

By: Representatives Holland, Wooten, Scott

To: Public Health and Human Services; Ways and Means

HOUSE BILL NO. 1405
(As Sent to Governor)

1 AN ACT RELATING TO IMPROVING THE MISSISSIPPI TRAUMA CARE
2 SYSTEM; TO AMEND SECTION 41-59-3, MISSISSIPPI CODE OF 1972, TO
3 DELETE THE PROVISION THAT HOSPITAL PARTICIPATION IN THE
4 MISSISSIPPI TRAUMA CARE SYSTEM IS VOLUNTARY; TO AMEND SECTION
5 41-59-5, MISSISSIPPI CODE OF 1972, TO DIRECT THE STATE DEPARTMENT
6 OF HEALTH TO PROMULGATE REGULATIONS SPECIFYING THE METHODS OF
7 PARTICIPATION IN THE MISSISSIPPI TRAUMA CARE SYSTEM BY HOSPITALS,
8 AND TO ASSESS FEES FOR HOSPITALS THAT CHOOSE NOT TO PARTICIPATE IN
9 THE TRAUMA CARE SYSTEM; TO PROVIDE THAT ANY LEVEL I TRAUMA CARE
10 FACILITY LOCATED IN A STATE ADJACENT TO THE STATE OF MISSISSIPPI
11 THAT PARTICIPATES IN THE MISSISSIPPI TRAUMA CARE SYSTEM SHALL
12 RECEIVE A REASONABLE AMOUNT OF REIMBURSEMENT FOR THE COST OF
13 PROVIDED TRAUMA CARE SERVICES TO MISSISSIPPI RESIDENTS; TO AMEND
14 SECTION 41-59-7, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
15 APPOINTMENT OF AN ADDITIONAL MEMBER OF THE EMERGENCY MEDICAL
16 SERVICES ADVISORY COUNCIL; TO CLARIFY THE STATUS OF HOLDOVER
17 APPOINTMENTS TO THE COUNCIL; TO AMEND SECTION 41-59-75,
18 MISSISSIPPI CODE OF 1972, TO INCREASE THE PORTION OF ASSESSMENT ON
19 CERTAIN TRAFFIC VIOLATIONS WHICH ARE TO BE DEPOSITED INTO THE
20 MISSISSIPPI TRAUMA CARE SYSTEMS FUND; TO CREATE THE MISSISSIPPI
21 TRAUMA CARE ESCROW FUND CREATED AS A SPECIAL FUND IN THE STATE
22 TREASURY; TO AMEND SECTION 27-19-43, MISSISSIPPI CODE OF 1972, TO
23 AUTHORIZE THE MISSISSIPPI TAX COMMISSION OR THE COUNTY TAX
24 COLLECTOR TO ASSESS AN ADDITIONAL LICENSE TAG DECAL FEE AND TO
25 PROVIDE THAT THIS INCREASE SHALL BE DEPOSITED INTO THE MISSISSIPPI
26 TRAUMA CARE SYSTEMS FUND; TO AMEND SECTION 99-19-73, MISSISSIPPI
27 CODE OF 1972, TO INCREASE THE ASSESSMENT ON TRAFFIC VIOLATIONS AND
28 IMPLIED CONSENT LAW VIOLATIONS THAT ARE DEPOSITED INTO THE
29 MISSISSIPPI TRAUMA CARE SYSTEMS FUND; TO PROVIDE FOR AN ADDITIONAL
30 ASSESSMENT FOR SPEEDING, RECKLESS AND CARELESS DRIVING VIOLATIONS;
31 TO PROVIDE FOR A POINT-OF-SALE FEE ON THE SALES OF ALL-TERRAIN
32 VEHICLES AND MOTORCYCLES, WHICH SHALL BE DEPOSITED INTO THE
33 MISSISSIPPI TRAUMA CARE SYSTEMS FUND; TO AUTHORIZE HOSPITALS TO
34 CHARGE A PATIENT AN ACTIVATION FEE FOR TRAUMA CARE SERVICES; TO
35 PROVIDE FOR A REPEALER ON THIS ACT; AND FOR RELATED PURPOSES.

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

37 **SECTION 1.** Section 41-59-3, Mississippi Code of 1972, is
38 amended as follows:

39 41-59-3. As used in this chapter, unless the context
40 otherwise requires, the term:



41 (a) "Ambulance" means any privately or publicly owned
42 land or air vehicle that is especially designed, constructed,
43 modified or equipped to be used, maintained and operated upon the
44 streets, highways or airways of this state to assist persons who
45 are sick, injured, wounded, or otherwise incapacitated or
46 helpless;

47 (b) "Permit" means an authorization issued for an
48 ambulance vehicle and/or a special use EMS vehicle as meeting the
49 standards adopted under this chapter;

50 (c) "License" means an authorization to any person,
51 firm, corporation, or governmental division or agency to provide
52 ambulance services in the State of Mississippi;

53 (d) "Emergency medical technician" means an individual
54 who possesses a valid emergency medical technician's certificate
55 issued under the provisions of this chapter;

56 (e) "Certificate" means official acknowledgment that an
57 individual has successfully completed (i) the recommended basic
58 emergency medical technician training course referred to in this
59 chapter which entitles that individual to perform the functions
60 and duties of an emergency medical technician, or (ii) the
61 recommended medical first responder training course referred to in
62 this chapter which entitles that individual to perform the
63 functions and duties of a medical first responder;

64 (f) "Board" means the State Board of Health;

65 (g) "Department" means the State Department of Health,
66 Division of Emergency Medical Services;

67 (h) "Executive officer" means the Executive Officer of
68 the State Board of Health, or his designated representative;

69 (i) "First responder" means a person who uses a limited
70 amount of equipment to perform the initial assessment of and
71 intervention with sick, wounded or otherwise incapacitated
72 persons;



73 (j) "Medical first responder" means a person who uses a
74 limited amount of equipment to perform the initial assessment of
75 and intervention with sick, wounded or otherwise incapacitated
76 persons who (i) is trained to assist other EMS personnel by
77 successfully completing, and remaining current in refresher
78 training in accordance with, an approved "First Responder:
79 National Standard Curriculum" training program, as developed and
80 promulgated by the United States Department of Transportation,
81 (ii) is nationally registered as a first responder by the National
82 Registry of Emergency Medical Technicians; and (iii) is certified
83 as a medical first responder by the State Department of Health,
84 Division of Emergency Medical Services;

85 (k) "Invalid vehicle" means any privately or publicly
86 owned land or air vehicle that is maintained, operated and used
87 only to transport persons routinely who are convalescent or
88 otherwise nonambulatory and do not require the service of an
89 emergency medical technician while in transit;

90 (l) "Special use EMS vehicle" means any privately or
91 publicly owned land, water or air emergency vehicle used to
92 support the provision of emergency medical services. These
93 vehicles shall not be used routinely to transport patients;

94 (m) "Trauma care system" or "trauma system" means a
95 formally organized arrangement of health care resources that has
96 been designated by the department by which major trauma victims
97 are triaged, transported to and treated at trauma care facilities;

98 (n) "Trauma care facility" or "trauma center" means a
99 hospital located in the State of Mississippi or a Level I trauma
100 care facility or center located in a state contiguous to the State
101 of Mississippi that has been designated by the department to
102 perform specified trauma care services within a trauma care system
103 pursuant to standards adopted by the department; * * *

104 (o) "Trauma registry" means a collection of data on
105 patients who receive hospital care for certain types of injuries.



106 Such data are primarily designed to ensure quality trauma care and
107 outcomes in individual institutions and trauma systems, but have
108 the secondary purpose of providing useful data for the
109 surveillance of injury morbidity and mortality;

110 (p) "Emergency medical condition" means a medical
111 condition manifesting itself by acute symptoms of sufficient
112 severity, including severe pain, psychiatric disturbances and/or
113 symptoms of substance abuse, such that a prudent layperson who
114 possesses an average knowledge of health and medicine could
115 reasonably expect the absence of immediate medical attention to
116 result in placing the health of the individual (or, with respect
117 to a pregnant woman, the health of the woman or her unborn child)
118 in serious jeopardy, serious impairment to bodily functions, or
119 serious dysfunction of any bodily organ or part;

120 (q) "Emergency medical call" means a situation that is
121 presumptively classified at time of dispatch to have a high index
122 of probability that an emergency medical condition or other
123 situation exists that requires medical intervention as soon as
124 possible to reduce the seriousness of the situation, or when the
125 exact circumstances are unknown, but the nature of the request is
126 suggestive of a true emergency where a patient may be at risk;

127 (r) "Emergency response" means responding immediately
128 at the basic life support or advanced life support level of
129 service to an emergency medical call. An immediate response is
130 one in which the ambulance supplier begins as quickly as possible
131 to take the steps necessary to respond to the call;

132 (s) "Emergency mode" means an ambulance or special use
133 EMS vehicle operating with emergency lights and warning siren (or
134 warning siren and air horn) while engaged in an emergency medical
135 call.

136 **SECTION 2.** Section 41-59-5, Mississippi Code of 1972, is
137 amended as follows:



138 41-59-5. (1) The State Board of Health shall establish and
139 maintain a program for the improvement and regulation of emergency
140 medical services (hereinafter EMS) in the State of Mississippi.
141 The responsibility for implementation and conduct of this program
142 shall be vested in the State Health Officer of the State Board of
143 Health along with such other officers and boards as may be
144 specified by law or regulation.

145 (2) The board shall provide for the regulation and licensing
146 of public and private ambulance service, inspection and issuance
147 of permits for ambulance vehicles, training and certification of
148 EMS personnel, including drivers and attendants, the development
149 and maintenance of a statewide EMS records program, development
150 and adoption of EMS regulations, the coordination of an EMS
151 communications system, and other related EMS activities.

152 (3) The board is authorized to promulgate and enforce such
153 rules, regulations and minimum standards as needed to carry out
154 the provisions of this chapter.

155 (4) The board is authorized to receive any funds
156 appropriated to the board from the Emergency Medical Services
157 Operating Fund created in Section 41-59-61 and is further
158 authorized, with the Emergency Medical Services Advisory Council
159 acting in an advisory capacity, to administer the disbursement of
160 such funds to the counties, municipalities and organized emergency
161 medical service districts and the utilization of such funds by the
162 same, as provided in Section 41-59-61.

163 (5) The department acting as the lead agency, in
164 consultation with and having solicited advice from the EMS
165 Advisory Council, shall develop a uniform nonfragmented inclusive
166 statewide trauma care system that provides excellent patient care.
167 It is the intent of the Legislature that the purpose of this
168 system is to reduce death and disability resulting from traumatic
169 injury, and in order to accomplish this goal it is necessary to
170 assign additional responsibilities to the department. The



171 department is assigned the responsibility for creating,
172 implementing and managing the statewide trauma care system. The
173 department shall be designated as the lead agency for trauma care
174 systems development. The department shall develop and administer
175 trauma regulations that include, but are not limited to, the
176 Mississippi Trauma Care System Plan, trauma system standards,
177 trauma center designations, field triage, interfacility trauma
178 transfer, EMS aero medical transportation, trauma data collection,
179 trauma care system evaluation and management of state trauma
180 systems funding. The department shall promulgate regulations
181 specifying the methods and procedures by which
182 Mississippi-licensed acute care facilities shall participate in
183 the statewide trauma system. Those regulations shall include
184 mechanisms for determining the appropriate level of participation
185 for each facility or class of facilities. The department shall
186 also adopt a schedule of fees to be assessed for facilities that
187 choose not to participate in the statewide trauma care system, or
188 which participate at a level lower than the level at which they
189 are capable of participating. The department shall promulgate
190 rules and regulations necessary to effectuate this provision by
191 September 1, 2008, with an implementation date of September 1,
192 2008. The department shall take the necessary steps to develop,
193 adopt and implement the Mississippi Trauma Care System Plan and
194 all associated trauma care system regulations necessary to
195 implement the Mississippi trauma care system. The department
196 shall cause the implementation of both professional and lay trauma
197 education programs. These trauma educational programs shall
198 include both clinical trauma education and injury prevention. As
199 it is recognized that rehabilitation services are essential for
200 traumatized individuals to be returned to active, productive
201 lives, the department shall coordinate the development of the
202 inclusive trauma system with the Mississippi Department of



203 Rehabilitation Services and all other appropriate rehabilitation
204 systems.

205 (6) The State Board of Health is authorized to receive any
206 funds appropriated to the board from the Mississippi Trauma Care
207 System Fund created in Section 41-59-75. It is further
208 authorized, with the Emergency Medical Services Advisory Council
209 and the Mississippi Trauma Advisory Committee acting in advisory
210 capacities, to administer the disbursements of those funds
211 according to adopted trauma care system regulations. Any Level I
212 trauma care facility or center located in a state contiguous to
213 the State of Mississippi that participates in the Mississippi
214 trauma care system and has been designated by the department to
215 perform specified trauma care services within the trauma care
216 system under standards adopted by the department shall receive a
217 reasonable amount of reimbursement from the department for the
218 cost of providing trauma care services to Mississippi residents
219 whose treatment is uncompensated.

220 (7) In addition to the trauma-related duties provided for in
221 this section, the Board of Health shall develop a plan for the
222 delivery of services to Mississippi burn victims through the
223 existing trauma care system of hospitals. Such plan shall be
224 operational by July 1, 2005, and shall include:

225 (a) Systems by which burn patients will be assigned or
226 transferred to hospitals capable of meeting their needs;

227 (b) Until the Mississippi Burn Center established at
228 the University of Mississippi Medical Center under Section 1 of
229 this act is operational, procedures for allocating funds
230 appropriated from the Mississippi Burn Care Fund to hospitals that
231 provide services to Mississippi burn victims; and

232 (c) Such other provisions necessary to provide burn
233 care for Mississippi residents, including reimbursement for
234 travel, lodging, if no free lodging is available, meals and other
235 reasonable travel-related expenses incurred by burn victims,



236 family members and/or caregivers, as established by the State
237 Board of Health through rules and regulations.

238 After the Mississippi Burn Center established at the
239 University of Mississippi Medical Center under Section 37-115-45
240 is operational, the Board of Health shall revise the plan to
241 include the Mississippi Burn Center.

242 **SECTION 3.** Section 41-59-7, Mississippi Code of 1972, is
243 amended as follows:

244 41-59-7. (1) There is * * * created an emergency medical
245 services advisory council to consist of the following members who
246 shall be appointed by the Governor:

247 (a) One (1) licensed physician to be appointed from a
248 list of nominees presented by the Mississippi Trauma Committee,
249 American College of Surgeons;

250 (b) One (1) licensed physician to be appointed from a
251 list of nominees who are actively engaged in rendering emergency
252 medical services presented by the Mississippi State Medical
253 Association;

254 (c) One (1) registered nurse whose employer renders
255 emergency medical services, to be appointed from a list of
256 nominees presented by the Mississippi Nurses Association;

257 (d) Two (2) hospital administrators who are employees
258 of hospitals which provide emergency medical services, to be
259 appointed from a list of nominees presented by the Mississippi
260 Hospital Association;

261 (e) Two (2) operators of ambulance services;

262 (f) Three (3) officials of county or municipal
263 government;

264 (g) One (1) licensed physician to be appointed from a
265 list of nominees presented by the Mississippi Chapter of the
266 American College of Emergency Physicians;



267 (h) One (1) representative from each designated trauma
268 care region, to be appointed from a list of nominees submitted by
269 each region;

270 (i) One (1) registered nurse to be appointed from a
271 list of nominees submitted by the Mississippi Emergency Nurses
272 Association;

273 (j) One (1) EMT-Paramedic whose employer renders
274 emergency medical services in a designated trauma care region;

275 (k) One (1) representative from the Mississippi
276 Department of Rehabilitation Services;

277 (l) One (1) member who shall be a person who has been a
278 recipient of trauma care in Mississippi or who has an immediate
279 family member who has been a recipient of trauma care in
280 Mississippi; * * *

281 (m) One (1) licensed neurosurgeon to be appointed from
282 a list of nominees presented by the Mississippi State Medical
283 Association; and

284 (n) One (1) licensed physician with certification or
285 experience in trauma care to be appointed from a list of nominees
286 presented by the Mississippi Medical and Surgical Association.

287 The terms of the advisory council members shall begin on July
288 1, 1974. Four (4) members shall be appointed for a term of two
289 (2) years, three (3) members shall be appointed for a term of
290 three (3) years, and three (3) members shall be appointed for a
291 term of four (4) years. Thereafter, members shall be appointed
292 for a term of four (4) years. The executive officer or his
293 designated representative shall serve as ex officio chairman of
294 the advisory council. Advisory council members may hold over and
295 shall continue to serve until a replacement is named by the
296 Governor.

297 The advisory council shall meet at the call of the chairman
298 at least annually. For attendance at such meetings, the members
299 of the advisory council shall be reimbursed for their actual and



300 necessary expenses including food, lodging and mileage as
301 authorized by law, and they shall be paid per diem compensation
302 authorized under Section 25-3-69.

303 The advisory council shall advise and make recommendations to
304 the board regarding rules and regulations promulgated pursuant to
305 this chapter.

306 (2) There is created a committee of the Emergency Medical
307 Services Advisory Council to be named the Mississippi Trauma
308 Advisory Committee (hereinafter "MTAC"). This committee shall act
309 as the advisory body for trauma care system development and
310 provide technical support to the department in all areas of trauma
311 care system design, trauma standards, data collection and
312 evaluation, continuous quality improvement, trauma care system
313 funding, and evaluation of the trauma care system and trauma care
314 programs. The membership of the Mississippi Trauma Advisory
315 Committee shall be comprised of Emergency Medical Services
316 Advisory Council members appointed by the chairman.

317 **SECTION 4.** Section 41-59-75, Mississippi Code of 1972, is
318 amended as follows:

319 41-59-75. (1) The Mississippi Trauma Care Systems Fund is
320 established. Fifteen Dollars (\$15.00) collected from each
321 assessment of Twenty Dollars (\$20.00) under subsection (1) of
322 Section 99-19-73 and Thirty Dollars (\$30.00) collected from each
323 assessment of Forty-five Dollars (\$45.00) under subsection (2) of
324 Section 99-19-73, as provided in Section 41-59-61, and any other
325 funds made available for funding the trauma care system, shall be
326 deposited into the fund. Funds appropriated from the Mississippi
327 Trauma Care Systems Fund to the State Board of Health shall be
328 made available for department administration and implementation of
329 the comprehensive state trauma care plan for distribution by the
330 department to designated trauma care regions for regional
331 administration, for the department's trauma specific public
332 information and education plan, and to provide hospital and



333 physician indigent trauma care block grant funding to trauma
334 centers designated by the department. All designated trauma care
335 hospitals are eligible to contract with the department for these
336 funds.

337 (2) The Mississippi Trauma Care Escrow Fund is created as a
338 special fund in the State Treasury. Whenever the amount in the
339 Mississippi Trauma Care Systems Fund exceeds Twenty-five Million
340 Dollars (\$25,000,000.00) in any fiscal year, the State Fiscal
341 Officer shall transfer the amount above Twenty-five Million
342 Dollars (\$25,000,000.00) to the Trauma Care Escrow Fund. Monies
343 in the Trauma Care Escrow Fund shall not lapse into the State
344 General Fund at the end of the fiscal year, and all interest and
345 other earnings on the monies in the Trauma Care Escrow Fund shall
346 be deposited to the credit of the Trauma Care Escrow Fund.

347 **SECTION 5.** Section 27-19-43, Mississippi Code of 1972, is
348 amended as follows:

349 27-19-43. (1) License tags, substitute tags and decals for
350 individual fleets and for private carriers of passengers, school
351 buses (excluding school buses owned by a school district in the
352 state), church buses, taxicabs, ambulances, hearses, motorcycles
353 and private carriers of property, and private commercial carriers
354 of property of a gross weight of ten thousand (10,000) pounds and
355 less, shall be sold and issued by the tax collectors of the
356 several counties.

357 (2) Applications for license tags for motor vehicles in a
358 corporate fleet registered under Section 27-19-66, and
359 applications for all other license tags, substitute tags and
360 decals shall be filed with the commission or the local tax
361 collector of the respective counties and forwarded to the
362 commission for issuance to the applicant. All tags and decals for
363 vehicles owned by the state or any agency or instrumentality
364 thereof, and vehicles owned by a fire protection district, school
365 district or a county or municipality, and all vehicles owned by a



366 road, drainage or levee district shall be issued by the
367 commission.

368 (3) In addition to the privilege taxes levied herein, there
369 shall be collected the following registration or tag fee:

370 (a) For the issuance of both a license tag and two (2)
371 decals, a fee of Five Dollars (\$5.00).

372 (b) For the issuance of up to two (2) decals only, a
373 fee of Three Dollars and Seventy-five Cents (\$3.75).

374 (c) Additionally, the tax collector or the commission,
375 as the case may be, shall assess and collect a fee of Four Dollars
376 (\$4.00) upon each set of license tags and two (2) decals issued,
377 or upon each set of two (2) decals issued, and that sum shall be
378 deposited in the Mississippi Trauma Care Systems Fund established
379 in Section 41-59-75, to be used for the purposes set out in that
380 section.

381 No tag or decal shall be issued either by a tax collector or
382 by the commission without the collection of such registration fee
383 except substitute tags and decals and license tags for vehicles
384 owned by the State of Mississippi.

385 Beginning July 1, 1987, and until the date specified in
386 Section 65-39-35, there shall be levied a registration fee of Five
387 Dollars (\$5.00) in addition to the regular registration fee
388 imposed in paragraphs (a) and (b) of this subsection. Such
389 additional registration fee shall be levied in the same manner as
390 the regular registration fee.

391 **SECTION 6.** Section 99-19-73, Mississippi Code of 1972, is
392 amended as follows:

393 99-19-73. (1) **Traffic violations.** In addition to any
394 monetary penalties and any other penalties imposed by law, there
395 shall be imposed and collected the following state assessment from
396 each person upon whom a court imposes a fine or other penalty for
397 any violation in Title 63, Mississippi Code of 1972, except
398 offenses relating to the Mississippi Implied Consent Law (Section



399 63-11-1 et seq.) and offenses relating to vehicular parking or
 400 registration:

401 FUND	AMOUNT
402 State Court Education Fund.....	\$ 1.50
403 State Prosecutor Education Fund.....	1.00
404 Vulnerable Adults Training, Investigation and Prosecution Trust Fund.....	.50
406 Child Support Prosecution Trust Fund.....	.50
407 Driver Training Penalty Assessment Fund.....	7.00
408 Law Enforcement Officers Training Fund.....	5.00
409 Spinal Cord and Head Injury Trust Fund (for all moving violations).....	6.00
411 Emergency Medical Services Operating Fund.....	<u>20.00</u>
412 Mississippi Leadership Council on Aging Fund.....	1.00
413 Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....	.50
415 Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....	1.00
417 State Prosecutor Compensation Fund for the purpose of providing additional compensation for legal assistants to district attorneys.....	1.50
420 Crisis Intervention Mental Health Fund.....	10.00
421 Drug Court Fund.....	10.00
422 Capital Defense Counsel Fund.....	2.89
423 Indigent Appeals Fund.....	2.29
424 Capital Post-Conviction Counsel Fund.....	2.33
425 Victims of Domestic Violence Fund.....	.49
426 Public Defenders Education Fund.....	1.00
427 TOTAL STATE ASSESSMENT.....	\$ <u>74.50</u>

428 (2) **Implied Consent Law violations.** In addition to any
 429 monetary penalties and any other penalties imposed by law, there
 430 shall be imposed and collected the following state assessment from
 431 each person upon whom a court imposes a fine or any other penalty



432 for any violation of the Mississippi Implied Consent Law (Section
 433 63-11-1 et seq.):

434 FUND	AMOUNT
435 Crime Victims' Compensation Fund.....	\$ 10.00
436 State Court Education Fund.....	1.50
437 State Prosecutor Education Fund.....	1.00
438 Vulnerable Adults Training,	
439 Investigation and Prosecution Trust Fund.....	.50
440 Child Support Prosecution Trust Fund.....	.50
441 Driver Training Penalty Assessment Fund.....	22.00
442 Law Enforcement Officers Training Fund.....	11.00
443 Emergency Medical Services Operating Fund.....	<u>45.00</u>
444 Mississippi Alcohol Safety Education Program Fund.....	5.00
445 Federal-State Alcohol Program Fund.....	10.00
446 Mississippi Crime Laboratory	
447 Implied Consent Law Fund.....	25.00
448 Spinal Cord and Head Injury Trust Fund.....	25.00
449 Capital Defense Counsel Fund.....	2.89
450 Indigent Appeals Fund.....	2.29
451 Capital Post-Conviction Counsel Fund.....	2.33
452 Victims of Domestic Violence Fund.....	.49
453 State General Fund.....	35.00
454 Law Enforcement Officers and Fire Fighters Death	
455 Benefits Trust Fund.....	.50
456 Law Enforcement Officers and Fire Fighters Disability	
457 Benefits Trust Fund.....	1.00
458 State Prosecutor Compensation Fund for the purpose	
459 of providing additional compensation for legal	
460 assistants to district attorneys.....	1.50
461 Crisis Intervention Mental Health Fund.....	10.00
462 Drug Court Fund.....	10.00
463 Statewide Victims' Information and Notification	
464 System Fund.....	6.00



465 Public Defenders Education Fund..... 1.00
 466 TOTAL STATE ASSESSMENT.....\$229.50

467 (3) **Game and Fish Law violations.** In addition to any
 468 monetary penalties and any other penalties imposed by law, there
 469 shall be imposed and collected the following state assessment from
 470 each person upon whom a court imposes a fine or other penalty for
 471 any violation of the game and fish statutes or regulations of this
 472 state:

473 FUND	AMOUNT
474 State Court Education Fund.....	\$ 1.50
475 State Prosecutor Education Fund.....	1.00
476 Law Enforcement Officers Training Fund.....	5.00
477 Hunter Education and Training Program Fund.....	5.00
478 State General Fund.....	30.00
479 Law Enforcement Officers and Fire Fighters Death	
480 Benefits Trust Fund.....	.50
481 Law Enforcement Officers and Fire Fighters Disability	
482 Benefits Trust Fund.....	1.00
483 State Prosecutor Compensation Fund for the purpose	
484 of providing additional compensation for legal	
485 assistants to district attorneys.....	1.00
486 Crisis Intervention Mental Health Fund.....	10.00
487 Drug Court Fund.....	10.00
488 Capital Defense Counsel Fund.....	2.89
489 Indigent Appeals Fund.....	2.29
490 Capital Post-Conviction Counsel Fund.....	2.33
491 Victims of Domestic Violence Fund.....	.49
492 Public Defenders Education Fund.....	1.00
493 TOTAL STATE ASSESSMENT.....	\$74.00

494 (4) **Litter Law violations.** In addition to any monetary
 495 penalties and any other penalties imposed by law, there shall be
 496 imposed and collected the following state assessment from each



497 person upon whom a court imposes a fine or other penalty for any
498 violation of Section 97-15-29 or 97-15-30:

499	FUND	AMOUNT
500	Statewide Litter Prevention Fund.....	\$25.00
501	TOTAL STATE ASSESSMENT.....	\$25.00

502 (5) **Speeding, reckless and careless driving violations.** In
503 addition to any assessment imposed under subsection (1) or (2) of
504 this section, there shall be imposed and collected the following
505 state assessment from each person upon whom a court imposes a fine
506 or other penalty for driving a vehicle on a road or highway:

507 (a) At a speed that exceeds the posted speed limit by
508 at least ten (10) miles per hour but not more than twenty (20)
509 miles per hour.....\$10.00

510 (b) At a speed that exceeds the posted speed limit by
511 at least twenty (20) miles per hour but not more than thirty (30)
512 miles per hour.....\$20.00

513 (c) At a speed that exceeds the posted speed limit by
514 thirty (30) miles per hour or more.....\$30.00

515 (d) In violation of Section 63-3-1201, which is the
516 offense of reckless driving.....\$10.00

517 (e) In violation of Section 63-3-1213, which is the
518 offense of careless driving.....\$10.00

519 All assessments collected under this subsection shall be
520 deposited into the Mississippi Trauma Care Systems Fund
521 established under Section 41-59-75.

522 (6) **Other misdemeanors.** In addition to any monetary
523 penalties and any other penalties imposed by law, there shall be
524 imposed and collected the following state assessment from each
525 person upon whom a court imposes a fine or other penalty for any
526 misdemeanor violation not specified in subsection (1), (2), (3),
527 (4) or (5) of this section, except offenses relating to vehicular
528 parking or registration:

529	FUND	AMOUNT
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530	Crime Victims' Compensation Fund.....	\$ 10.00
531	State Court Education Fund.....	1.50
532	State Prosecutor Education Fund.....	1.00
533	Vulnerable Adults Training,	
534	Investigation and Prosecution Trust Fund.....	.50
535	Child Support Prosecution Trust Fund.....	.50
536	Law Enforcement Officers Training Fund.....	5.00
537	Capital Defense Counsel Fund.....	2.89
538	Indigent Appeals Fund.....	2.29
539	Capital Post-Conviction Counsel Fund.....	2.33
540	Victims of Domestic Violence Fund.....	.49
541	State General Fund.....	30.00
542	State Crime Stoppers Fund.....	1.50
543	Law Enforcement Officers and Fire Fighters Death	
544	Benefits Trust Fund.....	.50
545	Law Enforcement Officers and Fire Fighters Disability	
546	Benefits Trust Fund.....	1.00
547	State Prosecutor Compensation Fund for the purpose	
548	of providing additional compensation for legal	
549	assistants to district attorneys.....	1.50
550	Crisis Intervention Mental Health Fund.....	10.00
551	Drug Court Fund.....	8.00
552	Judicial Performance Fund.....	2.00
553	Statewide Victims' Information and Notification	
554	System Fund.....	6.00
555	Public Defenders Education Fund.....	1.00
556	TOTAL STATE ASSESSMENT.....	\$ 88.00

557 (7) Other felonies. In addition to any monetary penalties
558 and any other penalties imposed by law, there shall be imposed and
559 collected the following state assessment from each person upon
560 whom a court imposes a fine or other penalty for any felony
561 violation not specified in subsection (1), (2) or (3) of this
562 section:



563	FUND	AMOUNT
564	Crime Victims' Compensation Fund.....	\$ 10.00
565	State Court Education Fund.....	1.50
566	State Prosecutor Education Fund.....	1.00
567	Vulnerable Adults Training,	
568	Investigation and Prosecution Trust Fund.....	.50
569	Child Support Prosecution Trust Fund.....	.50
570	Law Enforcement Officers Training Fund.....	5.00
571	Capital Defense Counsel Fund.....	2.89
572	Indigent Appeals Fund.....	2.29
573	Capital Post-Conviction Counsel Fund.....	2.33
574	Victims of Domestic Violence Fund.....	.49
575	State General Fund.....	60.00
576	Criminal Justice Fund.....	50.00
577	Law Enforcement Officers and Fire Fighters Death	
578	Benefits Trust Fund.....	.50
579	Law Enforcement Officers and Fire Fighters Disability	
580	Benefits Trust Fund.....	1.00
581	State Prosecutor Compensation Fund for the purpose	
582	of providing additional compensation for legal	
583	assistants to district attorneys.....	1.50
584	Crisis Intervention Mental Health Fund.....	10.00
585	Drug Court Fund.....	10.00
586	Statewide Victims' Information and Notification	
587	System Fund.....	6.00
588	Public Defenders Education Fund.....	1.00
589	TOTAL STATE ASSESSMENT.....	\$166.50

590 (8) If a fine or other penalty imposed is suspended, in
591 whole or in part, such suspension shall not affect the state
592 assessment under this section. No state assessment imposed under
593 the provisions of this section may be suspended or reduced by the
594 court.



595 (9) After a determination by the court of the amount due, it
596 shall be the duty of the clerk of the court to promptly collect
597 all state assessments imposed under the provisions of this
598 section. The state assessments imposed under the provisions of
599 this section may not be paid by personal check. It shall be the
600 duty of the chancery clerk of each county to deposit all such
601 state assessments collected in the circuit, county and justice
602 courts in such county on a monthly basis with the State Treasurer
603 pursuant to appropriate procedures established by the State
604 Auditor. The chancery clerk shall make a monthly lump-sum deposit
605 of the total state assessments collected in the circuit, county
606 and justice courts in such county under this section, and shall
607 report to the Department of Finance and Administration the total
608 number of violations under each subsection for which state
609 assessments were collected in the circuit, county and justice
610 courts in such county during such month. It shall be the duty of
611 the municipal clerk of each municipality to deposit all such state
612 assessments collected in the municipal court in such municipality
613 on a monthly basis with the State Treasurer pursuant to
614 appropriate procedures established by the State Auditor. The
615 municipal clerk shall make a monthly lump-sum deposit of the total
616 state assessments collected in the municipal court in such
617 municipality under this section, and shall report to the
618 Department of Finance and Administration the total number of
619 violations under each subsection for which state assessments were
620 collected in the municipal court in such municipality during such
621 month.

622 (10) It shall be the duty of the Department of Finance and
623 Administration to deposit on a monthly basis all such state
624 assessments into the proper special fund in the State Treasury.
625 The monthly deposit shall be based upon the number of violations
626 reported under each subsection and the pro rata amount of such
627 assessment due to the appropriate special fund. The Department of



628 Finance and Administration shall issue regulations providing for
629 the proper allocation of these special funds.

630 (11) The State Auditor shall establish by regulation
631 procedures for refunds of state assessments, including refunds
632 associated with assessments imposed before July 1, 1990, and
633 refunds after appeals in which the defendant's conviction is
634 reversed. The Auditor shall provide in such regulations for
635 certification of eligibility for refunds and may require the
636 defendant seeking a refund to submit a verified copy of a court
637 order or abstract by which such defendant is entitled to a refund.
638 All refunds of state assessments shall be made in accordance with
639 the procedures established by the Auditor.

640 SECTION 7. (1) There is levied a point-of-sale fee of Fifty
641 Dollars (\$50.00) on the retail sales of all-terrain vehicles and
642 motorcycles as defined in Section 63-21-5. The seller of an
643 all-terrain vehicle or a motorcycle shall collect the fee from the
644 purchaser at the time of sale and remit the fee to the State Tax
645 Commission, which shall deposit the proceeds of the fees into the
646 Mississippi Trauma Care Systems Fund created in Section 41-59-75.

647 (2) The seller of an all-terrain vehicle or a motorcycle
648 shall provide a written statement to the purchaser, which may be
649 printed on the sales receipt, that reads as follows: "\$50.00 of
650 the amount that you paid for this vehicle will be used to fund the
651 Mississippi Trauma Care System."

652 SECTION 8. Any hospital that reasonably activates a trauma
653 care team in response to a request for trauma care services may
654 charge the patient for the reasonable cost of activating those
655 services and shall be reimbursed for those services by the health
656 care insurer by assignment from the patient or from the patient.
657 That cost shall be reimbursed regardless of whether services were
658 actually rendered to the patient, and those trauma care services
659 shall be deemed as a matter of law to have been medical services
660 provided to the patient.



661 **SECTION 9.** This act shall stand repealed on July 1, 2011.

662 **SECTION 10.** This act shall take effect and be in force from
663 and after July 1, 2008.

