

By: Representative Howell

To: Judiciary A

## HOUSE BILL NO. 78

1 AN ACT TO REQUIRE THE SUSPENSION OF CERTAIN STATE-ISSUED  
2 LICENSES, PERMITS OR REGISTRATIONS THAT ALLOW A PERSON TO OPERATE  
3 A MOTOR VEHICLE, SELL ALCOHOLIC BEVERAGES OR HUNT OR FISH FOR ANY  
4 PERSON CONVICTED OF A VIOLATION OF THE UNIFORM CONTROLLED  
5 SUBSTANCES LAW; TO AUTHORIZE THE LICENSEE TO APPEAL THE LICENSE  
6 SUSPENSION TO THE CHANCERY CLERK; TO AMEND SECTIONS 49-7-27,  
7 63-1-51, 63-1-57, 63-1-83, 67-1-37, 67-1-71 AND 67-3-29,  
8 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
9 PURPOSES.

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

11 **SECTION 1.** In addition to other requirements necessary for  
12 holding a license, an individual who is convicted of a violation  
13 of the Uniform Controlled Substances Law also is subject to the  
14 provisions of Sections 1 through 5 of this act.

15 **SECTION 2.** As used in Sections 1 through 5 of this act, the  
16 following words and terms shall have the meanings ascribed herein:

17 (a) "Licensing entity" or "entity" includes the  
18 Mississippi Department of Public Safety with respect to driver's  
19 licenses, the Mississippi State Tax Commission with respect to  
20 licenses for the sale of alcoholic beverages and the Mississippi  
21 Department of Wildlife, Fisheries and Parks with respect to  
22 hunting and fishing licenses.

23 (b) "License" means a license, certificate, permit,  
24 credential, registration or any other authorization issued by a  
25 licensing entity that allows a person to operate a motor vehicle,  
26 to sell alcoholic beverages or to hunt and fish.

27 (c) "Licensee" means any person holding a license  
28 issued by a licensing entity.

29 **SECTION 3.** (1) The clerk of the court wherein the licensee  
30 is convicted of a violation of the Uniform Controlled Substances

31 Law shall notify the licensing entities of such conviction. The  
32 licensing entity shall immediately suspend the licensee's license  
33 for a period of six (6) months for a first conviction and for a  
34 period of two (2) years for a second or subsequent conviction.  
35 The licensing entity shall notify the licensee of such suspension  
36 by certified mail, return receipt requested.

37 (2) Upon receiving the notice provided for in subsection (1)  
38 of this section the licensee may request a review with the  
39 licensing entity; however, the issue the licensee may raise at the  
40 review is limited to whether the licensee is the person convicted  
41 of a violation of the Uniform Controlled Substances Law.

42 (3) Within thirty (30) days after a licensing entity  
43 suspends the licensee's license after notification by the clerk of  
44 the court as provided under subsection (1) of this section, the  
45 licensee may appeal the license suspension to the chancery court  
46 of the county in which the licensee resides or to the Chancery  
47 Court of the First Judicial District of Hinds County, Mississippi,  
48 upon giving bond with sufficient sureties in the amount of Two  
49 Hundred Dollars (\$200.00), approved by the clerk of the chancery  
50 court and conditioned to pay any costs that may be adjudged  
51 against the licensee. Notice of appeal shall be filed in the  
52 office of the clerk of the chancery court. If there is an appeal,  
53 the appeal may, in the discretion of and on motion to the chancery  
54 court, act as a supersedeas of the license suspension. The  
55 chancery court shall dispose of the appeal and enter its decision  
56 within thirty (30) days of the filing of the appeal. The hearing  
57 on the appeal may, in the discretion of the chancellor, be tried  
58 in vacation. The decision of the chancery court may be appealed  
59 to the Supreme Court in the manner provided by the rules of the  
60 Supreme Court. In the discretion of and on motion to the chancery  
61 court, no person shall be allowed to take any action under the  
62 authority of any license the suspension of which has been affirmed

63 by the chancery court while an appeal to the Supreme Court from  
64 the decision of the chancery court is pending.

65 (4) If a license is suspended under the provisions of this  
66 section, the licensing entity is not required to refund any fees  
67 paid by a licensee in connection with obtaining or renewing a  
68 license.

69 (5) The requirement of a licensing entity to suspend a  
70 license under this section does not affect the power of the  
71 licensing entity to deny, suspend, revoke or terminate a license  
72 for any other reason.

73 (6) The procedure for suspension of a license for being  
74 convicted of a violation of the Uniform Controlled Substances Law  
75 shall be governed by this section and not by the general licensing  
76 and disciplinary provisions applicable to a licensing entity.  
77 Actions taken by a licensing entity in suspending a license when  
78 required by this section are not actions from which an appeal may  
79 be taken under the general licensing and disciplinary provisions  
80 applicable to the licensing entity. Any appeal of a license  
81 suspension that is required by this section shall be taken in  
82 accordance with the appeal procedure specified in subsection (3)  
83 of this section rather than any procedure specified in the general  
84 licensing and disciplinary provisions applicable to the licensing  
85 entity. If there is any conflict between any provision of this  
86 section and any provision of the general licensing and  
87 disciplinary provisions applicable to a licensing entity, the  
88 provisions of this section shall control.

89 **SECTION 4.** The licensing entities shall adopt regulations as  
90 necessary to carry out the provisions of this act.

91 **SECTION 5.** If a license is suspended under this act, the  
92 licensing entity may reinstate the license when the penalty period  
93 has been met and any reinstatement fees have been paid or the  
94 court may order the licensing entity to reinstate the license when

95 it is satisfied that the penalty period as provided in Section 3  
96 of this act has been met.

97 **SECTION 6.** Section 49-7-27, Mississippi Code of 1972, is  
98 amended as follows:

99 49-7-27. (1) The commission may revoke any hunting,  
100 trapping, or fishing privileges, license or deny any person the  
101 right to secure such license if the person has been convicted of  
102 the violation of any of the provisions of this chapter or any  
103 regulation thereunder. The revocation of the privilege, license  
104 or refusal to grant license shall be for a period of one (1) year.  
105 However, before the revocation of the privilege or license shall  
106 become effective, the executive director shall send by registered  
107 mail notice to the person or licensee, who shall have the right to  
108 a hearing or representation before the commission at the next  
109 regular meeting or a special meeting. The notice shall set out  
110 fully the ground or complaint upon which revocation of, or refusal  
111 to grant, the privilege or license is sought.

112 (2) Any person who is convicted for a second time during any  
113 period of twelve (12) consecutive months for violation of any of  
114 the laws with respect to game, fish or nongame fish or animals  
115 shall forfeit his privilege and any license or licenses issued to  
116 him by the commission and the commission shall not issue the  
117 person any license for a period of one (1) year from the date of  
118 forfeiture.

119 (3) Failure of any person to surrender his license or  
120 licenses upon demand made by the commission or by its  
121 representatives at the direction of the commission shall be a  
122 misdemeanor and shall be punishable as such.

123 (4) Any violator whose privilege or license has been  
124 revoked, who shall, during the period of revocation, be  
125 apprehended for hunting or fishing, shall have imposed upon him a  
126 mandatory jail term of not less than thirty (30) days nor more  
127 than six (6) months.

128           (5) The commission is authorized to suspend any license  
129 issued to any person under this chapter for being out of  
130 compliance with an order for support, as defined in Section  
131 93-11-153 or for being convicted for a violation of the Uniform  
132 Controlled Substances Law as provided for in Sections 1 through 5  
133 of House Bill No.       , 2004 Regular Session. The procedure for  
134 suspension of a license for being out of compliance with an order  
135 for support, and the procedure for the reissuance or reinstatement  
136 of a license suspended for that purpose, and the payment of any  
137 fees for the reissuance or reinstatement of a license suspended  
138 for that purpose, shall be governed by Section 93-11-157 or  
139 93-11-163, as the case may be. If there is any conflict between  
140 any provision of Section 93-11-157 or 93-11-163 and any provision  
141 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
142 as the case may be, shall control.

143           (6) If a person is found guilty or pleads guilty or nolo  
144 contendere to a violation of Section 49-7-95, and then appeals,  
145 the commission shall suspend or revoke the hunting privileges of  
146 that person pending the determination of his appeal.

147           (7) (a) If a person does not comply with a summons or a  
148 citation or does not pay a fine, fee or assessment for violating a  
149 wildlife law or regulation, the commission shall revoke the  
150 fishing, hunting, or trapping privileges of that person. When a  
151 person does not comply or fails to pay, the clerk of the court  
152 shall notify the person in writing by first class mail that if the  
153 person does not comply or pay within ten (10) days from the date  
154 of mailing, the court will notify the commission and the  
155 commission will revoke the fishing, hunting or trapping privileges  
156 of that person. The cost of notice may be added to other court  
157 costs. If the person does not comply or pay as required, the  
158 court clerk shall immediately mail a copy of the court record and  
159 a copy of the notice to the commission. After receiving notice

160 from the court, the commission shall revoke the fishing, hunting  
161 or trapping privileges of that person.

162 (b) A person whose fishing, hunting or trapping  
163 privileges have been revoked under this subsection shall remain  
164 revoked until the person can show proof that all obligations of  
165 the court have been met.

166 (c) A person shall pay a Twenty-five Dollar (\$25.00)  
167 fee to have his privileges reinstated. The fee shall be paid to  
168 the department.

169 **SECTION 7.** Section 63-1-51, Mississippi Code of 1972, is  
170 amended as follows:

171 63-1-51. (1) It shall be the duty of the trial judge, upon  
172 conviction of any person holding a license issued pursuant to this  
173 article where the penalty for a traffic violation is as much as  
174 Ten Dollars (\$10.00), to mail a copy of abstract of the court  
175 record or provide an electronically or computer generated copy of  
176 abstract of the court record immediately to the commissioner at  
177 Jackson, Mississippi, showing the date of conviction, penalty,  
178 etc., so that a record of same may be made by the Department of  
179 Public Safety. The commissioner shall forthwith revoke the  
180 license of any person for a period of one (1) year upon receiving  
181 a duly certified record of each person's convictions of any of the  
182 following offenses when such conviction has become final:

183 (a) Manslaughter or negligent homicide resulting from  
184 the operation of a motor vehicle;

185 (b) Any felony in the commission of which a motor  
186 vehicle is used;

187 (c) Failure to stop and render aid as required under  
188 the laws of this state in event of a motor vehicle accident  
189 resulting in the death or personal injury of another;

190 (d) Perjury or the willful making of a false affidavit  
191 or statement under oath to the department under this article or

192 under any other law relating to the ownership or operation of  
193 motor vehicles;

194 (e) Conviction, or forfeiture of bail not vacated, upon  
195 three (3) charges of reckless driving committed within a period of  
196 twelve (12) months;

197 (f) Contempt for failure to pay a fine or fee or to  
198 respond to a summons or citation pursuant to a charge of a  
199 violation of this title.

200 (2) The commissioner shall revoke the license issued  
201 pursuant to this article of any person convicted of negligent  
202 homicide, in addition to any penalty now provided by law.

203 (3) In addition to the reasons specified in this section,  
204 the commissioner shall be authorized to suspend the license issued  
205 to any person pursuant to this article for being out of compliance  
206 with an order for support, as defined in Section 93-11-153 or for  
207 conviction of a violation of the Uniform Controlled Substances Law  
208 as provided in Sections 1 through 5 of House Bill No. \_\_\_\_\_, 2004  
209 Regular Session. The procedure for suspension of a license for  
210 being out of compliance with an order for support, and the  
211 procedure for the reissuance or reinstatement of a license  
212 suspended for that purpose, and the payment of any fees for the  
213 reissuance or reinstatement of a license suspended for that  
214 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
215 the case may be. If there is any conflict between any provision  
216 of Section 93-11-157 or 93-11-163 and any provision of this  
217 article, the provisions of Section 93-11-157 or 93-11-163, as the  
218 case may be, shall control.

219 **SECTION 8.** Section 63-1-57, Mississippi Code of 1972, is  
220 amended as follows:

221 63-1-57. Any person whose license issued pursuant to this  
222 article or driving privilege as a nonresident has been canceled,  
223 suspended or revoked as provided in this title or in Section  
224 93-11-157 or 93-11-163 or in Sections 1 through 5 of House Bill

225 No. \_\_\_\_\_, 2004 Regular Session, as the case may be, and who drives  
226 any motor vehicle upon the highways of this state while such  
227 license or privilege is canceled, suspended or revoked, is guilty  
228 of a misdemeanor and upon conviction shall be punished by  
229 imprisonment for not less than two (2) days or more than six (6)  
230 months. There may be imposed in addition thereto a fine of not  
231 less than Two Hundred Dollars (\$200.00) nor more than Five Hundred  
232 Dollars (\$500.00) for each offense.

233 **SECTION 9.** Section 63-1-83, Mississippi Code of 1972, is  
234 amended as follows:

235 63-1-83. (1) From and after April 1, 1992, it shall be a  
236 violation of this article and the Commissioner of Public Safety  
237 shall suspend for a period of one (1) year the commercial driver's  
238 license of any person whom he determines to have committed a first  
239 violation of:

240 (a) Driving a commercial motor vehicle for which a  
241 commercial driver instruction permit or commercial driver's  
242 license is required under this article while under the influence  
243 of alcohol or a controlled substance;

244 (b) Driving a commercial motor vehicle for which a  
245 commercial driver instruction permit or commercial driver's  
246 license is required under this article while the alcohol  
247 concentration of the person's blood, breath or urine is four  
248 one-hundredths percent (.04%) or more;

249 (c) Knowingly and willfully leaving the scene of an  
250 accident involving a commercial motor vehicle for which a  
251 commercial driver instruction permit or commercial driver's  
252 license is required under this article, if the vehicle was driven  
253 by such person;

254 (d) Using a commercial motor vehicle for which a  
255 commercial driver instruction permit or commercial driver's  
256 license is required under this article in the commission of any  
257 felony as defined in this article; or



258           (e) Refusing to submit to a test to determine the  
259 driver's alcohol concentration while driving a commercial motor  
260 vehicle for which a commercial driver instruction permit or  
261 commercial driver's license is required under this article.

262           If any of the violations in subsection (1) of this section  
263 occurred while transporting hazardous materials required to be  
264 placarded under the Hazardous Materials Transportation Act, the  
265 commissioner shall suspend the commercial driver's license of such  
266 person for a period of three (3) years.

267           (2) The Commissioner of Public Safety shall suspend the  
268 commercial driver's license of a person for life, or such lesser  
269 minimum period of time as shall be required under applicable  
270 federal law or regulations, if a person is determined to have  
271 committed two (2) or more of the violations specified in  
272 subsection (1) of this section or any combination of such  
273 violations arising from two (2) or more separate incidents. The  
274 provisions of this subsection (2) shall apply only to violations  
275 occurring on or after April 1, 1992.

276           (3) The Commissioner of Public Safety shall suspend for life  
277 the commercial driver's license of any person who uses a  
278 commercial motor vehicle for which a commercial driver instruction  
279 permit or commercial driver's license is required under this  
280 article in the commission of any felony involving the manufacture,  
281 distribution or dispensing of a controlled substance, or  
282 possession with intent to manufacture, distribute or dispense a  
283 controlled substance. The provisions of this subsection (3) shall  
284 apply only to violations occurring on or after April 1, 1992.

285           (4) The Commissioner of Public Safety shall suspend for a  
286 period of sixty (60) days the commercial driver's license of any  
287 person convicted of two (2) serious traffic violations, or one  
288 hundred twenty (120) days if convicted of three (3) serious  
289 traffic violations, committed in a commercial motor vehicle for  
290 which a commercial driver instruction permit or commercial

291 driver's license is required under this article arising from  
292 separate incidents occurring within a period of three (3) years.  
293 The provisions of this subsection (4) shall apply only to  
294 violations occurring on or after April 1, 1992.

295 (5) In addition to the reasons specified in this section for  
296 suspension of the commercial driver's license, the Commissioner of  
297 Public Safety shall be authorized to suspend the commercial  
298 driver's license of any person for being out of compliance with an  
299 order for support, as defined in Section 93-11-153 or for  
300 conviction of a violation of the Uniform Controlled Substances  
301 Law, as provided in Sections 1 through 5 of House Bill No. \_\_\_\_\_,  
302 2004 Regular Session. The procedure for suspension of a  
303 commercial driver's license for being out of compliance with an  
304 order for support, and the procedure for the reissuance or  
305 reinstatement of a commercial driver's license suspended for that  
306 purpose, and the payment of any fees for the reissuance or  
307 reinstatement of a commercial driver's license suspended for that  
308 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
309 the case may be. If there is any conflict between any provision  
310 of Section 93-11-157 or 93-11-163 and any provision of this  
311 article, the provisions of Section 93-11-157 or 93-11-163, as the  
312 case may be, shall control.

313 **SECTION 10.** Section 67-1-37, Mississippi Code of 1972, is  
314 amended as follows:

315 **[Until July 1, 2005, this section will read as follows:]**

316 67-1-37. The State Tax Commission, under its duties and  
317 powers with respect to the Alcoholic Beverage Control Division  
318 therein, shall have the following powers, functions and duties:

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

323 (b) To revoke, suspend or cancel, for violation of or  
324 noncompliance with the provisions of this chapter, or the law  
325 governing the production and sale of native wines, or any lawful  
326 rules and regulations of the commission issued hereunder, or for  
327 other sufficient cause, any permit issued by it under the  
328 provisions of this chapter; however, no such permit shall be  
329 revoked, suspended or cancelled except after a hearing of which  
330 the permit holder shall have been given reasonable notice and an  
331 opportunity to be heard. The board shall be authorized to suspend  
332 the permit of any permit holder for being out of compliance with  
333 an order for support, as defined in Section 93-11-153 or for  
334 conviction of a violation of the Uniform Controlled Substances Law  
335 as provided in Sections 1 through 5 of House Bill No. , 2004  
336 Regular Session. The procedure for suspension of a permit for  
337 being out of compliance with an order for support, and the  
338 procedure for the reissuance or reinstatement of a permit  
339 suspended for that purpose, and the payment of any fees for the  
340 reissuance or reinstatement of a permit suspended for that  
341 purpose, shall be governed by Section 93-11-157 or Section  
342 93-11-163, as the case may be. If there is any conflict between  
343 any provision of Section 93-11-157 or Section 93-11-163 and any  
344 provision of this chapter, the provisions of Section 93-11-157 or  
345 Section 93-11-163, as the case may be, shall control.

346 (c) To prescribe forms of permits and applications for  
347 permits and of all reports which it deems necessary in  
348 administering this chapter.

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

353 (e) To issue rules regulating the advertising of  
354 alcoholic beverages in the state in any class of media and  
355 permitting advertising of the retail price of alcoholic beverages.

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

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

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

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

386           (j) To prepare and submit to the Governor during the  
387 month of January of each year a detailed report of its official  
388 acts during the preceding fiscal year ending June 30, including

389 such recommendations as it may see fit to make, and to transmit a  
390 like report to each member of the Legislature of this state upon  
391 the convening thereof at its next regular session.

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

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

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

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

417 (o) To assign employees to posts of duty at locations  
418 where they will be most beneficial for the control of alcoholic  
419 beverages, to remove, to dismiss, to suspend without pay, to act  
420 as a trial board in hearings based upon charges against employees.  
421 After twelve (12) months' service, no employee shall be removed,

422 dismissed, demoted or suspended without just cause and only after  
423 being furnished with reasons for such removal, dismissal, demotion  
424 or suspension, and upon request given a hearing in his own  
425 defense.

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

429 (q) To adopt and promulgate rules and regulations for  
430 suspension or revocation of identification cards of employees of  
431 permittees for violations of the alcoholic beverage control laws,  
432 rules or regulations.

433 (r) To enforce the provisions made unlawful by Sections  
434 67-3-13, 67-3-15, 67-3-53 and 67-3-70.

435 **[From and after July 1, 2005, this section will read as**  
436 **follows:]**

437 67-1-37. The State Tax Commission, under its duties and  
438 powers with respect to the Alcoholic Beverage Control Division  
439 therein, shall have the following powers, functions and duties:

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

444 (b) To revoke, suspend or cancel, for violation of or  
445 noncompliance with the provisions of this chapter, or the law  
446 governing the production and sale of native wines, or any lawful  
447 rules and regulations of the commission issued hereunder, or for  
448 other sufficient cause, any permit issued by it under the  
449 provisions of this chapter; however, no such permit shall be  
450 revoked, suspended or cancelled except after a hearing of which  
451 the permit holder shall have been given reasonable notice and an  
452 opportunity to be heard. The board shall be authorized to suspend  
453 the permit of any permit holder for being out of compliance with  
454 an order for support, as defined in Section 93-11-153 or for

455 conviction of a violation of the Uniform Controlled Substances Law  
456 as provided in Sections 1 through 5 of House Bill No. \_\_\_\_\_, 2004  
457 Regular Session. The procedure for suspension of a permit for  
458 being out of compliance with an order for support, and the  
459 procedure for the reissuance or reinstatement of a permit  
460 suspended for that purpose, and the payment of any fees for the  
461 reissuance or reinstatement of a permit suspended for that  
462 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
463 the case may be. If there is any conflict between any provision  
464 of Section 93-11-157 or 93-11-163 and any provision of this  
465 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
466 case may be, shall control.

467 (c) To prescribe forms of permits and applications for  
468 permits and of all reports which it deems necessary in  
469 administering this chapter.

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

474 (e) To issue rules regulating the advertising of  
475 alcoholic beverages in the state in any class of media and  
476 permitting advertising of the retail price of alcoholic beverages.

477 (f) To issue reasonable rules and regulations, not  
478 inconsistent with the federal laws or regulations, requiring  
479 informative labeling of all alcoholic beverages offered for sale  
480 within this state and providing for the standards of fill and  
481 shapes of retail containers of alcoholic beverages; however, such  
482 containers shall not contain less than fifty (50) milliliters by  
483 liquid measure.

484 (g) Subject to the provisions of subsection (3) of  
485 Section 67-1-51, to issue rules and regulations governing the  
486 issuance of retail permits for premises located near or around  
487 schools, colleges, universities, churches and other public

488 institutions, and specifying the distances therefrom within which  
489 no such permit shall be issued. The Alcoholic Beverage Control  
490 Division shall not allow the sale or consumption of alcoholic  
491 beverages in or on the campus of any public school or college, and  
492 no alcoholic beverage shall be for sale or consumed at any public  
493 athletic event at any grammar or high school or any college.

494 (h) To adopt and promulgate, repeal and amend, such  
495 rules, regulations, standards, requirements and orders, not  
496 inconsistent with this chapter or any law of this state or of the  
497 United States, as it deems necessary to control the manufacture,  
498 importation, transportation, distribution and sale of alcoholic  
499 liquor, whether intended for beverage or nonbeverage use in a  
500 manner not inconsistent with the provisions of this chapter or any  
501 other statute, including the native wine laws.

502 (i) To call upon other administrative departments of  
503 the state, county and municipal governments, county and city  
504 police departments and upon prosecuting officers for such  
505 information and assistance as it may deem necessary in the  
506 performance of its duties.

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

513 (k) To inspect, or cause to be inspected, any premises  
514 where alcoholic liquors intended for sale are manufactured,  
515 stored, distributed or sold, and to examine or cause to be  
516 examined all books and records pertaining to the business  
517 conducted therein.

518 (l) In the conduct of any hearing authorized to be held  
519 by the commission, to hear testimony and take proof material for  
520 its information in the discharge of its duties under this chapter;



521 to issue subpoenas, which shall be effective in any part of this  
522 state, requiring the attendance of witnesses and the production of  
523 books and records; to administer or cause to be administered  
524 oaths; and to examine or cause to be examined any witness under  
525 oath. Any court of record, or any judge thereof, may by order  
526 duly entered require the attendance of witnesses and the  
527 production of relevant books subpoenaed by the commission, and  
528 such court or judge may compel obedience to its or his order by  
529 proceedings for contempt.

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

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

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

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

550 (q) To adopt and promulgate rules and regulations for  
551 suspension or revocation of identification cards of employees of  
552 permittees for violations of the alcoholic beverage control laws,  
553 rules or regulations.

554           **SECTION 11.** Section 67-1-71, Mississippi Code of 1972, is  
555 amended as follows:

556           67-1-71. The commission may revoke or suspend any permit  
557 issued by it for a violation by the permittee of any of the  
558 provisions of this chapter or of the regulations promulgated under  
559 it by the commission.

560           Permits must be revoked or suspended for the following  
561 causes:

562           (a) Conviction of the permittee for the violation of  
563 any of the provisions of this chapter;

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

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

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

573           (e) The possession on the premises of any retail  
574 permittee of any alcoholic beverages upon which the tax has not  
575 been paid;

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

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

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

585           (i) The conducting of any form of illegal gambling on  
586 the premises of any permittee or on any premises connected

587 therewith or the presence on any such premises of any gambling  
588 device with the knowledge of the permittee.

589 The provisions of paragraph (i) of this section shall not  
590 apply to gambling or the presence of any gambling devices, with  
591 knowledge of the permittee, on board a cruise vessel in the waters  
592 within the State of Mississippi, which lie adjacent to the State  
593 of Mississippi south of the three (3) most southern counties in  
594 the State of Mississippi, or on any vessel as defined in Section  
595 27-109-1 whenever such vessel is on the Mississippi River or  
596 navigable waters within any county bordering on the Mississippi  
597 River. The commission may, in its discretion, issue on-premises  
598 retailer's permits to a common carrier of the nature described in  
599 this paragraph.

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

603 In addition to the causes specified in this section and other  
604 provisions of this chapter, the commission shall be authorized to  
605 suspend the permit of any permit holder for being out of  
606 compliance with an order for support, as defined in Section  
607 93-11-153 or for conviction of a violation of the Uniform  
608 Controlled Substances Law, as provided in Sections 1 through 5 of  
609 House Bill No. , 2004 Regular Session. The procedure for  
610 suspension of a permit for being out of compliance with an order  
611 for support, and the procedure for the reissuance or reinstatement  
612 of a permit suspended for that purpose, and the payment of any  
613 fees for the reissuance or reinstatement of a permit suspended for  
614 that purpose, shall be governed by Section 93-11-157 or 93-11-163,  
615 as the case may be. If there is any conflict between any  
616 provision of Section 93-11-157 or 93-11-163 and any provision of  
617 this chapter, the provisions of Section 93-11-157 or 93-11-163, as  
618 the case may be, shall control.

619           **SECTION 12.** Section 67-3-29, Mississippi Code of 1972, is  
620 amended as follows:

621           67-3-29. (1) The commissioner shall revoke any permit  
622 granted by authority of this chapter to any person who shall  
623 violate any of the provisions of this chapter or the revenue laws  
624 of this state relating to engaging in transporting, storing,  
625 selling, distributing, possessing, receiving or manufacturing of  
626 wines or beers, or any person who shall hereafter be convicted of  
627 the unlawful sale of intoxicating liquor, or any person who shall  
628 allow or permit any form of illegal gambling or immorality on the  
629 premises described in such permit. The commissioner shall not  
630 revoke or suspend a permit of a retailer for the sale of light  
631 wine or beer to a person under the age of twenty-one (21) years  
632 until there has been a conviction of the permit holder or an  
633 employee of the permit holder for such violation.

634           (2) If any person exercising any privilege taxable under the  
635 provisions of Chapter 71 of Title 27, Mississippi Code of 1972,  
636 shall willfully neglect or refuse to comply with the provisions of  
637 such chapter, or any rules or regulations promulgated by the  
638 commissioner under authority of such chapter, or the provisions of  
639 this chapter, the commissioner shall be authorized to revoke the  
640 permit theretofore issued to such person, after giving to such  
641 person ten (10) days notice of the intention of the commissioner  
642 to revoke such permit. The commissioner may, however, suspend  
643 such permit instead of revoking same if, in his opinion,  
644 sufficient cause is shown for a suspension rather than revocation.  
645 Any person whose permit shall have been revoked by the  
646 commissioner shall be thereafter prohibited from exercising any  
647 privilege under the provisions of Chapter 71 of Title 27,  
648 Mississippi Code of 1972, for a period of two (2) years from the  
649 date of such revocation. The commissioner may, however, for good  
650 cause shown, grant a new permit upon such conditions as the  
651 commissioner may prescribe. Any person whose permit shall have

652 been suspended by the commissioner shall be prohibited from  
653 exercising any privilege under the provisions of Chapter 71 of  
654 Title 27, Mississippi Code of 1972, during the period of such  
655 suspension. Failure of such person to comply with the terms of  
656 the suspension shall be cause for revocation of his permit, in  
657 addition to the other penalties provided by law.

658 (3) In addition to the reasons specified in this section and  
659 other provisions of this chapter, the commissioner shall be  
660 authorized to suspend the permit of any permit holder for being  
661 out of compliance with an order for support, as defined in Section  
662 93-11-153 or for conviction of a violation of the Uniform  
663 Controlled Substances Law, as provided in Sections 1 through 5 of  
664 House Bill No. \_\_\_\_\_, 2004 Regular Session. The procedure for  
665 suspension of a permit for being out of compliance with an order  
666 for support, and the procedure for the reissuance or reinstatement  
667 of a permit suspended for that purpose, and the payment of any  
668 fees for the reissuance or reinstatement of a permit suspended for  
669 that purpose, shall be governed by Section 93-11-157 or Section  
670 93-11-163, as the case may be. If there is any conflict between  
671 any provision of Section 93-11-157 or Section 93-11-163 and any  
672 provision of this chapter, the provisions of Section 93-11-157 or  
673 93-11-163, as the case may be, shall control.

674 **SECTION 13.** This act shall take effect and be in force from  
675 and after July 1, 2004.