

By: Senator(s) Albritton, Dearing

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2878

1 AN ACT TO AMEND SECTION 63-1-51, MISSISSIPPI CODE OF 1972, TO
2 PERMIT DRIVER'S LICENSE SUSPENSION FOR FAILURE TO PAY A FINE OR
3 FEE OR FAILURE TO APPEAR FOR ANY MISDEMEANOR; TO AMEND SECTION
4 63-1-52, MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION
5 63-1-53, MISSISSIPPI CODE OF 1972, TO PERMIT DRIVER'S LICENSE
6 SUSPENSION FOR FAILURE TO PAY A FINE OR FEE OR FAILURE TO APPEAR
7 FOR ANY MISDEMEANOR AND TO ALLOW THE COURT TO INSTITUTE A PAYMENT
8 PLAN FOR A PERIOD NOT TO EXCEED ONE YEAR DURING WHICH TIME THE
9 OFFENDER MAY DRIVE ON A LIMITED LICENSE; TO AMEND SECTION 9-11-15,
10 MISSISSIPPI CODE OF 1972, TO CLARIFY THE POWER OF THE JUSTICE
11 COURT TO TRY DEFENDANTS IN ABSENTIA; TO AMEND SECTION 9-11-19,
12 MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION 21-23-7,
13 MISSISSIPPI CODE OF 1972, TO CLARIFY THE POWER OF THE MUNICIPAL
14 COURT TO TRY DEFENDANTS IN ABSENTIA; TO AMEND SECTION 63-1-46,
15 MISSISSIPPI CODE OF 1972, TO SET FORTH A PROCEDURE FOR
16 REINSTITUTION OF THE DRIVING PRIVILEGE UNDER CERTAIN CIRCUMSTANCES
17 BY ISSUANCE OF A LIMITED LICENSE WHEN A PERSON WHOSE LICENSE HAS
18 BEEN SUSPENDED ENTERS INTO A COURT-ORDERED PAYMENT PLAN; TO AMEND
19 SECTION 17-25-1, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ACCEPTANCE
20 OF ELECTRONIC PAYMENTS UNDER CERTAIN CIRCUMSTANCES; TO AMEND
21 SECTION 49-7-27, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A COURT TO
22 SUSPEND THE DRIVER'S LICENSE OF A PERSON WHO IS IN CONTEMPT OF
23 COURT; AND FOR RELATED PURPOSES.

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

25 **SECTION 1.** Section 63-1-51, Mississippi Code of 1972, is
26 amended as follows:

27 63-1-51. (1) It shall be the duty of the trial judge, upon
28 conviction of any person holding a license issued pursuant to this
29 article where the penalty for a misdemeanor or any traffic
30 violation is as much as Ten Dollars (\$10.00), to mail a copy of
31 abstract of the court record or provide an electronically or
32 computer generated copy of abstract of the court record
33 immediately to the commissioner at Jackson, Mississippi, showing
34 the date of conviction, penalty, etc., so that a record of same
35 may be made by the Department of Public Safety. The commissioner
36 shall forthwith revoke the license of any person for a period of
37 one (1) year upon receiving a duly certified record of each

38 person's convictions of any of the following offenses when such
39 conviction has become final:

40 (a) Manslaughter or negligent homicide resulting from
41 the operation of a motor vehicle;

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

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

47 (d) Perjury or the willful making of a false affidavit
48 or statement under oath to the department under this article or
49 under any other law relating to the ownership or operation of
50 motor vehicles;

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

54 (f) Contempt for failure to pay a fine, cost,
55 assessment or fee or to respond to a summons or citation pursuant
56 to a charge of a misdemeanor or any violation of this title.

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

60 (3) In addition to the reasons specified in this section,
61 the commissioner shall be authorized to suspend the license issued
62 to any person pursuant to this article for being out of compliance
63 with an order for support, as defined in Section 93-11-153. The
64 procedure for suspension of a license for being out of compliance
65 with an order for support, and the procedure for the reissuance or
66 reinstatement of a license suspended for that purpose, and the
67 payment of any fees for the reissuance or reinstatement of a
68 license suspended for that purpose, shall be governed by Section
69 93-11-157 or 93-11-163, as the case may be. If there is any
70 conflict between any provision of Section 93-11-157 or 93-11-163

71 and any provision of this article, the provisions of Section
72 93-11-157 or 93-11-163, as the case may be, shall control.

73 **SECTION 2.** Section 63-1-52, Mississippi Code of 1972, is
74 amended as follows:

75 63-1-52. (1) Whenever the Commissioner of Public Safety
76 suspends, cancels or revokes the driver's license or driving
77 privileges of any person, notice of the suspension, cancellation
78 or revocation shall be given to such person by the commissioner,
79 or his duly authorized agent, in the manner provided in subsection
80 (2) of this section and at the time provided in subsection (3) of
81 this section or in the manner and at the time provided in
82 subsection (4) of this section.

83 (2) Notice shall be given in the following manner:

84 (a) In writing, (i) by United States Certificate of
85 Mail; or (ii) by personal service at the person's address as it
86 appears on the driving record maintained by the Department of
87 Public Safety or at the person's last known address; or (iii) by
88 personal notice being given by any law enforcement officer of this
89 state or any duly authorized agent of the Commissioner of Public
90 Safety on forms prescribed and furnished by the Commissioner of
91 Public Safety; whenever a person's driver's license or driving
92 privileges are suspended, revoked or cancelled in accordance with
93 the Mississippi Driver License Compact Law, the Mississippi
94 Implied Consent Law, the Mississippi Motor Vehicle Safety
95 Responsibility Law or * * * Section 63-1-53.

96 (b) In writing, by United States first class mail,
97 whenever a person's driver's license or driving privileges are
98 suspended, revoked or cancelled in accordance with the Mississippi
99 Commercial Driver's License Law, the Youth Court Law, Chapter 23
100 of Title 43, Mississippi Code of 1972, Section 63-1-45, Section
101 63-1-51, * * * Section 63-1-53 or Section 63-9-25.

102 (3) Notice shall be given at the following time:

103 (a) Before suspension, revocation or cancellation,
104 whenever a person's driver's license or driving privileges are
105 suspended, revoked or cancelled in accordance with the Mississippi
106 Driver License Compact Law, the Mississippi Motor Vehicle Safety
107 Responsibility Law or * * * Section 63-1-53.

108 (b) Unless otherwise specifically provided for by law,
109 at the time of suspension, revocation or cancellation, whenever a
110 person's driver's license or driving privileges are suspended,
111 revoked or cancelled in accordance with the Mississippi Commercial
112 Driver's License Law, the Mississippi Implied Consent Law, the
113 Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972,
114 Section 63-1-45, Section 63-1-51, * * * Section 63-1-53 or Section
115 63-9-25.

116 (4) Whenever the Commissioner of Public Safety suspends,
117 revokes or cancels the driver's license or driving privileges of
118 any person in accordance with some provision of law other than a
119 provision of law referred to in subsections (2) and (3) of this
120 section, and the manner and time for giving notice is not provided
121 for in such law, then notice of such suspension, revocation or
122 cancellation shall be given in the manner and at the time provided
123 for under subsections (2)(b) and (3)(b) of this section.

124 **SECTION 3.** Section 63-1-53, Mississippi Code of 1972, is
125 amended as follows:

126 63-1-53. (1) Upon failure of any person to respond timely
127 and properly to a summons or citation charging such person with a
128 misdemeanor or any violation of this title, or upon failure of any
129 person to pay timely any fine, fee or assessment levied as a
130 result of a misdemeanor or any violation of this title, the clerk
131 of the court shall give written notice to such person by United
132 States first class mail at his last known address advising such
133 person that if within ten (10) days after such notice is deposited
134 in the mail the person has not properly responded to the summons
135 or citation or has not paid the entire amount of all fines, fees

136 and assessments levied, then the court will give notice thereof to
137 the Commissioner of Public Safety and the commissioner may suspend
138 the driver's license of such person. The actual cost incurred by
139 the court in the giving of such notice may be added to any other
140 court costs assessed in such case. If within ten (10) days after
141 the notice is given in accordance with this subsection such person
142 has not satisfactorily disposed of the matter pending before the
143 court, then the clerk of the court immediately shall mail a copy
144 of the abstract of the court record, along with a certified copy
145 of the notice given under this subsection, to the Commissioner of
146 Public Safety, and the commissioner may suspend the driver's
147 license of such person as authorized under subsections (2) and (3)
148 of this section.

149 (2) The commissioner is hereby authorized to suspend the
150 license of an operator without preliminary hearing upon a showing
151 by his records or other sufficient evidence that the licensee:

152 (a) Has committed an offense for which mandatory
153 revocation of license is required upon conviction except under the
154 provisions of the Mississippi Implied Consent Law;

155 (b) Has been involved as a driver in any accident
156 resulting in the death or personal injury of another or serious
157 property damage;

158 (c) Is an habitually reckless or negligent driver of a
159 motor vehicle;

160 (d) Has been convicted with such frequency of serious
161 offenses against traffic regulations governing the movement of
162 vehicles as to indicate a disrespect for traffic laws and a
163 disregard for the safety of other persons on the highways;

164 (e) Is incompetent to drive a motor vehicle;

165 (f) Has permitted an unlawful or fraudulent use of such
166 license;

167 (g) Has committed an offense in another state which if
168 committed in this state would be grounds for suspension or
169 revocation;

170 (h) Has failed to pay any fine, fee or other assessment
171 levied as a result of a misdemeanor or any violation of this
172 title;

173 (i) Has failed to respond to a summons or citation
174 which charged a misdemeanor or any violation of this title or is
175 otherwise in contempt of court; or

176 (j) Has committed a violation for which mandatory
177 revocation of license is required upon conviction, entering a plea
178 of nolo contendere to, or adjudication of delinquency, pursuant to
179 the provisions of subsection (1) of Section 63-1-71.

180 (3) Notice that a person's license is suspended or will be
181 suspended under subsection (2) of this section shall be given by
182 the commissioner in the manner and at the time provided for under
183 Section 63-1-52, and upon such person's request, he shall be
184 afforded an opportunity for a hearing as early as practicable
185 within not to exceed twenty (20) days after receipt of such
186 request in the county wherein the licensee resides unless the
187 department and the licensee agree that such hearing may be held in
188 some other county. Upon such hearing the commissioner, or his
189 duly authorized agent, may administer oaths and may issue
190 subpoenas for the attendance of witnesses and the production of
191 relevant books and papers and may require a reexamination of the
192 licensee. Upon such hearing the commissioner shall either rescind
193 any order of suspension or, good cause appearing therefor, may
194 extend any suspension of such license or revoke such license.

195 (4) Any person whose license has been suspended for failure
196 to appear or for having been convicted of a misdemeanor or any
197 violation of this title and for the subsequent failure to pay a
198 fine, cost, fee or assessment imposed for that offense may apply
199 to the court where the person was convicted or failed to appear

200 for the issuance of a limited license. The court may order the
201 person whose license has been suspended to make payments in an
202 amount reasonably calculated to fully pay the amount owed to the
203 court within one (1) year as a condition of receiving the limited
204 license. Failure to timely make the payments as ordered by the
205 court shall result in the suspension of the limited license. The
206 suspension procedure shall be as set forth in Section 63-1-46(6).

207 **SECTION 4.** Section 9-11-15, Mississippi Code of 1972, is
208 amended as follows:

209 9-11-15. Justice court judges shall hold regular terms of
210 their courts, at such times as they may appoint, not exceeding two
211 (2) and not less than one (1) in every month, at the appropriate
212 justice court courtroom established by the board of supervisors;
213 and they may continue to hold their courts from day to day so long
214 as business may require; and all process shall be returnable, and
215 all trials shall take place at such regular terms, except where it
216 is otherwise provided; but where the defendant is a nonresident or
217 transient person, and it shall be shown by the oath of either
218 party that a delay of the trial until the regular term will be of
219 material injury to him, it shall be lawful for the judge to have
220 the parties brought before him at any reasonable time and hear the
221 evidence and give judgment or where the defendant is a nonresident
222 or transient person and the judge and all parties agree, it shall
223 be lawful for the judge to have the parties brought before him on
224 the day a citation is made and hear the evidence and give
225 judgment. Such court shall be a court of record, with all the
226 power incident to a court of record, including power to try in
227 absentia pursuant to Section 99-17-9, and power to suspend a
228 driver's license, to suspend a hunting license, and to impose a
229 fine and imprisonment in the amount of fine and length of
230 imprisonment as is authorized for a municipal court in Section
231 21-23-7(11) for contempt of court.

232 **SECTION 5.** Section 9-11-19, Mississippi Code of 1972, is
233 amended as follows:

234 9-11-19. (1) It shall be the duty of every clerk of the
235 justice court to receive and account for all fees, costs, fines
236 and penalties charged and collected in the justice court, and,
237 monthly to report in writing under oath, to the clerk of the board
238 of supervisors who shall upon receipt submit such report to the
239 board of supervisors of all such fees, costs, fines and penalties
240 received, including cash bonds and other monies which have been
241 forfeited in criminal cases and at least semiannually any
242 delinquent fines and penalties, giving the date, amount, and names
243 of persons from whom such monies were received, and to pay so much
244 thereof as shall have been received to the clerk of the board of
245 supervisors for deposit into the general fund of the county. Any
246 clerk of the justice court who shall fail to make such report or
247 to pay the money so received shall, in addition to any other fine
248 or punishment provided by law for such conduct, not be entitled to
249 compensation for the period of time during which such report or
250 money is outstanding.

251 (2) The provisions of this section shall not, except as to
252 cash bonds and other monies which have been forfeited in criminal
253 cases, apply to monies required to be deposited in the justice
254 court clerk clearing account as provided in Section 9-11-18 * * *.

255 **SECTION 6.** Section 21-23-7, Mississippi Code of 1972, is
256 amended as follows:

257 21-23-7. (1) The municipal judge shall hold court in a
258 public building designated by the governing authority of the
259 municipality and may hold court every day except Sundays and legal
260 holidays if the business of the municipality so requires;
261 provided, however, the municipal judge may hold court outside the
262 boundaries of the municipality but not more than within a
263 sixty-mile radius of the municipality to handle preliminary
264 matters and criminal matters such as initial appearances and

265 felony preliminary hearings. The municipal judge shall have the
266 jurisdiction to hear and determine, without a jury and without a
267 record of the testimony, all cases charging violations of the
268 municipal ordinances and state misdemeanor laws made offenses
269 against the municipality and to punish offenders therefor as may
270 be prescribed by law. The municipal judge shall have the power to
271 try in absentia pursuant to Section 99-17-9. All criminal
272 proceedings shall be brought by sworn complaint filed in the
273 municipal court. Such complaint shall state the essential
274 elements of the offense charged and the statute or ordinance
275 relied upon. Such complaint shall not be required to conclude
276 with a general averment that the offense is against the peace and
277 dignity of the state or in violation of the ordinances of the
278 municipality. He may sit as a committing court in all felonies
279 committed within the municipality, and he shall have the power to
280 bind over the accused to the grand jury or to appear before the
281 proper court having jurisdiction to try the same, and to set the
282 amount of bail or refuse bail and commit the accused to jail in
283 cases not bailable. The municipal judge is a conservator of the
284 peace within his municipality. He may conduct preliminary
285 hearings in all violations of the criminal laws of this state
286 occurring within the municipality, and any person arrested for a
287 violation of law within the municipality may be brought before him
288 for initial appearance.

289 (2) In the discretion of the court, where the objects of
290 justice would be more likely met, as an alternative to imposition
291 or payment of fine and/or incarceration, the municipal judge shall
292 have the power to sentence convicted offenders to work on a public
293 service project where the court has established such a program of
294 public service by written guidelines filed with the clerk for
295 public record. Such programs shall provide for reasonable
296 supervision of the offender and the work shall be commensurate
297 with the fine and/or incarceration that would have ordinarily been

298 imposed. Such program of public service may be utilized in the
299 implementation of the provisions of Section 99-19-20, and public
300 service work thereunder may be supervised by persons other than
301 the sheriff.

302 (3) The municipal judge may solemnize marriages, take oaths,
303 affidavits and acknowledgments, and issue orders, subpoenas,
304 summonses, citations, warrants for search and arrest upon a
305 finding of probable cause, and other such process under seal of
306 the court to any county or municipality, in a criminal case, to be
307 executed by the lawful authority of the county or the municipality
308 of the respondent, and enforce obedience thereto. The absence of
309 a seal shall not invalidate the process.

310 (4) When a person shall be charged with an offense in
311 municipal court punishable by confinement, the municipal judge,
312 being satisfied that such person is an indigent person and is
313 unable to employ counsel, may, in the discretion of the court,
314 appoint counsel from the membership of The Mississippi Bar
315 residing in his county who shall represent him. Compensation for
316 appointed counsel in criminal cases shall be approved and allowed
317 by the municipal judge and shall be paid by the municipality. The
318 maximum compensation shall not exceed Two Hundred Dollars
319 (\$200.00) for any one (1) case. The governing authorities of a
320 municipality may, in their discretion, appoint a public
321 defender(s) who must be a licensed attorney and who shall receive
322 a salary to be fixed by the governing authorities.

323 (5) The municipal judge of any municipality is hereby
324 authorized to suspend the sentence and to suspend the execution of
325 the sentence, or any part thereof, on such terms as may be imposed
326 by the municipal judge. However, the suspension of imposition or
327 execution of a sentence hereunder may not be revoked after a
328 period of two (2) years. The municipal judge shall have the power
329 to establish and operate a probation program, dispute resolution
330 program and other practices or procedures appropriate to the

331 judiciary and designed to aid in the administration of justice.
332 Any such program shall be established by the court with written
333 policies and procedures filed with the clerk of the court for
334 public record.

335 (6) Upon prior notice to the municipal prosecuting attorney
336 and upon a showing in open court of rehabilitation, good conduct
337 for a period of two (2) years since the last conviction in any
338 court and that the best interest of society would be served, the
339 court may, in its discretion, order the record of conviction of a
340 person of any or all misdemeanors in that court expunged, and upon
341 so doing the said person thereafter legally stands as though he
342 had never been convicted of the said misdemeanor(s) and may
343 lawfully so respond to any query of prior convictions. This order
344 of expunction does not apply to the confidential records of law
345 enforcement agencies and has no effect on the driving record of a
346 person maintained under Title 63, Mississippi Code of 1972, or any
347 other provision of said Title 63.

348 (7) Notwithstanding the provisions of subsection (6) of this
349 section, a person who was convicted in municipal court of a
350 misdemeanor before reaching his twenty-third birthday, excluding
351 conviction for a traffic violation, and who is a first offender,
352 may utilize the provisions of Section 99-19-71, to expunge such
353 misdemeanor conviction.

354 (8) In the discretion of the court, a plea of nolo
355 contendere may be entered to any charge in municipal court. Upon
356 the entry of a plea of nolo contendere the court shall convict the
357 defendant of the offense charged and shall proceed to sentence the
358 defendant according to law. The judgment of the court shall
359 reflect that the conviction was on a plea of nolo contendere. An
360 appeal may be made from a conviction on a plea of nolo contendere
361 as in other cases.

362 (9) Upon execution of a sworn complaint charging a
363 misdemeanor, the municipal court may, in its discretion and in

364 lieu of an arrest warrant, issue a citation requiring the
365 appearance of the defendant to answer the charge made against him.
366 On default of appearance, an arrest warrant may be issued for the
367 defendant. The clerk of the court or deputy clerk may issue such
368 citations.

369 (10) The municipal court shall have the power to make rules
370 for the administration of the court's business, which rules, if
371 any, shall be in writing filed with the clerk of the court.

372 (11) The municipal court shall have the power to impose
373 punishment of a fine of not more than One Thousand Dollars
374 (\$1,000.00) or six (6) months' imprisonment, or both, for contempt
375 of court. The municipal court also shall have the power to
376 suspend the driver's license of a contemnor for a period not to
377 exceed one (1) year, conforming to the procedure set forth in
378 Section 63-1-52, and to suspend the hunting license of the
379 contemnor for a period not to exceed one (1) year, conforming to
380 the procedure outlined in Section 49-7-27. The municipal court
381 may have the power to impose reasonable costs of court, not in
382 excess of the following:

383	Dismissal of any affidavit, complaint or charge	
384	in municipal court.....	\$ 50.00
385	Suspension of a minor's driver's license in lieu of	
386	conviction.....	\$ 50.00
387	Service of scire facias or return "not found".....	\$ 20.00
388	Causing search warrant to issue or causing prosecution	
389	without reasonable cause or refusing to cooperate	
390	after initiating action.....	\$ 100.00
391	Certified copy of the court record.....	\$ 5.00
392	Service of arrest warrant for failure to answer	
393	citation or traffic summons.....	\$ 25.00
394	Jail cost per day.....	\$ 10.00
395	Any other item of court cost.....	\$ 50.00

396 No filing fee or such cost shall be imposed for the bringing
397 of an action in municipal court.

398 (12) A municipal court judge shall not dismiss a criminal
399 case but may transfer the case to the justice court of the county
400 if the municipal court judge is prohibited from presiding over the
401 case by the Canons of Judicial Conduct and provided that venue and
402 jurisdiction are proper in the justice court. Upon transfer of
403 any such case, the municipal court judge shall give the municipal
404 court clerk a written order to transmit the affidavit or complaint
405 and all other records and evidence in the court's possession to
406 the justice court by certified mail or to instruct the arresting
407 officer to deliver such documents and records to the justice
408 court. There shall be no court costs charged for the transfer of
409 the case to the justice court.

410 (13) A municipal court judge shall expunge the record of any
411 case in which an arrest was made, the person arrested was released
412 and the case was dismissed or the charges were dropped or there
413 was no disposition of such case.

414 **SECTION 7.** Section 63-1-46, Mississippi Code of 1972, is
415 amended as follows:

416 63-1-46. (1) A fee of Twenty-five Dollars (\$25.00) shall be
417 charged for the reinstatement of a license issued pursuant to this
418 article to every person whose license has been validly suspended,
419 revoked or cancelled. This fee shall be in addition to the fee
420 provided for in Section 63-1-43, Mississippi Code of 1972.

421 (2) The funds received under the provisions of subsection
422 (1) of this section shall be deposited into the State General Fund
423 in accordance with Section 45-1-23, Mississippi Code of 1972.

424 (3) In addition to the fee provided for in subsection (1) of
425 this section, an additional fee of Seventy-five Dollars (\$75.00)
426 shall be charged for the reinstatement of a license issued
427 pursuant to this article to every person whose license has been
428 suspended or revoked under the provisions of the Mississippi

429 Implied Consent Law or as a result of a conviction of a violation
430 of the Uniform Controlled Substances Law under the provisions of
431 Section 63-1-71.

432 (4) The funds received under the provisions of subsection
433 (3) of this section shall be placed in a special fund hereby
434 created in the State Treasury. Monies in such special fund may be
435 expended solely to contribute to the Disability and Relief Fund
436 for members of the Mississippi Highway Safety Patrol such amounts
437 as are necessary to make sworn agents of the Mississippi Bureau of
438 Narcotics who were employed by such bureau prior to December 1,
439 1990, and who were subsequently employed as enforcement troopers
440 by the Department of Public Safety, full members of the retirement
441 system for the Mississippi Highway Safety Patrol with full credit
442 for the time they were employed as sworn agents for the
443 Mississippi Bureau of Narcotics. The Board of Trustees of the
444 Public Employees' Retirement System shall certify to the State
445 Treasurer the amounts necessary for the purposes described above.
446 The State Treasurer shall monthly transfer from the special fund
447 created pursuant to this subsection the amounts deposited in such
448 special fund to the Disability and Relief Fund for members of the
449 Mississippi Highway Safety Patrol until such time as the certified
450 amount has been transferred. At such time as the certified amount
451 has been transferred, the State Treasurer shall transfer any funds
452 remaining in the special fund created pursuant to this subsection
453 to the State General Fund and shall then dissolve such special
454 fund. This subsection (4) shall stand repealed at such time when
455 the State Treasurer transfers funds and dissolves the special fund
456 account in accordance with the provisions of this subsection.

457 (5) The procedure for the reinstatement of a license issued
458 pursuant to this article that has been suspended for being out of
459 compliance with an order for support, as defined in Section
460 93-11-153, and the payment of any fees for the reinstatement of a

461 license suspended for that purpose, shall be governed by Section
462 93-11-157 or 93-11-163, as the case may be.

463 (6) (a) This subsection shall not apply to violations of
464 the Implied Consent Law.

465 (b) The department is hereby authorized to reinstate a
466 person's driving privileges by the issuance of a limited license
467 when the person provides the department with certification from
468 the court or clerk of court issuing the order that resulted in the
469 suspension of driving privileges that the person has entered into
470 a payment plan with the court and has satisfied all other
471 provisions of law relating to the issuance and restoration of a
472 driver's license.

473 (c) The department, upon notice of a person's failure
474 to comply with any payment plan established pursuant to this
475 subsection, shall suspend the limited license of the noncompliant
476 person. Persons who default under this subsection shall not be
477 eligible for any future payment plans under this subsection. The
478 department shall notify the person in writing of the proposed
479 suspension, and upon request of the person within thirty (30) days
480 of receipt of the notice, shall provide the person an opportunity
481 for a hearing to show that the person has, in fact, complied with
482 the payment plan arranged by the court or clerk of court. Failure
483 to request a hearing within thirty (30) days, without exception,
484 shall constitute a waiver of the right for a hearing.

485 (d) Any person who has ever defaulted on a payment plan
486 to pay fines, costs, fees and assessments shall not be eligible to
487 participate in a payment plan under this subsection, nor shall the
488 department be authorized to accept a payment plan as a condition
489 precedent to the restoration of driving privileges from that
490 person. The department shall notify the clerk of court of the
491 prior default in notifying the court of the department's refusal
492 to issue a limited license.

493 (e) The person shall be eligible for reinstatement of
494 the person's regular driver's license upon receipt by the
495 department of certification from the court that all fines, fees,
496 costs and assessments, the nonpayment of which resulted in the
497 original suspension, have been paid in full.

498 **SECTION 8.** Section 17-25-1, Mississippi Code of 1972, is
499 amended as follows:

500 17-25-1. The board of supervisors of any county and the
501 governing authority of any municipality may allow the payment of
502 various taxes, fees and other accounts receivable to the county or
503 municipality by credit cards, charge cards, debit cards,
504 telecheck, e-check, electronic fund transfer or other forms of
505 electronic payment, in accordance with policies established by the
506 State Auditor. Any fees or charges associated with the use of
507 such electronic payments may be assessed to the user of the
508 electronic payment as an additional charge for processing the
509 electronic payment, so that the user will pay the full cost of
510 using the electronic payment, or the county or municipality may
511 pay any service fees for the use of these methods of payment from
512 collection fees or from the general fund if the board of
513 supervisors or the governing authority of the municipality finds
514 that doing so is in the public interest.

515 **SECTION 9.** Section 49-7-27, Mississippi Code of 1972, is
516 amended as follows:

517 49-7-27. (1) The commission may revoke any hunting,
518 trapping, or fishing privileges, license or deny any person the
519 right to secure such license if the person has been convicted of
520 the violation of any of the provisions of this chapter or any
521 regulation thereunder. The revocation of the privilege, license
522 or refusal to grant license shall be for a period of one (1) year.
523 However, before the revocation of the privilege or license shall
524 become effective, the executive director shall send by registered
525 mail notice to the person or licensee, who shall have the right to

526 a hearing or representation before the commission at the next
527 regular meeting or a special meeting. The notice shall set out
528 fully the ground or complaint upon which revocation of, or refusal
529 to grant, the privilege or license is sought.

530 (2) Any person who is convicted for a second time during any
531 period of twelve (12) consecutive months for violation of any of
532 the laws with respect to game, fish or nongame fish or animals
533 shall forfeit his privilege and any license or licenses issued to
534 him by the commission and the commission shall not issue the
535 person any license for a period of one (1) year from the date of
536 forfeiture.

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

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

546 (5) (a) The commission is authorized to suspend any license
547 issued to any person under this chapter for being out of
548 compliance with an order for support, as defined in Section
549 93-11-153. The procedure for suspension of a license for being
550 out of compliance with an order for support, and the procedure for
551 the reissuance or reinstatement of a license suspended for that
552 purpose, and the payment of any fees for the reissuance or
553 reinstatement of a license suspended for that purpose, shall be
554 governed by Section 93-11-157 or 93-11-163, as the case may be.
555 If there is any conflict between any provision of Section
556 93-11-157 or 93-11-163 and any provision of this chapter, the
557 provisions of Section 93-11-157 or 93-11-163, as the case may be,
558 shall control;

559 (b) The commission is authorized to suspend any license
560 issued to any person under this chapter when so directed by a
561 court for contempt of court as provided by Sections 9-11-15 and
562 21-23-7.

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

567 (7) (a) If a person does not comply with a summons or a
568 citation or does not pay a fine, fee or assessment for violating a
569 wildlife law or regulation, the commission shall revoke the
570 fishing, hunting, or trapping privileges of that person. When a
571 person does not comply or fails to pay, the clerk of the court
572 shall notify the person in writing by first class mail that if the
573 person does not comply or pay within ten (10) days from the date
574 of mailing, the court will notify the commission and the
575 commission will revoke the fishing, hunting or trapping privileges
576 of that person. The cost of notice may be added to other court
577 costs. If the person does not comply or pay as required, the
578 court clerk shall immediately mail a copy of the court record and
579 a copy of the notice to the commission. After receiving notice
580 from the court, the commission shall revoke the fishing, hunting
581 or trapping privileges of that person.

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

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

589 **SECTION 10.** This act shall take effect and be in force from
590 and after July 1, 2006.