

By: Senator(s) Harden

To: Judiciary, Division A

SENATE BILL NO. 2956

1 AN ACT TO AMEND SECTION 63-1-35, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE REQUIREMENT THAT AN APPLICANT FOR A DRIVER'S
3 LICENSE PRESENT HIS SOCIAL SECURITY NUMBER TO THE DEPARTMENT OF
4 PUBLIC SAFETY SHALL NOT BE APPLICABLE TO A PERSON WHO FILES AN
5 AFFIDAVIT WITH THE DEPARTMENT AFFIRMING THAT HE HAS NEVER BEEN
6 ISSUED A SOCIAL SECURITY NUMBER; TO AMEND SECTION 63-1-19,
7 MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE TYPES OF DOCUMENTS THAT
8 AN APPLICANT FOR A MISSISSIPPI DRIVER'S LICENSE MAY PROVIDE TO THE
9 DRIVER'S LICENSE EXAMINER IN ORDER TO SHOW PROOF OF RESIDENCE; AND
10 FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 63-1-35, Mississippi Code of 1972, is
13 amended as follows:

14 63-1-35. (1) The Commissioner of Public Safety shall
15 prescribe the form of licenses issued pursuant to this article
16 which shall, among other features, include a driver's license
17 number assigned by the Department of Public Safety which, at the
18 option of the licensee, may or may not be the social security
19 number of the licensee. A licensee who chooses not to use his
20 social security number as his driver's license number, except as
21 otherwise provided under subsection (2) of this section, shall
22 list his social security number with the department which shall
23 cross reference the social security number with the driver's
24 license number for purposes of identification. Additionally, each
25 license shall bear a full face color photograph of the licensee in
26 such form that the license and the photograph cannot be separated.
27 Such photograph shall be taken so that one (1) exposure will
28 photograph the applicant and the application simultaneously on the
29 same film. The department shall use a process in the issuance of
30 a license with a color photograph which shall prevent as nearly as
31 possible any alteration, counterfeiting, duplication,

32 reproduction, forging or modification of such license or the
33 superimposition of a photograph without ready detection. Such
34 photograph shall be replaced by the department at the time of
35 renewal. Driver licenses, including photographs appearing
36 thereon, may be renewed by electronic means according to rules and
37 regulations promulgated by the commissioner. The Department of
38 Public Safety may accept bank credit cards and debit cards in
39 payment of fees for driver license renewals that are processed by
40 electronic means and, if authorized by general law, may charge an
41 additional fee for the use of such cards.

42 (2) An applicant who does not have, or who states that he
43 has never been issued, a social security number as required under
44 subsection (1) of this section, shall complete an affidavit, under
45 penalty of perjury, affirming that he has never been issued a
46 social security number.

47 **SECTION 2.** Section 63-1-19, Mississippi Code of 1972, is
48 amended as follows:

49 63-1-19. (1) * * * Every applicant for a license or permit
50 issued pursuant to this article, or for renewal of such license or
51 permit, shall file an application for such license, permit or
52 renewal, on a form provided by the Department of Public Safety,
53 with the commissioner or an official license examiner of the
54 department. All persons not holding valid, unexpired licenses
55 issued in this state shall be required to secure an original
56 license, except those specifically exempted from licensing under
57 Section 63-1-7. The application shall state the name, date of
58 birth, the social security number of the applicant unless the
59 applicant is not a United States citizen and does not possess a
60 social security number issued by the United States government,
61 sex, race, color of eyes, color of hair, weight, height and
62 residence address, and whether or not the applicant's privilege to
63 drive has been suspended or revoked at any time, and, if so, when,
64 by whom, and for what cause, and whether any previous application

65 by him has been denied, and whether he has any physical defects
66 which would interfere with his operating a motor vehicle safely
67 upon the highways.

68 (2) Every applicant for an original license shall show proof
69 of residence in this state. * * * An applicant for an original
70 license may show proof of residence in this state by presenting to
71 the license examiner at least two (2) of the following documents:

72 (a) A utility bill, including telephone service,
73 showing a valid residential address;

74 (b) A bank statement showing a valid Mississippi
75 address;

76 (c) An acceptable employer verification, such as an
77 employment identification card, a letter from the employer on its
78 official letterhead or a payroll check or payroll check stub;

79 (d) An automobile, life or health insurance policy
80 showing a valid Mississippi address;

81 (e) A driver's license issued by the State of
82 Mississippi to a parent, legal guardian or spouse;

83 (f) A Mississippi motor vehicle registration showing a
84 valid Mississippi address;

85 (g) An Internal Revenue Service Tax Reporting W-2 Form;

86 (h) A receipt for personal or real estate taxes paid
87 within the last year showing a valid Mississippi address;

88 (i) A copy of a residential lease showing a valid
89 Mississippi address;

90 (j) If the applicant is a student enrolled in a public
91 or private school in Mississippi, a photo student identification
92 and acceptable documentation that the student resides on campus;

93 or

94 (k) A photo identification card issued by the
95 government of the applicant's country of origin.

96 (3) If an applicant is unable to provide at least two (2) of
97 the documents described in subsection (2) of this section, he may

98 provide one (1) of the documents described in subsection (2) of
99 this section and one (1) of the following documents:

100 (a) The Individual Taxpayer Identification Number
101 (ITIN) issued by the Internal Revenue Service;

102 (b) Form I-94 issued to the applicant by the United
103 States Immigration and Naturalization Service;

104 (c) An Employment Authorization Card (EAD) issued to
105 the applicant by the United States Immigration and Naturalization
106 Service;

107 (d) A Permanent Residence Card issued to the applicant
108 by the United States Immigration and Naturalization Service; or

109 (e) A stamp in a foreign passport issued by the United
110 States Immigration and Naturalization Service showing evidence of
111 lawful admission for permanent residence.

112 (4) The documents described in subsection (1) and (2) of
113 this section must include the applicant's name or the name of the
114 applicant's spouse, if the applicant has a spouse, or if the
115 applicant is a minor, the name of a parent or legal guardian.

116 These documents must also show the valid residence address of the
117 applicant being used on the application for the Mississippi
118 driver's license.

119 Each application or filing made under this section, except as
120 otherwise provided under Section 63-1-35(2), shall include the
121 social security number(s) of the applicant in accordance with
122 Section 93-11-64, Mississippi Code of 1972.

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