

By: Senator(s) White

To: Judiciary, Division B

SENATE BILL NO. 2126

1 AN ACT TO AMEND SECTION 63-1-53, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE SERVICE OF PROCESS BY A CONSTABLE OF A PENDING
3 SUSPENSION OF A PERSON'S DRIVER'S LICENSE UNDER CERTAIN
4 CIRCUMSTANCES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 63-1-53, Mississippi Code of 1972, is
7 amended as follows:

8 63-1-53. (1) Upon failure of any person to respond timely
9 and properly to a summons or citation charging such person with
10 any violation of this title, or upon failure of any person to pay
11 timely any fine, fee or assessment levied as a result of any
12 violation of this title, the clerk of the court shall give written
13 notice to such person by United States first-class mail at his
14 last known address, or by having a constable serve the notice in
15 the same manner that the constable would serve any civil process
16 issued by a justice court, advising such person that if within ten
17 (10) days after such notice is deposited in the mail or served by
18 the constable the person has not properly responded to the summons
19 or citation or has not paid the entire amount of all fines, fees
20 and assessments levied, then the court will give notice thereof to
21 the Commissioner of Public Safety and the commissioner may suspend
22 the driver's license of such person. The actual cost incurred by
23 the court in the giving of such notice may be added to any other
24 court costs assessed in such case. If within ten (10) days after
25 the notice is given in accordance with this subsection such person
26 has not satisfactorily disposed of the matter pending before the
27 court, then the clerk of the court immediately shall mail a copy
28 of the abstract of the court record, along with a certified copy

29 of the notice given under this subsection, to the Commissioner of
30 Public Safety, and the commissioner may suspend the driver's
31 license of such person as authorized under subsections (2) and (3)
32 of this section.

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

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

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

42 (c) Is an habitually reckless or negligent driver of a
43 motor vehicle;

44 (d) Has been convicted with such frequency of serious
45 offenses against traffic regulations governing the movement of
46 vehicles as to indicate a disrespect for traffic laws and a
47 disregard for the safety of other persons on the highways;

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

49 (f) Has permitted an unlawful or fraudulent use of such
50 license;

51 (g) Has committed an offense in another state which if
52 committed in this state would be grounds for suspension or
53 revocation;

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

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

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

62 (3) Notice that a person's license is suspended or will be
63 suspended under subsection (2) of this section shall be given by
64 the commissioner in the manner and at the time provided for under
65 Section 63-1-52, and upon such person's request, he shall be
66 afforded an opportunity for a hearing as early as practical within
67 not to exceed twenty (20) days after receipt of such request in
68 the county wherein the licensee resides unless the department and
69 the licensee agree that such hearing may be held in some other
70 county. Upon such hearing the commissioner, or his duly
71 authorized agent, may administer oaths and may issue subpoenas for
72 the attendance of witnesses and the production of relevant books
73 and papers and may require a reexamination of the licensee. Upon
74 such hearing the commissioner shall either rescind any order of
75 suspension or, good cause appearing therefor, may extend any
76 suspension of such license or revoke such license.

77 **SECTION 2.** The Attorney General of the State of Mississippi
78 shall submit this act, immediately upon approval by the Governor,
79 or upon approval by the Legislature subsequent to a veto, to the
80 Attorney General of the United States or to the United States
81 District Court for the District of Columbia in accordance with the
82 provisions of the Voting Rights Act of 1965, as amended and
83 extended.

84 **SECTION 3.** This act shall take effect and be in force from
85 and after the date it is effectuated under Section 5 of the Voting
86 Rights Act of 1965, as amended and extended.