

By: Representatives Lott, Gunn, Baker (8th), Staples, Mims, Beckett, Aldridge, Barnett, Martinson, Carlton, Mayhall, Turner, Stevens To: Transportation

HOUSE BILL NO. 1428

1 AN ACT TO AMEND SECTION 63-1-9, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT NO DRIVER'S LICENSE, INTERMEDIATE LICENSE OR  
3 TEMPORARY LEARNING PERMIT SHALL BE ISSUED TO ANY PERSON WHO IS AN  
4 ILLEGAL ALIEN; AND FOR RELATED PURPOSES.

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

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

8 63-1-9. (1) No driver's license, intermediate license or  
9 temporary learning permit shall be issued pursuant to this  
10 article:

11 (a) To any person under the age of eighteen (18) years  
12 except as provided in this article.

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

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

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

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

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

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

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

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

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

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

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

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

55 (i) To any person who is an illegal alien.

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.** This act shall take effect and be in force from  
94 and after July 1, 2005.