

By: Representatives Davis, Ishee

To: Ways and Means

HOUSE BILL NO. 1251

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 27-19-56.106, 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 serve not less than one (1) year nor more than five (5) years in
151 the custody of the Department of Corrections; provided, however,
152 that for any such offense which does not result in serious injury
153 or death to any person, any sentence of incarceration may be
154 served in the county jail rather than in the State Penitentiary at
155 the discretion of the circuit court judge. The minimum penalties
156 shall not be suspended or reduced by the court and no prosecutor
157 shall offer any suspension or sentence reduction as part of a plea
158 bargain. The law enforcement agency shall seize the vehicle
159 operated by any person charged with a third or subsequent
160 violation of subsection (1) of this section, if such convicted
161 person was driving the vehicle at the time the offense was
162 committed. Such vehicle may be forfeited in the manner provided
163 by Sections 63-11-49 through 63-11-53. Except as may otherwise be
164 provided by paragraph (e) of this subsection, the Commissioner of
165 Public Safety shall suspend the driver's license of such person

166 for five (5) years. The suspension of a commercial driver's
167 license shall be governed by Section 63-1-83.

168 (ii) In addition to any other penalties imposed
169 under the provisions of this section, any person convicted of
170 violating subsection (1) of this section and sentenced under the
171 provisions of subsection (2)(c)(i) of this section shall be
172 ordered by the sentencing court to obtain a distinctive license
173 tag under the provisions of Section 27-19-56.106. The court shall
174 order such person to display such tag, in the manner as required
175 by law, on each private carrier of passengers, each pickup truck
176 and all other noncommercial motor vehicles registered in his name,
177 for a period of three (3) years from the date the tag is
178 purchased. A person has seven (7) days from the date of entry of
179 the order of the court, exclusive of Sundays and holidays, to
180 obtain the distinctive license tag. Any person who violates such
181 order of the court, upon conviction, is guilty of a misdemeanor
182 and shall be punished by a fine of not less than One Hundred
183 Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or
184 by imprisonment in the county jail for not more than six (6)
185 months, or by both such fine and imprisonment. The court may not
186 suspend or suspend the execution of, in whole or in part, the
187 penalties required by this subparagraph (ii).

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

199 diagnostic assessment shall pay a fee representing the cost of
200 such assessment. Each person who participates in a treatment
201 program shall pay a fee representing the cost of such treatment.

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

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

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

230 (b) Upon conviction of any person under the age of
231 twenty-one (21) years for the first offense of violating

232 subsection (1) of this section where chemical tests provided for
233 under Section 63-11-5 were given, or where chemical test results
234 are not available, such person shall have his driver's license
235 suspended for ninety (90) days and shall be fined Two Hundred
236 Fifty Dollars (\$250.00); and the court shall order such person to
237 attend and complete an alcohol safety education program as
238 provided in Section 63-11-32. The court may also require
239 attendance at a victim impact panel.

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

261 The petition filed under the provisions of this subsection
262 shall contain the specific facts which the petitioner alleges to
263 constitute a hardship and the driver's license number of the
264 petitioner. A hearing may be held on any petition filed under

265 this subsection only after ten (10) days' prior written notice to
266 the Commissioner of Public Safety, or his designated agent, or the
267 attorney designated to represent the state. At such hearing, the
268 court may enter an order reducing the period of suspension.

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

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

- 285 (i) Continue his employment;
- 286 (ii) Continue attending school or an educational
287 institution; or
- 288 (iii) Obtain necessary medical care.

289 Proof of the hardship shall be established by clear and
290 convincing evidence which shall be supported by independent
291 documentation.

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

298 (d) For any third or subsequent conviction of any
299 person under the age of twenty-one (21) years violating subsection
300 (1) of this section, the offenses being committed within a period
301 of five (5) years, such person shall be fined not more than One
302 Thousand Dollars (\$1,000.00) and shall have his driver's license
303 suspended until he reaches the age of twenty-one (21) or for two
304 (2) years, whichever is longer.

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

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

325 (g) The court shall have the discretion to rule that a
326 first offense of this subsection by a person under the age of
327 twenty-one (21) years shall be nonadjudicated. Such person shall
328 be eligible for nonadjudication only once. The Department of
329 Public Safety shall maintain a confidential registry of all cases
330 which are nonadjudicated as provided in this paragraph. A judge

331 who rules that a case is nonadjudicated shall forward such ruling
332 to the Department of Public Safety. Judges and prosecutors
333 involved in implied consent violations shall have access to the
334 confidential registry for the purpose of determining
335 nonadjudication eligibility. A record of a person who has been
336 nonadjudicated shall be maintained for five (5) years or until
337 such person reaches the age of twenty-one (21) years. Any person
338 whose confidential record has been disclosed in violation of this
339 paragraph shall have a civil cause of action against the person
340 and/or agency responsible for such disclosure.

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

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

357 (5) Every person who operates any motor vehicle in violation
358 of the provisions of subsection (1) of this section and who in a
359 negligent manner causes the death of another or mutilates,
360 disfigures, permanently disables or destroys the tongue, eye, lip,
361 nose or any other limb, organ or member of another shall, upon
362 conviction, be guilty of a separate felony for each such death,
363 mutilation, disfigurement or other injury and shall be committed

364 to the custody of the State Department of Corrections for a period
365 of time of not less than five (5) years and not to exceed
366 twenty-five (25) years for each such death, mutilation,
367 disfigurement or other injury, and the imprisonment for the second
368 or each subsequent conviction, in the discretion of the court,
369 shall commence either at the termination of the imprisonment for
370 the preceding conviction or run concurrently with the preceding
371 conviction. Any person charged with causing the death of another
372 as described in this subsection shall be required to post bail
373 before being released after arrest.

374 (6) Upon conviction of any violation of subsection (1) of
375 this section, the trial judge shall sign in the place provided on
376 the traffic ticket, citation or affidavit stating that the person
377 arrested either employed an attorney or waived his right to an
378 attorney after having been properly advised. If the person
379 arrested employed an attorney, the name, address and telephone
380 number of the attorney shall be written on the ticket, citation or
381 affidavit. The judge shall cause a copy of the traffic ticket,
382 citation or affidavit, and any other pertinent documents
383 concerning the conviction, to be sent to the Commissioner of
384 Public Safety. A copy of the traffic ticket, citation or
385 affidavit and any other pertinent documents, having been attested
386 as true and correct by the Commissioner of Public Safety, or his
387 designee, shall be sufficient proof of the conviction for purposes
388 of determining the enhanced penalty for any subsequent convictions
389 of violations of subsection (1) of this section.

390 (7) Convictions in other states of violations for driving or
391 operating a vehicle while under the influence of an intoxicating
392 liquor or while under the influence of any other substance that
393 has impaired the person's ability to operate a motor vehicle
394 occurring after July 1, 1992, shall be counted for the purposes of
395 determining if a violation of subsection (1) of this section is a
396 first, second, third or subsequent offense and the penalty that

397 shall be imposed upon conviction for a violation of subsection (1)
398 of this section.

399 (8) For the purposes of determining how to impose the
400 sentence for a second, third or subsequent conviction under this
401 section, the indictment shall not be required to enumerate
402 previous convictions. It shall only be necessary that the
403 indictment state the number of times that the defendant has been
404 convicted and sentenced within the past five (5) years under this
405 section to determine if an enhanced penalty shall be imposed. The
406 amount of fine and imprisonment imposed in previous convictions
407 shall not be considered in calculating offenses to determine a
408 second, third or subsequent offense of this section.

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

413 (10) Suspension of driving privileges for any person
414 convicted of violations of Section 63-11-30(1) shall run
415 consecutively.

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

418 **SECTION 2.** The following shall be codified as Section
419 27-19-56.106, Mississippi Code of 1972:

420 27-19-56.106. (1) The State Tax Commission, in cooperation
421 with the License Tag Commission, shall design and issue through
422 the offices of the county tax collectors distinctive motor vehicle
423 license tags for display upon motor vehicles registered in the
424 names of persons who have been ordered by a court to obtain and
425 display the tags provided for under Section 63-11-30(2)(c)(ii).
426 Each tag shall contain a distinctive letter or number preceding
427 all other letters and numbers for the purpose of providing clear
428 recognition to law enforcement officers that the vehicle is
429 registered in the name of a person who has been convicted and

430 sentenced as a third or subsequent offender under the Implied
431 Consent Law.

432 (2) The distinctive license tags described in subsection (1)
433 of this section shall be issued annually to the persons who are
434 required to obtain such license tags and such persons shall be
435 required to pay the road and bridge privilege taxes, ad valorem
436 taxes and registration fees as otherwise prescribed by law for
437 each vehicle upon which the license tag is to be displayed.
438 However, if a vehicle for which a person applies for such
439 distinctive license tag is currently registered in the person's
440 name and the tag issued for such vehicle has not expired, then
441 such person shall be required only to pay the fees required under
442 the provisions of Section 27-19-37 in order to be issued a
443 distinctive license tag under the provisions of this section, and
444 such distinctive license tag shall remain valid until the
445 expiration date of the tag replaced by the distinctive tag.

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

448 27-19-44. (1) For any distinctive license tag or plate
449 authorized by the Legislature from and after July 1, 2000, through
450 June 30, 2002, or authorized by Sections 27-19-56.37 and
451 27-19-56.55, the requirements of this subsection must be met
452 before the State Tax Commission may prepare or issue any such
453 license tag or plate. The organization or other entity for which
454 the Legislature authorized the distinctive license tag or plate
455 must submit proof satisfactory to the State Tax Commission that at
456 least one hundred (100) of such license tags or plates will be
457 purchased and must deposit with the commission an amount necessary
458 to purchase one hundred (100) of such license tags or plates. The
459 organization or other entity for which the Legislature authorized
460 the distinctive license tag or plate must satisfy the requirements
461 of this subsection (1) within two (2) years after the effective

462 date of the law authorizing the license tag or plate in order to
463 permit the license tag or plate to be prepared and issued.

464 (2) Except as otherwise provided in subsection (1) of this
465 section, any distinctive license tag or plate authorized by the
466 Legislature from and after July 1, 2002, the requirements of this
467 subsection must be met before the State Tax Commission may prepare
468 or issue any such license tag or plate. The organization or other
469 entity for which the Legislature authorized the distinctive
470 license tag or plate must submit proof satisfactory to the State
471 Tax Commission that at least two hundred (200) of such license
472 tags or plates will be purchased and must deposit with the
473 commission an amount necessary to purchase two hundred (200) of
474 such license tags or plates. The organization or other entity for
475 which the Legislature authorized the distinctive license tag or
476 plate must satisfy the requirements of this subsection (2) within
477 three (3) years after the effective date of the law authorizing
478 the license tag or plate in order to permit the license tag or
479 plate to be prepared and issued.

480 (3) If the organization or other entity for which the
481 Legislature authorized the distinctive license tag or plate meets
482 the requirements of subsection (1) or (2) of this section, the
483 State Tax Commission shall prepare and issue the distinctive
484 license tag or plate.

485 (4) The State Tax Commission shall review the number of
486 distinctive or special license tags or plates issued pursuant to
487 this chapter during the period for the license tag or plate
488 series. If the number of any distinctive or special license tag
489 or plate issued pursuant to this chapter falls below one hundred
490 (100) in the last year of the license tag or plate series, the
491 distinctive or special license tag or plate shall be discontinued
492 at the end of the period for the license tag or plate series.

493 (5) If a distinctive or special license tag or plate is
494 discontinued under subsection (4) of this section, the

495 organization or other entity for which the license tag or plate
496 was discontinued may prepare a distinctive or special license tag
497 or plate decal. The distinctive or special license tag or plate
498 decal shall be of such size, color and design as may be agreed
499 upon by the organization or other entity and the State Tax
500 Commission. However, the State Tax Commission shall have final
501 approval of the size, color and design of the decal. The
502 distinctive or special license tag or plate decals shall be
503 prepared and sold by the organization or other entity, and the
504 proceeds derived from the sale of such decals shall be retained by
505 the organization or other entity for any use deemed appropriate by
506 the organization or other entity.

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

509 (a) Which are issued under Section 27-19-45, 27-19-46,
510 27-19-47.1, 27-19-47.2, 27-19-48, 27-19-49, 27-19-53, 27-19-55,
511 27-19-56, 27-19-56.1, 27-19-56.2, 27-19-56.3, 27-19-56.5,
512 27-19-56.6, 27-19-56.9, 27-19-56.11, 27-19-56.12, 27-19-56.13,
513 27-19-56.62, 27-19-56.69, 27-19-56.79 or 27-19-56.106; or

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

515 **SECTION 4.** This act shall take effect and be in force from
516 and after July 1, 2005.