

By: Representative Brown

To: Ways and Means

HOUSE BILL NO. 1423

1 AN ACT TO ENACT THE RESPONSIBLE ALCOHOL VENDOR LAW TO
2 ENCOURAGE VENDORS OF ALCOHOLIC BEVERAGES, BEER OR LIGHT WINE TO BE
3 PRUDENT IN THEIR SELLING PRACTICES; TO PROVIDE FOR THE
4 CERTIFICATION BY THE STATE TAX COMMISSION OF PERSONS OFFERING
5 TRAINING PROGRAMS TO PERSONS WHO SERVE ALCOHOLIC BEVERAGES, BEER
6 OR LIGHT WINE; TO PROVIDE FOR THE CERTIFICATION OF TRAINERS
7 EMPLOYED BY PERSONS OFFERING SUCH TRAINING PROGRAMS; TO SPECIFY
8 THE CONTENT OF TRAINING COURSES OFFERED BY PROVIDERS; TO PROVIDE
9 FOR THE CERTIFICATION OF A VENDOR AS A RESPONSIBLE VENDOR BY THE
10 STATE TAX COMMISSION UPON MEETING CERTAIN REQUIREMENTS; TO REQUIRE
11 THAT PERSONS EMPLOYED BY A RESPONSIBLE VENDOR TO SERVE OR SELL
12 ALCOHOLIC BEVERAGES, BEER OR WINE MUST POSSESS A SERVER'S PERMIT
13 ISSUED BY THE STATE TAX COMMISSION; TO PROVIDE THE REQUIREMENTS
14 THAT A PERSON MUST MEET IN ORDER TO BE ISSUED A SERVER'S PERMIT;
15 TO PROVIDE THAT CERTIFICATION AS A RESPONSIBLE VENDOR SHALL BE A
16 DEFENSE OR MITIGATION IN CERTAIN PERMIT SUSPENSION OR REVOCATION
17 PROCEEDINGS AGAINST A VENDOR BY THE STATE TAX COMMISSION FOR
18 VIOLATIONS OF THE LAWS RELATING TO ALCOHOLIC BEVERAGES, BEER OR
19 LIGHT WINE; TO AMEND SECTIONS 67-1-37, 67-1-71 AND 67-3-29,
20 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
21 PURPOSES.

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

23 SECTION 1. This act shall be known and may be cited as the
24 "Responsible Alcohol Vendor Law" of the State of Mississippi.

25 SECTION 2. The purpose of this act is to eliminate the sale
26 of alcoholic beverages, beer and light wine to, and the
27 consumption of alcoholic beverages, beer and light wine by,
28 underage persons; to reduce intoxication and to reduce accidents,
29 injuries and death in the state which are related to intoxication;
30 and to encourage the responsible sale of alcoholic beverages, beer
31 and light wine by vendors throughout the state; and to provide for
32 the mitigation of administrative penalties against vendors who
33 comply with responsible practices in accordance with this act.

34 SECTION 3. As used in this act:

35 (a) "Commission" means the Mississippi State Tax
36 Commission.

37 (b) "Person" means and includes any individual,
38 partnership, corporation, association or other legal entity
39 whatsoever.

40 (c) "Vendor" means any person holding a permit to sell
41 alcoholic beverages, beer or light wine for on-premises
42 consumption or off-premises consumption.

43 (d) "Server" means any employee of a vendor who is
44 authorized to sell, serve or mix alcoholic beverages in the normal
45 course of his or her employment or deals with customers who
46 purchase or consume alcoholic beverages, beer or light wine.

47 (e) "Server permit" means the permit issued to a server
48 upon completion of a server training course and all required
49 refresher courses provided for in this act.

50 (f) "Approved provider" means a person approved by the
51 commission to provide server training courses.

52 (g) "Trainer" means an individual employed or
53 authorized by an approved provider to conduct an alcohol server
54 education course wherein the successful completion of which will
55 result in the issuance of a server permit to students.

56 SECTION 4. (1) The commission, upon appropriation of
57 adequate funding, shall establish a responsible alcohol vendor
58 program designed to educate vendors and their employees and
59 customers about the selling, serving and consumption of alcoholic
60 beverages in a responsible manner. The chairman of the commission
61 may appoint or employ such personnel, not exceeding four (4), as
62 may be necessary to carry out the program.

63 SECTION 5. In order to offer server training courses under
64 this act, a provider must be approved by the commission and shall
65 meet such requirements as the commission may promulgate by rule or
66 regulation. Each trainer employed by an approved provider must be
67 certified by the commission and shall meet the requirements that
68 an applicant under the Local Option Alcoholic Beverage Control Law
69 must meet under Section 67-1-57(a), (f), (g), (i) and (l), and
70 possess adequate experience relating to the responsible sale and

71 service of alcoholic beverages, beer and light wine.

72 Certifications of providers and trainers shall be valid for
73 two (2) years. The commission may establish additional
74 requirements for providers and trainers by rule or regulation.

75 SECTION 6. Training courses offered by certified providers
76 shall include, but not be limited to, instruction in the
77 following:

78 (a) Classification of alcohol as a depressant and its
79 effect on the human body, particularly on the ability to drive a
80 motor vehicle.

81 (b) Effects of alcohol when taken with commonly used
82 prescription and nonprescription drugs.

83 (c) Absorption rate, as well as the rate at which the
84 human body can dispose of alcohol and how food affects the
85 absorption rate.

86 (d) Methods of identifying and dealing with underage
87 and intoxicated persons, including strategies for delaying and
88 denying sales and service to intoxicated and underage persons.

89 (e) State laws and regulations regarding the sale and
90 service of alcoholic beverages, beer and light wine.

91 (f) Local ordinances and regulations including, but not
92 limited to, the hours of operation, noise, litter and other
93 ordinances that effect the sale and service of alcoholic
94 beverages, beer or light wine for consumption on or off the
95 premises.

96 (g) State and federal laws and regulations related to
97 the purchase of tobacco products by underage persons and age
98 verification requirements.

99 SECTION 7. (1) A vendor who seeks to qualify as a
100 responsible vendor must provide to the commission, pursuant to
101 procedures adopted by the commission, evidence of compliance with
102 the requirements of this act. Upon satisfactory proof that the
103 vendor has complied with the requirements, the commission shall
104 certify the vendor as a responsible vendor. Certification as a

105 responsible vendor shall be renewed annually.

106 (2) The commission shall adopt rules and regulations for
107 monitoring compliance by certified vendors and for revoking or
108 suspending a vendor's certification for noncompliance with this
109 act.

110 (3) In order to qualify for certification and to maintain
111 such certification, the vendor shall comply with the following
112 requirements:

113 (a) Require that all servers employed by him complete
114 a server training course offered by an approved provider within
115 thirty (30) days after they are employed, and that such servers
116 obtain a server's permit and maintain such permit for as long as
117 they are employed by such vendor;

118 (b) Maintain employment records of the training of its
119 employees required by this act; and

120 (c) Post signs on the vendor's premises informing
121 customers of the vendor's policy against selling alcoholic
122 beverages to underage persons.

123 SECTION 8. (1) Persons seeking a server's permit shall
124 apply for such permit with the commission and shall demonstrate to
125 the commission the following:

126 (a) That the applicant has not been convicted of any
127 crime involving the sale of alcoholic beverages or beer, the
128 possession of a controlled substance, any sex-related crime or
129 embezzlement within the previous four (4) years;

130 (b) That the applicant has not been convicted of any
131 felony within the previous four (4) years;

132 (c) That the applicant has not had an alcoholic
133 beverage, beer or light wine server's permit revoked in any state
134 within the previous four (4) years;

135 (d) That the applicant is at least sixteen (16) years
136 of age if he or she is to sell or serve beer for off-premises
137 consumption; the applicant is at least eighteen (18) years of age
138 if he or she waits on tables by taking orders for, or delivering

139 orders of, alcoholic beverages for on-premises consumption; or the
140 applicant is at least twenty-one (21) years of age if he or she is
141 to tend bar or act in the capacity of bartender or sell alcoholic
142 beverages as an employee of a package retailer;

143 (e) That the applicant has successfully completed a
144 server training course offered by an approved provider within
145 thirty (30) days of commencing employment; and

146 (f) That the applicant has met such other requirements
147 as the commission may see fit to require by rule or regulation.

148 (2) If the applicant meets all requirements, a server's
149 permit shall be issued for a period of two (2) years and shall be
150 valid in connection with employment by any vendor.

151 SECTION 9. The commission may suspend or revoke a server's
152 permit for noncompliance by the server with this act or for any
153 violation by the server of any federal, state or local laws or
154 regulations relating to the sale or service of alcoholic
155 beverages, beer, light wine or tobacco. The procedure for the
156 suspension, revocation or denial of a server's permit shall be the
157 same as are otherwise set forth in Chapter 1, Title 67,
158 Mississippi Code of 1972, for the suspension or revocation of
159 alcoholic beverage permits.

160 SECTION 10. (1) Unless the vendor had knowledge of the
161 violation or should have known about the violation, or
162 participated in or committed the violation, the permit of a vendor
163 certified as a responsible vendor under this act may not be
164 suspended or revoked for:

165 (a) A first offense of illegal sale or service of an
166 alcoholic beverage, beer or light wine to an intoxicated person or
167 a person who is not of lawful drinking age occurring in any
168 twelve-month period;

169 (b) A first offense of illegal consumption of alcoholic
170 beverages, beer or light wine on the premises of the vendor
171 occurring in any twelve-month period.

172 (2) The commission or the chairman of the commission, as

173 appropriate, shall consider certification of a vendor as a
174 responsible vendor in mitigation of administrative penalties or
175 fines for the unlawful sale or service of an alcoholic beverage,
176 beer or light wine.

177 SECTION 11. (1) Subject to the restrictions in this
178 section, the commission may set the fees for permits to be issued
179 under this act. The fee for a certification as a responsible
180 vendor shall not exceed Fifty Dollars (\$50.00) per permitted
181 establishment payable upon the issuance or renewal of such
182 license. The fee for a server's permit shall not exceed Fifteen
183 Dollars (\$15.00) payable upon issuance or renewal of such permit.
184 The commission may also assess a permit fee not to exceed One
185 Hundred Dollars (\$100.00) upon any organization or entity seeking
186 classification as an approved provider.

187 (2) There is created in the State Treasury a special fund to
188 be known as the Responsible Alcohol Vendor Program Fund, into
189 which shall be deposited all fees collected by the commission
190 pursuant to subsection (1) of this section. The money in the fund
191 shall be used for the purpose of establishing and maintaining the
192 program created by this act. The Responsible Alcohol Vendor
193 Program Fund shall be administered by the commission, and money in
194 the fund shall be expended upon appropriation by the Legislature.

195 Unexpended amounts remaining in the fund at the end of the fiscal
196 year shall not lapse into the General Fund, and any interest
197 earned on amounts in the fund shall be deposited to the credit of
198 the fund.

199 SECTION 12. Section 67-1-37, Mississippi Code of 1972, is
200 amended as follows:

201 **[Through June 30, 2000, this section shall read as follows:]**

202 67-1-37. The State Tax Commission, under its duties and
203 powers with respect to the Alcoholic Beverage Control Division
204 therein, shall have the following powers, functions and duties:

205 (a) To issue or refuse to issue any permit provided for
206 by this chapter, or to extend the permit or remit in whole or any

207 part of the permit monies when the permit cannot be used due to a
208 natural disaster or Act of God.

209 (b) To revoke, suspend or cancel, for violation of or
210 noncompliance with the provisions of this chapter, or the law
211 governing the production and sale of native wines, or any lawful
212 rules and regulations of the commission issued hereunder, or for
213 other sufficient cause, any permit issued by it under the
214 provisions of this chapter; however, no such permit shall be
215 revoked, suspended or cancelled except after a hearing of which
216 the permit holder shall have been given reasonable notice and an
217 opportunity to be heard. The board shall be authorized to suspend
218 the permit of any permit holder for being out of compliance with
219 an order for support, as defined in Section 93-11-153. The
220 procedure for suspension of a permit for being out of compliance
221 with an order for support, and the procedure for the reissuance or
222 reinstatement of a permit suspended for that purpose, and the
223 payment of any fees for the reissuance or reinstatement of a
224 permit suspended for that purpose, shall be governed by Section
225 93-11-157 or 93-11-163, as the case may be. If there is any
226 conflict between any provision of Section 93-11-157 or 93-11-163
227 and any provision of this chapter, the provisions of Section
228 93-11-157 or 93-11-163, as the case may be, shall control.

229 (c) To prescribe forms of permits and applications for
230 permits and of all reports which it deems necessary in
231 administering this chapter.

232 (d) To fix standards, not in conflict with those
233 prescribed by any law of this state or of the United States, to
234 secure the use of proper ingredients and methods of manufacture of
235 alcoholic beverages.

236 (e) To issue rules regulating the advertising of
237 alcoholic beverages in the state in any class of media and
238 permitting advertising of the retail price of alcoholic beverages.

239 (f) To issue reasonable rules and regulations, not
240 inconsistent with the federal laws or regulations, requiring

241 informative labeling of all alcoholic beverages offered for sale
242 within this state and providing for the standards of fill and
243 shapes of retail containers of alcoholic beverages; however, such
244 containers shall not contain less than fifty (50) milliliters by
245 liquid measure.

246 (g) Subject to the provisions of subsection (3) of
247 Section 67-1-51, to issue rules and regulations governing the
248 issuance of retail permits for premises located near or around
249 schools, colleges, universities, churches and other public
250 institutions, and specifying the distances therefrom within which
251 no such permit shall be issued. The alcoholic beverage control
252 division shall not allow the sale or consumption of alcoholic
253 beverages in or on the campus of any public school or college, and
254 no alcoholic beverage shall be for sale or consumed at any public
255 athletic event at any grammar or high school or any college.

256 (h) To adopt and promulgate, repeal and amend, such
257 rules, regulations, standards, requirements and orders, not
258 inconsistent with this chapter or any law of this state or of the
259 United States, as it deems necessary to control the manufacture,
260 importation, transportation, distribution and sale of alcoholic
261 liquor, whether intended for beverage or nonbeverage use in a
262 manner not inconsistent with the provisions of this chapter or any
263 other statute, including the native wine laws.

264 (i) To call upon other administrative departments of
265 the state, county and municipal governments, county and city
266 police departments and upon prosecuting officers for such
267 information and assistance as it may deem necessary in the
268 performance of its duties.

269 (j) To prepare and submit to the Governor during the
270 month of January of each year a detailed report of its official
271 acts during the preceding fiscal year ending June 30, including
272 such recommendations as it may see fit to make, and to transmit a
273 like report to each member of the Legislature of this state upon
274 the convening thereof at its next regular session.

275 (k) To inspect, or cause to be inspected, any premises
276 where alcoholic liquors intended for sale are manufactured,
277 stored, distributed or sold, and to examine or cause to be
278 examined all books and records pertaining to the business
279 conducted therein.

280 (l) In the conduct of any hearing authorized to be held
281 by the commission, to hear testimony and take proof material for
282 its information in the discharge of its duties under this chapter;
283 to issue subpoenas, which shall be effective in any part of this
284 state, requiring the attendance of witnesses and the production of
285 books and records; to administer or cause to be administered
286 oaths; and to examine or cause to be examined any witness under
287 oath. Any court of record, or any judge thereof, may by order
288 duly entered require the attendance of witnesses and the
289 production of relevant books subpoenaed by the commission, and
290 such court or judge may compel obedience to its or his order by
291 proceedings for contempt.

292 (m) To investigate the administration of laws in
293 relation to alcoholic liquors in this and other states and any
294 foreign countries, and to recommend from time to time to the
295 Governor and through him to the Legislature of this state such
296 amendments to this chapter, if any, as it may think desirable.

297 (n) To designate hours and days when alcoholic
298 beverages may be sold in different localities in the state which
299 permit such sale.

300 (o) To assign employees to posts of duty at locations
301 where they will be most beneficial for the control of alcoholic
302 beverages, to remove, to dismiss, to suspend without pay, to act
303 as a trial board in hearings based upon charges against employees.
304 After twelve (12) months' service, no employee shall be removed,
305 dismissed, demoted or suspended without just cause and only after
306 being furnished with reasons for such removal, dismissal, demotion
307 or suspension, and upon request given a hearing in his own
308 defense.

309 (p) All hearings conducted by the commission shall be
310 open to the public, and, when deemed necessary, a written
311 transcript shall be made of the testimony introduced thereat.

312 (q) To adopt and promulgate rules and regulations for
313 suspension or revocation of identification cards of employees of
314 permittees for violations of the alcoholic beverage control laws,
315 rules or regulations.

316 (r) To enforce the provisions made unlawful by Section
317 67-3-53.

318 (s) To adopt and promulgate rules and regulations for
319 suspension or revocation of responsible vendor permits and server
320 permits.

321 **[From and after July 1, 2000, this section shall read as**
322 **follows:]**

323 67-1-37. The State Tax Commission, under its duties and
324 powers with respect to the Alcoholic Beverage Control Division
325 therein, shall have the following powers, functions and duties:

326 (a) To issue or refuse to issue any permit provided for
327 by this chapter, or to extend the permit or remit in whole or any
328 part of the permit monies when the permit cannot be used due to a
329 natural disaster or Act of God.

330 (b) To revoke, suspend or cancel, for violation of or
331 noncompliance with the provisions of this chapter, or the law
332 governing the production and sale of native wines, or any lawful
333 rules and regulations of the commission issued hereunder, or for
334 other sufficient cause, any permit issued by it under the
335 provisions of this chapter; however, no such permit shall be
336 revoked, suspended or cancelled except after a hearing of which
337 the permit holder shall have been given reasonable notice and an
338 opportunity to be heard. The board shall be authorized to suspend
339 the permit of any permit holder for being out of compliance with
340 an order for support, as defined in Section 93-11-153. The
341 procedure for suspension of a permit for being out of compliance
342 with an order for support, and the procedure for the reissuance or

343 reinstatement of a permit suspended for that purpose, and the
344 payment of any fees for the reissuance or reinstatement of a
345 permit suspended for that purpose, shall be governed by Section
346 93-11-157 or 93-11-163, as the case may be. If there is any
347 conflict between any provision of Section 93-11-157 or 93-11-163
348 and any provision of this chapter, the provisions of Section
349 93-11-157 or 93-11-163, as the case may be, shall control.

350 (c) To prescribe forms of permits and applications for
351 permits and of all reports which it deems necessary in
352 administering this chapter.

353 (d) To fix standards, not in conflict with those
354 prescribed by any law of this state or of the United States, to
355 secure the use of proper ingredients and methods of manufacture of
356 alcoholic beverages.

357 (e) To issue rules regulating the advertising of
358 alcoholic beverages in the state in any class of media and
359 permitting advertising of the retail price of alcoholic beverages.

360 (f) To issue reasonable rules and regulations, not
361 inconsistent with the federal laws or regulations, requiring
362 informative labeling of all alcoholic beverages offered for sale
363 within this state and providing for the standards of fill and
364 shapes of retail containers of alcoholic beverages; however, such
365 containers shall not contain less than fifty (50) milliliters by
366 liquid measure.

367 (g) Subject to the provisions of subsection (3) of
368 Section 67-1-51, to issue rules and regulations governing the
369 issuance of retail permits for premises located near or around
370 schools, colleges, universities, churches and other public
371 institutions, and specifying the distances therefrom within which
372 no such permit shall be issued. The alcoholic beverage control
373 division shall not allow the sale or consumption of alcoholic
374 beverages in or on the campus of any public school or college, and
375 no alcoholic beverage shall be for sale or consumed at any public
376 athletic event at any grammar or high school or any college.

377 (h) To adopt and promulgate, repeal and amend, such
378 rules, regulations, standards, requirements and orders, not
379 inconsistent with this chapter or any law of this state or of the
380 United States, as it deems necessary to control the manufacture,
381 importation, transportation, distribution and sale of alcoholic
382 liquor, whether intended for beverage or nonbeverage use in a
383 manner not inconsistent with the provisions of this chapter or any
384 other statute, including the native wine laws.

385 (i) To call upon other administrative departments of
386 the state, county and municipal governments, county and city
387 police departments and upon prosecuting officers for such
388 information and assistance as it may deem necessary in the
389 performance of its duties.

390 (j) To prepare and submit to the Governor during the
391 month of January of each year a detailed report of its official
392 acts during the preceding fiscal year ending June 30, including
393 such recommendations as it may see fit to make, and to transmit a
394 like report to each member of the Legislature of this state upon
395 the convening thereof at its next regular session.

396 (k) To inspect, or cause to be inspected, any premises
397 where alcoholic liquors intended for sale are manufactured,
398 stored, distributed or sold, and to examine or cause to be
399 examined all books and records pertaining to the business
400 conducted therein.

401 (l) In the conduct of any hearing authorized to be held
402 by the commission, to hear testimony and take proof material for
403 its information in the discharge of its duties under this chapter;
404 to issue subpoenas, which shall be effective in any part of this
405 state, requiring the attendance of witnesses and the production of
406 books and records; to administer or cause to be administered
407 oaths; and to examine or cause to be examined any witness under
408 oath. Any court of record, or any judge thereof, may by order
409 duly entered require the attendance of witnesses and the
410 production of relevant books subpoenaed by the commission, and

411 such court or judge may compel obedience to its or his order by
412 proceedings for contempt.

413 (m) To investigate the administration of laws in
414 relation to alcoholic liquors in this and other states and any
415 foreign countries, and to recommend from time to time to the
416 Governor and through him to the Legislature of this state such
417 amendments to this chapter, if any, as it may think desirable.

418 (n) To designate hours and days when alcoholic
419 beverages may be sold in different localities in the state which
420 permit such sale.

421 (o) To assign employees to posts of duty at locations
422 where they will be most beneficial for the control of alcoholic
423 beverages, to remove, to dismiss, to suspend without pay, to act
424 as a trial board in hearings based upon charges against employees.
425 After twelve (12) months' service, no employee shall be removed,
426 dismissed, demoted or suspended without just cause and only after
427 being furnished with reasons for such removal, dismissal, demotion
428 or suspension, and upon request given a hearing in his own
429 defense.

430 (p) All hearings conducted by the commission shall be
431 open to the public, and, when deemed necessary, a written
432 transcript shall be made of the testimony introduced thereat.

433 (q) To adopt and promulgate rules and regulations for
434 suspension or revocation of identification cards of employees of
435 permittees for violations of the alcoholic beverage control laws,
436 rules or regulations.

437 (r) To adopt and promulgate rules and regulations for
438 suspension or revocation of responsible vendor permits and server
439 permits.

440 SECTION 13. Section 67-1-71, Mississippi Code of 1972, is
441 amended as follows:

442 67-1-71. The commission may revoke or suspend any permit
443 issued by it for a violation by the permittee of any of the
444 provisions of this chapter or of the regulations promulgated under

445 it by the commission.

446 Permits must be revoked or suspended for the following
447 causes:

448 (a) Conviction of the permittee for the violation of
449 any of the provisions of this chapter;

450 (b) Willful failure or refusal by any permittee to
451 comply with any of the provisions of this chapter or of any rule
452 or regulation adopted pursuant thereto;

453 (c) The making of any materially false statement in any
454 application for a permit;

455 (d) Conviction of one or more of the clerks, agents or
456 employees of the permittee, of any violation of this chapter upon
457 the premises covered by such permit within a period of time as
458 designated by the rules or regulations of the commission;

459 (e) The possession on the premises of any retail
460 permittee of any alcoholic beverages upon which the tax has not
461 been paid;

462 (f) The willful failure of any permittee to keep the
463 records or make the reports required by this chapter, or to allow
464 an inspection of such records by any duly authorized person;

465 (g) The suspension or revocation of a permit issued to
466 the permittee by the federal government, or conviction of
467 violating any federal law relating to alcoholic beverages;

468 (h) The failure to furnish any bond required by this
469 chapter within fifteen (15) days after notice from the commission;
470 and

471 (i) The conducting of any form of illegal gambling on
472 the premises of any permittee or on any premises connected
473 therewith or the presence on any such premises of any gambling
474 device with the knowledge of the permittee.

475 The provisions of item (i) of this section shall not apply to
476 gambling or the presence of any gambling devices, with knowledge
477 of the permittee, on board a cruise vessel in the waters within
478 the State of Mississippi, which lie adjacent to the State of

479 Mississippi south of the three (3) most southern counties in the
480 State of Mississippi, or on any vessel as defined in Section
481 27-109-1 whenever such vessel is on the Mississippi River or
482 navigable waters within any county bordering on the Mississippi
483 River. The commission may, in its discretion, issue on-premises
484 retailer's permits to a common carrier of the nature described in
485 this paragraph.

486 In executing its authority under this section, the commission
487 shall recognize the defense created for permittees certified under
488 the Responsible Alcohol Vendor Law.

489 No permit shall be revoked except after a hearing by the
490 commission with reasonable notice to the permittee and an
491 opportunity for him to appear and defend.

492 In addition to the causes specified in this section and other
493 provisions of this chapter, the commission shall be authorized to
494 suspend the permit of any permit holder for being out of
495 compliance with an order for support, as defined in Section
496 93-11-153. The procedure for suspension of a permit for being out
497 of compliance with an order for support, and the procedure for the
498 reissuance or reinstatement of a permit suspended for that
499 purpose, and the payment of any fees for the reissuance or
500 reinstatement of a permit suspended for that purpose, shall be
501 governed by Section 93-11-157 or 93-11-163, as the case may be.
502 If there is any conflict between any provision of Section
503 93-11-157 or 93-11-163 and any provision of this chapter, the
504 provisions of Section 93-11-157 or 93-11-163, as the case may be,
505 shall control.

506 SECTION 14. Section 67-3-29, Mississippi Code of 1972, is
507 amended as follows:

508 67-3-29. (1) The commissioner shall revoke any permit
509 granted by authority of this chapter to any person who shall
510 violate any of the provisions of this chapter or the revenue laws
511 of this state relating to engaging in transporting, storing,
512 selling, distributing, possessing, receiving or manufacturing of

513 wines or beers, or any person who shall hereafter be convicted of
514 the unlawful sale of intoxicating liquor, or any person who shall
515 allow or permit any form of illegal gambling or immorality on the
516 premises described in such permit.

517 (2) If any person exercising any privilege taxable under the
518 provisions of Chapter 71 of Title 27, Mississippi Code of 1972,
519 shall willfully neglect or refuse to comply with the provisions of
520 such chapter, or any rules or regulations promulgated by the
521 commissioner under authority of such chapter, or the provisions of
522 this chapter, the commissioner shall be authorized to revoke the
523 permit theretofore issued to such person, after giving to such
524 person ten (10) days notice of the intention of the commissioner
525 to revoke such permit. The commissioner may, however, suspend
526 such permit instead of revoking same if, in his opinion,
527 sufficient cause is shown for a suspension rather than revocation.
528 Any person whose permit shall have been revoked by the
529 commissioner shall be thereafter prohibited from exercising any
530 privilege under the provisions of Chapter 71 of Title 27,
531 Mississippi Code of 1972, for a period of two (2) years from the
532 date of such revocation. The commissioner may, however, for good
533 cause shown, grant a new permit upon such conditions as the
534 commissioner may prescribe. Any person whose permit shall have
535 been suspended by the commissioner shall be prohibited from
536 exercising any privilege under the provisions of Chapter 71 of
537 Title 27, Mississippi Code of 1972, during the period of such
538 suspension. Failure of such person to comply with the terms of
539 the suspension shall be cause for revocation of his permit, in
540 addition to the other penalties provided by law.

541 (3) In addition to the reasons specified in this section and
542 other provisions of this chapter, the commissioner shall be
543 authorized to suspend the permit of any permit holder for being
544 out of compliance with an order for support, as defined in Section
545 93-11-153. The procedure for suspension of a permit for being out
546 of compliance with an order for support, and the procedure for the

547 reissuance or reinstatement of a permit suspended for that
548 purpose, and the payment of any fees for the reissuance or
549 reinstatement of a permit suspended for that purpose, shall be
550 governed by Section 93-11-157 or 93-11-163, as the case may be.
551 If there is any conflict between any provision of Section
552 93-11-157 or 93-11-163 and any provision of this chapter, the
553 provisions of Section 93-11-157 or 93-11-163, as the case may be,
554 shall control.

555 (4) In executing its authority under this section, the
556 commission shall recognize the defense created for permittees
557 certified under the Responsible Alcohol Vendor Law.

558 SECTION 15. This act shall take effect and be in force from
559 and after July 1, 1999.