

By: Representative Davis

To: Judiciary A; Ways and
Means

HOUSE BILL NO. 1479

1 AN ACT TO AMEND SECTION 63-11-30, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A PERSON CONVICTED FOR A THIRD OR SUBSEQUENT
3 OFFENSE OF DRIVING UNDER THE INFLUENCE SHALL BE REQUIRED TO OBTAIN
4 A DISTINCTIVE LICENSE TAG WHICH CLEARLY IDENTIFIES SUCH PERSON TO
5 LAW ENFORCEMENT OFFICERS AND SHALL BE REQUIRED TO DISPLAY SUCH TAG
6 FOR A PERIOD OF THREE YEARS ON EACH MOTOR VEHICLE REGISTERED IN
7 HIS NAME; TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION
8 27-19-56.90, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE
9 TAX COMMISSION SHALL DESIGN AND ISSUE THROUGH THE COUNTY TAX
10 COLLECTORS THE DISTINCTIVE TAGS REQUIRED BY THIS ACT, AND TO
11 PRESCRIBE THE MANNER AND PROCEDURE BY WHICH SUCH TAGS SHALL BE
12 ISSUED; TO AMEND SECTION 27-19-44, MISSISSIPPI CODE OF 1972, IN
13 CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
14 PURPOSES.

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

16 **SECTION 1.** Section 63-11-30, Mississippi Code of 1972, is
17 amended as follows:

18 63-11-30. (1) It is unlawful for any person to drive or
19 otherwise operate a vehicle within this state who (a) is under the
20 influence of intoxicating liquor; (b) is under the influence of
21 any other substance which has impaired such person's ability to
22 operate a motor vehicle; (c) has an alcohol concentration of eight
23 one-hundredths percent (.08%) or more for persons who are above
24 the legal age to purchase alcoholic beverages under state law, or
25 two one-hundredths percent (.02%) or more for persons who are
26 below the legal age to purchase alcoholic beverages under state
27 law, in the person's blood based upon grams of alcohol per one
28 hundred (100) milliliters of blood or grams of alcohol per two
29 hundred ten (210) liters of breath as shown by a chemical analysis
30 of such person's breath, blood or urine administered as authorized
31 by this chapter; (d) is under the influence of any drug or
32 controlled substance, the possession of which is unlawful under
33 the Mississippi Controlled Substances Law; or (e) has an alcohol

34 concentration of four one-hundredths percent (.04%) or more in the
35 person's blood, based upon grams of alcohol per one hundred (100)
36 milliliters of blood or grams of alcohol per two hundred ten (210)
37 liters of breath as shown by a chemical analysis of such person's
38 blood, breath or urine, administered as authorized by this chapter
39 for persons operating a commercial motor vehicle.

40 (2) (a) Except as otherwise provided in subsection (3),
41 upon conviction of any person for the first offense of violating
42 subsection (1) of this section where chemical tests provided for
43 under Section 63-11-5 were given, or where chemical test results
44 are not available, such person shall be fined not less than Two
45 Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars
46 (\$1,000.00), or imprisoned for not more than forty-eight (48)
47 hours in jail or both; and the court shall order such person to
48 attend and complete an alcohol safety education program as
49 provided in Section 63-11-32. The court may substitute attendance
50 at a victim impact panel instead of forty-eight (48) hours in
51 jail. In addition, the Department of Public Safety, the
52 Commissioner of Public Safety or his duly authorized agent shall,
53 after conviction and upon receipt of the court abstract, suspend
54 the driver's license and driving privileges of such person for a
55 period of not less than ninety (90) days and until such person
56 attends and successfully completes an alcohol safety education
57 program as herein provided; provided, however, in no event shall
58 such period of suspension exceed one (1) year. Commercial driving
59 privileges shall be suspended as provided in Section 63-1-83.

60 The circuit court having jurisdiction in the county in which
61 the conviction was had or the circuit court of the person's county
62 of residence may reduce the suspension of driving privileges under
63 Section 63-11-30(2)(a) if the denial of which would constitute a
64 hardship on the offender, except that no court may issue such an
65 order reducing the suspension of driving privileges under this
66 subsection until thirty (30) days have elapsed from the effective

67 date of the suspension. Hardships shall only apply to first
68 offenses under Section 63-11-30(1), and shall not apply to second,
69 third or subsequent convictions of any person violating subsection
70 (1) of this section. A reduction of suspension on the basis of
71 hardship shall not be available to any person who refused to
72 submit to a chemical test upon the request of a law enforcement
73 officer as provided in Section 63-11-5. When the petition is
74 filed, such person shall pay to the circuit clerk of the court
75 where the petition is filed a fee of Fifty Dollars (\$50.00), which
76 shall be deposited into the State General Fund to the credit of a
77 special fund hereby created in the State Treasury to be used for
78 alcohol or drug abuse treatment and education, upon appropriation
79 by the Legislature. This fee shall be in addition to any other
80 court costs or fees required for the filing of petitions.

81 The petition filed under the provisions of this subsection
82 shall contain the specific facts which the petitioner alleges to
83 constitute a hardship and the driver's license number of the
84 petitioner. A hearing may be held on any petition filed under
85 this subsection only after ten (10) days' prior written notice to
86 the Commissioner of Public Safety, or his designated agent, or the
87 attorney designated to represent the state. At such hearing, the
88 court may enter an order reducing the period of suspension.

89 The order entered under the provisions of this subsection
90 shall contain the specific grounds upon which hardship was
91 determined, and shall order the petitioner to attend and complete
92 an alcohol safety education program as provided in Section
93 63-11-32. A certified copy of such order shall be delivered to
94 the Commissioner of Public Safety by the clerk of the court within
95 five (5) days of the entry of the order. The certified copy of
96 such order shall contain information which will identify the
97 petitioner, including, but not limited to, the name, mailing
98 address, street address, social security number and driver's
99 license number of the petitioner.

100 At any time following at least thirty (30) days of suspension
101 for a first offense violation of this section, the court may grant
102 the person hardship driving privileges upon written petition of
103 the defendant, if it finds reasonable cause to believe that
104 revocation would hinder the person's ability to:

105 (i) Continue his employment;

106 (ii) Continue attending school or an educational
107 institution; or

108 (iii) Obtain necessary medical care.

109 Proof of the hardship shall be established by clear and
110 convincing evidence which shall be supported by independent
111 documentation.

112 (b) Except as otherwise provided in subsection (3),
113 upon any second conviction of any person violating subsection (1)
114 of this section, the offenses being committed within a period of
115 five (5) years, such person shall be fined not less than Six
116 Hundred Dollars (\$600.00) nor more than One Thousand Five Hundred
117 Dollars (\$1,500.00), shall be imprisoned not less than five (5)
118 days nor more than one (1) year and sentenced to community service
119 work for not less than ten (10) days nor more than one (1) year.
120 The minimum penalties shall not be suspended or reduced by the
121 court and no prosecutor shall offer any suspension or sentence
122 reduction as part of a plea bargain. Except as may otherwise be
123 provided by paragraph (d) of this subsection, the Commissioner of
124 Public Safety shall suspend the driver's license of such person
125 for two (2) years. Suspension of a commercial driver's license
126 shall be governed by Section 63-1-83. Upon any second conviction
127 as described in this paragraph, the court shall ascertain whether
128 the defendant is married, and if the defendant is married shall
129 obtain the name and address of the defendant's spouse; the clerk
130 of the court shall submit this information to the Department of
131 Public Safety. Further, the commissioner shall notify in writing,
132 by certified mail, return receipt requested, the owner of the

133 vehicle and the spouse, if any, of the person convicted of the
134 second violation of the possibility of forfeiture of the vehicle
135 if such person is convicted of a third violation of subsection (1)
136 of this section. The owner of the vehicle and the spouse shall be
137 considered notified under this paragraph if the notice is
138 deposited in the United States mail and any claim that the notice
139 was not in fact received by the addressee shall not affect a
140 subsequent forfeiture proceeding.

141 For any second or subsequent conviction of any person under
142 this section, the person shall also be subject to the penalties
143 set forth in Section 63-11-31.

144 (c) (i) Except as otherwise provided in subsection
145 (3), for any third or subsequent conviction of any person
146 violating subsection (1) of this section, the offenses being
147 committed within a period of five (5) years, such person shall be
148 guilty of a felony and fined not less than Two Thousand Dollars
149 (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00), shall
150 be imprisoned not less than one (1) year nor more than five (5)
151 years in the State Penitentiary. The minimum penalties shall not
152 be suspended or reduced by the court and no prosecutor shall offer
153 any suspension or sentence reduction as part of a plea bargain.
154 The law enforcement agency shall seize the vehicle operated by any
155 person charged with a third or subsequent violation of subsection
156 (1) of this section, if such convicted person was driving the
157 vehicle at the time the offense was committed. Such vehicle may
158 be forfeited in the manner provided by Sections 63-11-49 through
159 63-11-53. Except as may otherwise be provided by paragraph (e) of
160 this subsection, the Commissioner of Public Safety shall suspend
161 the driver's license of such person for five (5) years. The
162 suspension of a commercial driver's license shall be governed by
163 Section 63-1-83.

164 (ii) In addition to any other penalties imposed
165 under the provisions of this section, any person convicted of

166 violating subsection (1) of this section and sentenced under the
167 provisions of subparagraph (2)(c)(i) of this section shall be
168 ordered by the sentencing court to obtain a distinctive license
169 tag under the provisions of Section 27-19-56.90. The court shall
170 order such person to display such tag, in the manner as required
171 by law, on each private carrier of passengers, each pickup truck
172 and all other noncommercial motor vehicles registered in his name,
173 for a period of three (3) years from the date the tag is
174 purchased. A person has seven (7) days from the date of entry of
175 the order of the court, exclusive of Sundays and holidays, to
176 obtain the distinctive license tag. Any person who violates such
177 order of the court, upon conviction, is guilty of a misdemeanor
178 and shall be punished by a fine of not less than One Hundred
179 Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or
180 by imprisonment in the county jail for not more than six (6)
181 months, or by both such fine and imprisonment. The court may not
182 suspend or suspend the execution of, in whole or in part, the
183 penalties required by this subparagraph (ii).

184 (d) Except as otherwise provided in subsection (3), any
185 person convicted of a second violation of subsection (1) of this
186 section shall receive an in-depth diagnostic assessment, and if as
187 a result of such assessment is determined to be in need of
188 treatment of his alcohol and/or drug abuse problem, such person
189 shall successfully complete treatment of his alcohol and/or drug
190 abuse problem at a program site certified by the Department of
191 Mental Health. Such person shall be eligible for reinstatement of
192 his driving privileges upon the successful completion of such
193 treatment after a period of one (1) year after such person's
194 driver's license is suspended. Each person who receives a
195 diagnostic assessment shall pay a fee representing the cost of
196 such assessment. Each person who participates in a treatment
197 program shall pay a fee representing the cost of such treatment.

198 (e) Except as otherwise provided in subsection (3), any
199 person convicted of a third or subsequent violation of subsection
200 (1) of this section shall receive an in-depth diagnostic
201 assessment, and if as a result of such assessment is determined to
202 be in need of treatment of his alcohol and/or drug abuse problem,
203 such person shall enter an alcohol and/or drug abuse program
204 approved by the Department of Mental Health for treatment of such
205 person's alcohol and/or drug abuse problem. If such person
206 successfully completes such treatment, such person shall be
207 eligible for reinstatement of his driving privileges after a
208 period of three (3) years after such person's driver's license is
209 suspended.

210 (f) The Department of Public Safety shall promulgate
211 rules and regulations for the use of interlock ignition devices as
212 provided in Section 63-11-31 and consistent with the provisions
213 therein. Such rules and regulations shall provide for the
214 calibration of such devices and shall provide that the cost of the
215 use of such systems shall be borne by the offender. The
216 Department of Public Safety shall approve which vendors of such
217 devices shall be used to furnish such systems.

218 (3) (a) This subsection shall be known and may be cited as
219 Zero Tolerance for Minors. The provisions of this subsection
220 shall apply only when a person under the age of twenty-one (21)
221 years has a blood alcohol concentration two one-hundredths percent
222 (.02%) or more, but lower than eight one-hundredths percent
223 (.08%). If such person's blood alcohol concentration is eight
224 one-hundredths percent (.08%) or more, the provisions of
225 subsection (2) shall apply.

226 (b) Upon conviction of any person under the age of
227 twenty-one (21) years for the first offense of violating
228 subsection (1) of this section where chemical tests provided for
229 under Section 63-11-5 were given, or where chemical test results
230 are not available, such person shall have his driver's license

231 suspended for ninety (90) days and shall be fined Two Hundred
232 Fifty Dollars (\$250.00); and the court shall order such person to
233 attend and complete an alcohol safety education program as
234 provided in Section 63-11-32. The court may also require
235 attendance at a victim impact panel.

236 The circuit court having jurisdiction in the county in which
237 the conviction was had or the circuit court of the person's county
238 of residence may reduce the suspension of driving privileges under
239 Section 63-11-30(2)(a) if the denial of which would constitute a
240 hardship on the offender, except that no court may issue such an
241 order reducing the suspension of driving privileges under this
242 subsection until thirty (30) days have elapsed from the effective
243 date of the suspension. Hardships shall only apply to first
244 offenses under Section 63-11-30(1), and shall not apply to second,
245 third or subsequent convictions of any person violating subsection
246 (1) of this section. A reduction of suspension on the basis of
247 hardship shall not be available to any person who refused to
248 submit to a chemical test upon the request of a law enforcement
249 officer as provided in Section 63-11-5. When the petition is
250 filed, such person shall pay to the circuit clerk of the court
251 where the petition is filed a fee of Fifty Dollars (\$50.00), which
252 shall be deposited into the State General Fund to the credit of a
253 special fund hereby created in the State Treasury to be used for
254 alcohol or drug abuse treatment and education, upon appropriation
255 by the Legislature. This fee shall be in addition to any other
256 court costs or fees required for the filing of petitions.

257 The petition filed under the provisions of this subsection
258 shall contain the specific facts which the petitioner alleges to
259 constitute a hardship and the driver's license number of the
260 petitioner. A hearing may be held on any petition filed under
261 this subsection only after ten (10) days' prior written notice to
262 the Commissioner of Public Safety, or his designated agent, or the

263 attorney designated to represent the state. At such hearing, the
264 court may enter an order reducing the period of suspension.

265 The order entered under the provisions of this subsection
266 shall contain the specific grounds upon which hardship was
267 determined, and shall order the petitioner to attend and complete
268 an alcohol safety education program as provided in Section
269 63-11-32. A certified copy of such order shall be delivered to
270 the Commissioner of Public Safety by the clerk of the court within
271 five (5) days of the entry of the order. The certified copy of
272 such order shall contain information which will identify the
273 petitioner, including, but not limited to, the name, mailing
274 address, street address, social security number and driver's
275 license number of the petitioner.

276 At any time following at least thirty (30) days of suspension
277 for a first offense violation of this section, the court may grant
278 the person hardship driving privileges upon written petition of
279 the defendant, if it finds reasonable cause to believe that
280 revocation would hinder the person's ability to:

- 281 (i) Continue his employment;
- 282 (ii) Continue attending school or an educational
283 institution; or
- 284 (iii) Obtain necessary medical care.

285 Proof of the hardship shall be established by clear and
286 convincing evidence which shall be supported by independent
287 documentation.

288 (c) Upon any second conviction of any person under the
289 age of twenty-one (21) years violating subsection (1) of this
290 section, the offenses being committed within a period of five (5)
291 years, such person shall be fined not more than Five Hundred
292 Dollars (\$500.00) and shall have his driver's license suspended
293 for one (1) year.

294 (d) For any third or subsequent conviction of any
295 person under the age of twenty-one (21) years violating subsection

296 (1) of this section, the offenses being committed within a period
297 of five (5) years, such person shall be fined not more than One
298 Thousand Dollars (\$1,000.00) and shall have his driver's license
299 suspended until he reaches the age of twenty-one (21) or for two
300 (2) years, whichever is longer.

301 (e) Any person under the age of twenty-one (21) years
302 convicted of a second violation of subsection (1) of this section,
303 may have the period that his driver's license is suspended reduced
304 if such person receives an in-depth diagnostic assessment, and as
305 a result of such assessment is determined to be in need of
306 treatment of his alcohol and/or drug abuse problem and
307 successfully completes treatment of his alcohol and/or drug abuse
308 problem at a program site certified by the Department of Mental
309 Health. Such person shall be eligible for reinstatement of his
310 driving privileges upon the successful completion of such
311 treatment after a period of six (6) months after such person's
312 driver's license is suspended. Each person who receives a
313 diagnostic assessment shall pay a fee representing the cost of
314 such assessment. Each person who participates in a treatment
315 program shall pay a fee representing the cost of such treatment.

316 (f) Any person under the age of twenty-one (21) years
317 convicted of a third or subsequent violation of subsection (1) of
318 this section shall complete treatment of an alcohol and/or drug
319 abuse program at a site certified by the Department of Mental
320 Health.

321 (g) The court shall have the discretion to rule that a
322 first offense of this subsection by a person under the age of
323 twenty-one (21) years shall be nonadjudicated. Such person shall
324 be eligible for nonadjudication only once. The Department of
325 Public Safety shall maintain a confidential registry of all cases
326 which are nonadjudicated as provided in this paragraph. A judge
327 who rules that a case is nonadjudicated shall forward such ruling
328 to the Department of Public Safety. Judges and prosecutors

329 involved in implied consent violations shall have access to the
330 confidential registry for the purpose of determining
331 nonadjudication eligibility. A record of a person who has been
332 nonadjudicated shall be maintained for five (5) years or until
333 such person reaches the age of twenty-one (21) years. Any person
334 whose confidential record has been disclosed in violation of this
335 paragraph shall have a civil cause of action against the person
336 and/or agency responsible for such disclosure.

337 (4) In addition to the other penalties provided in this
338 section, every person refusing a law enforcement officer's request
339 to submit to a chemical test of his breath as provided in this
340 chapter, or who was unconscious at the time of a chemical test and
341 refused to consent to the introduction of the results of such test
342 in any prosecution, shall suffer an additional suspension of
343 driving privileges as follows:

344 The Commissioner of Public Safety or his authorized agent
345 shall suspend the driver's license or permit to drive or deny the
346 issuance of a license or permit to such person as provided for
347 first, second and third or subsequent offenders in subsection (2)
348 of this section. Such suspension shall be in addition to any
349 suspension imposed pursuant to subsection (1) of Section 63-11-23.
350 The minimum suspension imposed under this subsection shall not be
351 reduced and no prosecutor is authorized to offer a reduction of
352 such suspension as part of a plea bargain.

353 (5) Every person who operates any motor vehicle in violation
354 of the provisions of subsection (1) of this section and who in a
355 negligent manner causes the death of another or mutilates,
356 disfigures, permanently disables or destroys the tongue, eye, lip,
357 nose or any other limb, organ or member of another shall, upon
358 conviction, be guilty of a felony and shall be committed to the
359 custody of the State Department of Corrections for a period of
360 time of not less than five (5) years and not to exceed twenty-five
361 (25) years.

362 (6) Upon conviction of any violation of subsection (1) of
363 this section, the trial judge shall sign in the place provided on
364 the traffic ticket, citation or affidavit stating that the person
365 arrested either employed an attorney or waived his right to an
366 attorney after having been properly advised. If the person
367 arrested employed an attorney, the name, address and telephone
368 number of the attorney shall be written on the ticket, citation or
369 affidavit. The judge shall cause a copy of the traffic ticket,
370 citation or affidavit, and any other pertinent documents
371 concerning the conviction, to be sent to the Commissioner of
372 Public Safety. A copy of the traffic ticket, citation or
373 affidavit and any other pertinent documents, having been attested
374 as true and correct by the Commissioner of Public Safety, or his
375 designee, shall be sufficient proof of the conviction for purposes
376 of determining the enhanced penalty for any subsequent convictions
377 of violations of subsection (1) of this section.

378 (7) Convictions in other states of violations for driving or
379 operating a vehicle while under the influence of an intoxicating
380 liquor or while under the influence of any other substance that
381 has impaired the person's ability to operate a motor vehicle
382 occurring after July 1, 1992, shall be counted for the purposes of
383 determining if a violation of subsection (1) of this section is a
384 first, second, third or subsequent offense and the penalty that
385 shall be imposed upon conviction for a violation of subsection (1)
386 of this section.

387 (8) For the purposes of determining how to impose the
388 sentence for a second, third or subsequent conviction under this
389 section, the indictment shall not be required to enumerate
390 previous convictions. It shall only be necessary that the
391 indictment state the number of times that the defendant has been
392 convicted and sentenced within the past five (5) years under this
393 section to determine if an enhanced penalty shall be imposed. The
394 amount of fine and imprisonment imposed in previous convictions

395 shall not be considered in calculating offenses to determine a
396 second, third or subsequent offense of this section.

397 (9) Any person under the legal age to obtain a license to
398 operate a motor vehicle convicted under this section shall not be
399 eligible to receive such license until the person reaches the age
400 of eighteen (18) years.

401 (10) Suspension of driving privileges for any person
402 convicted of violations of Section 63-11-30(1) shall run
403 consecutively.

404 (11) The court may order the use of any ignition interlock
405 device as provided in Section 63-11-31.

406 **SECTION 2.** The following shall be codified as Section
407 27-19-56.90, Mississippi Code of 1972:

408 27-19-56.90. (1) The State Tax Commission, in cooperation
409 with the License Tag Commission, shall design and issue through
410 the offices of the county tax collectors distinctive motor vehicle
411 license tags for display upon motor vehicles registered in the
412 names of persons who have been ordered by a court to obtain and
413 display the tags provided for under Section 63-11-30(2)(c)(ii).
414 Each tag shall contain a distinctive letter or number preceding
415 all other letters and numbers for the purpose of providing clear
416 recognition to law enforcement officers that the vehicle is
417 registered in the name of a person who has been convicted and
418 sentenced as a third or subsequent offender under the Implied
419 Consent Law.

420 (2) The distinctive license tags described in subsection (1)
421 of this section shall be issued annually to the persons who are
422 required to obtain such license tags and such persons shall be
423 required to pay the road and bridge privilege taxes, ad valorem
424 taxes and registration fees as otherwise prescribed by law for
425 each vehicle upon which the license tag is to be displayed.
426 However, if a vehicle for which a person applies for such
427 distinctive license tag is currently registered in the person's

428 name and the tag issued for such vehicle has not expired, then
429 such person shall be required only to pay the fees required under
430 the provisions of Section 27-19-37 in order to be issued a
431 distinctive license tag under the provisions of this section, and
432 such distinctive license tag shall remain valid until the
433 expiration date of the tag replaced by the distinctive tag.

434 **SECTION 3.** Section 27-19-44, Mississippi Code of 1972, is
435 amended as follows:

436 27-19-44. (1) For any distinctive license tag or plate
437 authorized by the Legislature from and after July 1, 2000, through
438 June 30, 2002, or authorized by Sections 27-19-56.37 and
439 27-19-56.55, the requirements of this subsection must be met
440 before the State Tax Commission may prepare or issue any such
441 license tag or plate. The organization or other entity for which
442 the Legislature authorized the distinctive license tag or plate
443 must submit proof satisfactory to the State Tax Commission that at
444 least one hundred (100) of such license tags or plates will be
445 purchased and must deposit with the commission an amount necessary
446 to purchase one hundred (100) of such license tags or plates. The
447 organization or other entity for which the Legislature authorized
448 the distinctive license tag or plate must satisfy the requirements
449 of this subsection (1) within two (2) years after the effective
450 date of the law authorizing the license tag or plate in order to
451 permit the license tag or plate to be prepared and issued.

452 (2) Except as otherwise provided in subsection (1) of this
453 section, any distinctive license tag or plate authorized by the
454 Legislature from and after July 1, 2002, the requirements of this
455 subsection must be met before the State Tax Commission may prepare
456 or issue any such license tag or plate. The organization or other
457 entity for which the Legislature authorized the distinctive
458 license tag or plate must submit proof satisfactory to the State
459 Tax Commission that at least two hundred (200) of such license
460 tags or plates will be purchased and must deposit with the

461 commission an amount necessary to purchase two hundred (200) of
462 such license tags or plates. The organization or other entity for
463 which the Legislature authorized the distinctive license tag or
464 plate must satisfy the requirements of this subsection (2) within
465 three (3) years after the effective date of the law authorizing
466 the license tag or plate in order to permit the license tag or
467 plate to be prepared and issued.

468 (3) If the organization or other entity for which the
469 Legislature authorized the distinctive license tag or plate meets
470 the requirements of subsection (1) or (2) of this section, the
471 State Tax Commission shall prepare and issue the distinctive
472 license tag or plate.

473 (4) The State Tax Commission shall review the number of
474 distinctive or special license tags or plates issued pursuant to
475 this chapter during the period for the license tag or plate
476 series. If the number of any distinctive or special license tag
477 or plate issued pursuant to this chapter falls below one hundred
478 (100) in the last year of the license tag or plate series, the
479 distinctive or special license tag or plate shall be discontinued
480 at the end of the period for the license tag or plate series.

481 (5) If a distinctive or special license tag or plate is
482 discontinued under subsection (4) of this section, the
483 organization or other entity for which the license tag or plate
484 was discontinued may prepare a distinctive or special license tag
485 or plate decal. The distinctive or special license tag or plate
486 decal shall be of such size, color and design as may be agreed
487 upon by the organization or other entity and the State Tax
488 Commission. However, the State Tax Commission shall have final
489 approval of the size, color and design of the decal. The
490 distinctive or special license tag or plate decals shall be
491 prepared and sold by the organization or other entity, and the
492 proceeds derived from the sale of such decals shall be retained by

493 the organization or other entity for any use deemed appropriate by
494 the organization or other entity.

495 (6) The provisions of this section shall not apply to
496 distinctive or special license tags or plates:

497 (a) Which are issued under Section 27-19-45, 27-19-46,
498 27-19-47.1, 27-19-47.2, 27-19-48, 27-19-49, 27-19-53, 27-19-55,
499 27-19-56, 27-19-56.1, 27-19-56.2, 27-19-56.3, 27-19-56.5,
500 27-19-56.6, 27-19-56.9, 27-19-56.11, 27-19-56.12, 27-19-56.13,
501 27-19-56.62, 27-19-56.69, 27-19-56.79 or 27-19-56.90; or

502 (b) For which no additional fee is required to be paid.

503 **SECTION 4.** This act shall take effect and be in force from
504 and after July 1, 2004.