be entitled to  
209 operate all vehicles which such license authorized him to operate  
210 immediately before January 1, 1990, except that from and after  
211 April 1, 1992, such license shall not entitle the licensee to  
212 operate a commercial motor vehicle the lawful operation of which  
213 requires a commercial driver's license under Article 2 of this  
214 chapter.

215 (6) Except as otherwise provided in this article, each  
216 applicant for an original driver's license issued pursuant to this  
217 article, who is entitled to issuance of same, being under eighteen  
218 (18) years of age, shall be issued a one-year license which will  
219 expire at midnight on the licensee's birthday. Renewal drivers'  
220 licenses of operators under the age of eighteen (18) shall be for  
221 one-year periods and may be renewed any time within two (2) months  
222 before the expiration of the license upon application and payment  
223 of the required fee, unless required to be reexamined. An  
224 intermediate license shall be valid for one (1) year from its date  
225 of issue and may be renewed any time within fourteen (14) days  
226 before expiration of the license. All applications by an operator  
227 under the age of eighteen (18) must be accompanied by

228 documentation that the applicant is in compliance with the  
229 education requirements of Section 63-1-9(1)(g), and the  
230 documentation must be dated no more than thirty (30) days prior to  
231 the date of application.

232 (7) Any license issued under this article to a person who is  
233 not a United States citizen and who does not possess a social  
234 security number issued by the United States government shall  
235 expire one (1) year from the date of issuance and may be renewed,  
236 if such person is otherwise qualified to renew such license,  
237 within thirty (30) days of expiration. The fee for any such  
238 license and for renewal shall be as prescribed in Section 63-1-43.

239 **SECTION 4.** Section 63-1-49, Mississippi Code of 1972, is  
240 amended as follows:

241 63-1-49. (1) An expired license issued pursuant to this  
242 article may be renewed at any time within twelve (12) months after  
243 the expiration date of said license upon application and payment  
244 of the required fee, and the payment of a delinquent fee of One  
245 Dollar (\$1.00), in lieu of a driver examination, unless the holder  
246 of the expired license is required to be examined, or unless the  
247 department has reason to believe the licensee is no longer  
248 qualified to receive a license. If any person shall obtain a new  
249 license, his last previous license having been good and valid,  
250 except for its lapsing, without his having obtained a renewal  
251 within the time required by law, then such reissuance of a license  
252 shall constitute a renewal of the previous license and not a new  
253 license.

254 (2) (a) Any person in the armed services of the United  
255 States, holding a valid license issued pursuant to this article  
256 and being out of state due to military service at the time said  
257 license expires, may renew said license at any time within ninety  
258 (90) days after being discharged from such military service or  
259 upon returning to the state, without payment of any delinquent fee  
260 or examination, unless the department has reason to believe that



261 the licensee is no longer qualified to receive a license. Said  
262 person shall make proof by affidavit of the fact of such military  
263 service and of the time of discharge or return. The expiration of  
264 the license of a military person under the provisions of this  
265 paragraph (a) shall not affect the validity of the license, but  
266 such license shall continue to be valid and permit such person to  
267 operate a motor vehicle for a period of ninety (90) days after he  
268 is discharged from military service or returns to the state or  
269 until he renews his license, whichever event first occurs.

270 (b) The provisions of paragraph (a) of this subsection  
271 (2) also apply to the spouse or a child of a person in the armed  
272 services of the United States who is out of state due to military  
273 service if the spouse or child resides out of state with the armed  
274 services member and the license of the spouse or child expires  
275 during his or her absence from the state. The Commissioner of  
276 Public Safety may adopt such rules and regulations as may be  
277 necessary to implement the provisions of this paragraph.

278 (3) Any person holding a valid license issued pursuant to  
279 this article who is going overseas for two (2) to five (5) years  
280 and whose license shall expire during the stay overseas may renew  
281 said license for five (5) years prior to leaving. Said person  
282 shall make proof by affidavit of the fact of such overseas travel.  
283 Such reissuance of a license shall constitute a renewal of the  
284 previous license and not a new license.

285 **SECTION 5.** This act shall take effect and be in force from  
286 and after July 1, 2005.