



West's Annotated Mississippi Code [Currentness](#)

Title 63. Motor Vehicles & Traffic Regulations

▢ Chapter 1. Driver's License

▢ Article 1. Driver's License

→→ § 63-1-9. License, intermediate license and temporary learning permit eligibility and restrictions

(1) No driver's license, intermediate license or temporary learning permit shall be issued pursuant to this article:

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

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

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

(d) To any person who would not be able by reason of physical or mental disability, in the opinion of the commissioner or other person authorized to grant an operator's license, to operate a motor vehicle on the highways with safety. However, persons who have one (1) arm or leg, or have arms or legs deformed, and are driving a car provided with mechanical devices whereby the person is able to drive in a safe manner over the highways, if otherwise qualified, shall receive an operator's license the same as other persons. Moreover, deafness shall not be a bar to obtaining a license.

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

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

(g) To any unmarried person under the age of eighteen (18) years who does not at the time of application present a diploma or other certificate of high school graduation or a general educational development certificate issued to the person in this state or any other state; or on whose behalf documentation has not been received by the Department of Public Safety from that person or a school official verifying that the person:

- (i) Is enrolled and making satisfactory progress in a course leading to a general educational development certificate;
  - (ii) Is enrolled in school in this state or any other state;
  - (iii) Is enrolled in a “nonpublic school,” as such term is defined in [Section 37-13-91\(2\)\(i\)](#); or
  - (iv) Is unable to attend any school program due to circumstances deemed acceptable as set out in [Section 63-1-10](#).
- (h) To any person under the age of eighteen (18) years who has been convicted under [Section 63-11-30](#).

(2) All permits and licenses issued on or before July 31, 2009, shall be valid according to the terms upon which issued. From and after August 1, 2009:

(a) A temporary driving permit may be issued to any person who is at least fifteen (15) years of age who otherwise meets the requirements of this article.

(b) An intermediate license may be issued to any person who is at least sixteen (16) years of age who otherwise meets the requirements of this article and who has held a temporary driving permit for at least one (1) year without any conviction under [Section 63-11-30](#) or of a moving violation. Any conviction under [Section 63-11-30](#) or of a moving violation shall restart the one-year requirement for the holding of a temporary driving permit before an applicant can qualify for an intermediate license.

(c) A driver's license may be issued to any person who is at least sixteen and one-half (16-1/2) years of age who otherwise meets the requirements of this article and who has held an intermediate license for at least six (6) months without any conviction under [Section 63-11-30](#) or of a moving violation. Any conviction under [Section 63-11-30](#) or of a moving violation shall restart the six-month requirement for the holding of an intermediate license before an applicant can qualify for a driver's license. However, a person who is at least seventeen (17) years of age who has been issued a temporary driving permit and who has never been convicted under [Section 63-11-30](#) or of a moving violation shall not be required to have held an intermediate license.

(d) An applicant for a Mississippi driver's license who, at the time of application, is at least sixteen and one-half (16-1/2) years of age and who has held a valid motor vehicle driver's license issued by another state for at least six (6) months shall not be required to hold a temporary driving permit or an intermediate license before being issued a driver's license.

(3) The commissioner shall ensure that the temporary driving permit, intermediate license and driver's license issued under this article are clear, distinct and easily distinguishable from one another.

CREDIT(S)

Laws 1938, Ch. 143, § 16; Laws 1985, Ch. 376, § 7; Laws 1994, Ch. 588, § 1; Laws 1995, Ch. 540, § 2; Laws 1996, Ch. 527, § 1, eff. July 2, 1996; Laws 2000, Ch. 624, § 2, eff. July 1, 2000; Laws 2009, Ch. 488, § 1, eff. July 1, 2009.

#### HISTORICAL AND STATUTORY NOTES

This section was purportedly amended by Laws 1990, Ch. 588, § 21. Laws 1990, Ch. 588, § 84 provided:

“This act shall take effect and be in force from and after July 1, 1990, provided that the Legislature by concurrent resolution adopted by the House and Senate in session prior to July 1, 1990, declares that sufficient funds are dedicated and made available for the implementation of this act.”

The resolution required by Laws 1990, Ch. 588, § 84 was not adopted, and therefore, the purported amendment to this section by Laws 1990, Ch. 588 was not given effect.

Laws 2000, Ch. 624, § 1 provided:

“The Legislature has recognized the need to develop a graduated licensing system in light of the disproportionately high incidence of motor vehicle crashes involving youthful motorists. This system will improve highway safety by progressively developing and improving the skills of younger drivers in the safest possible environment, thereby reducing the number of vehicle crashes.”

Derivation:

Code 1942, § 8093.

#### CROSS REFERENCES

Duration of license after issuance and commercial driver's license issuance, see [§ 63-1-47](#).

Identification cards, issuance by Department of Public Safety, see [§ 45-35-1 et seq.](#)

#### LIBRARY REFERENCES

[Automobiles](#)  138.

Westlaw Topic No. 48A.

[C.J.S. Motor Vehicles](#) §§ 268 to 272, 274, 284 to 285.

#### RESEARCH REFERENCES

Encyclopedias

[Encyclopedia of Mississippi Law § 43:32, Recordkeeping Law.](#)

## JUDICIAL DECISIONS

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### 1. Age of juvenile applicant--In general

A person who reaches the age of fifteen (15) before September 1, 1995, thus becoming eligible to obtain a driver's license under the old law, and has properly applied for his or her driver's license prior to September 1, 1995, may be issued a driver's license no matter when the process for obtaining a driver's license is completed. Op. Atty. Gen. No. 95-0419, [Head, July 26, 1995, 1995 WL 461596.](#)

### 2. ---- Gainful necessary employment, age of juvenile applicant

Since there is no provision for the invalidation or revocation of the right to drive for a fifteen year old who has obtained a license under Section **63-1-9(2)(b)** if the fifteen year old ceases to be gainfully employed, the minor may continue to legally drive even though he/she is no longer gainfully employed; however, the minor is still restricted or prohibited from driving between the hours of 10:00 p.m. and 6:00 a.m. Op. Atty. Gen. No. 98-0003, [Darby, Jan. 16, 1998, 1998 WL 57207.](#)

### 3. ---- Liability of parent, age of juvenile applicant

A statute fixing age required of automobile drivers is a legislative determination that a child under that age does not possess sufficient judgment and discretion to operate such vehicles, and one who knowingly entrusts his automobile to a person under the statutory age is liable for injury resulting from the latter's negligence, without proof of minor's actual incompetence. [United Gas Pipe Line Co. v. Jones \(Miss. 1959\) 236 Miss. 471, 111 So.2d 240. Automobiles](#)  192(11)

Permitting a child, of an age forbidden by statute to drive, to operate an automobile constitutes negligence on part of the parent. [United Gas Pipe Line Co. v. Jones \(Miss. 1959\) 236 Miss. 471, 111 So.2d 240. Automobiles](#)  191

Father was not relieved from liability for his negligence in permitting use of his automobile by his immature son, who was under age of 15 years and was prohibited by law from driving motor vehicle on public highway, when he exacted promise from son that he would not drive automobile on highway and that he would not permit anyone else to drive automobile. [United Gas Pipe Line Co. v. Jones \(Miss. 1959\) 236 Miss. 471, 111 So.2d 240. Automobiles](#)  191

Father was not relieved from liability for negligence in permitting use of his automobile by his immature son, who was under age of 15 years, and was prohibited by law from driving motor vehicle on public highway, where son permitted another boy to operate automobile while son sat beside him. [United Gas Pipe Line Co. v. Jones \(Miss. 1959\) 236 Miss. 471, 111 So.2d 240. Automobiles ↪191](#)

Where father intrusted possession and control of his automobile to son, an immature minor who was prohibited by law from operating the automobile, and so permitted another boy to drive automobile and assisted and directed the driving, but failed to exercise any effective control or take any timely action to prevent driver from operating automobile at an excessive and highly dangerous rate of speed, both father and son were negligent and were liable for injuries resulting to passenger in accident occurring when automobile, while rounding curve in highway, collided with concrete post which was on outer edge of highway shoulder. [United Gas Pipe Line Co. v. Jones \(Miss. 1959\) 236 Miss. 471, 111 So.2d 240. Automobiles ↪181\(7\)](#)

In action by automobile passenger against owner of automobile who had intrusted control of automobile to his son, an immature minor, who was prohibited by law from operating automobile, for injuries sustained in automobile accident, admission of testimony showing that owner had permitted son to drive automobile on other occasions was not improper. [United Gas Pipe Line Co. v. Jones \(Miss. 1959\) 236 Miss. 471, 111 So.2d 240. Automobiles ↪243\(5\)](#)

Father who signed application by son under 17 years of age for license to operate motor vehicle was not liable for property damage inflicted while son was operating automobile under renewal license for succeeding year, application for which was not signed by father. [Houston v. Holmes \(Miss. 1947\) 202 Miss. 300, 32 So.2d 138. Automobiles ↪184](#)

Miss. Code Ann. § 63-1-9, MS ST § 63-1-9

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