

By: Senator(s) Bryan

To: Public Health and Welfare

SENATE BILL NO. 2734  
(As Sent to Governor)

1 AN ACT TO REENACT SECTIONS 41-9-51, 41-59-3, 41-59-5,  
2 41-59-7, 41-59-75, 27-19-43 AND 99-19-73, MISSISSIPPI CODE OF  
3 1972, TO AMEND SECTION 9 OF CHAPTER 549, LAWS OF 2008, TO EXTEND  
4 THE AUTOMATIC REPEALER ON THE EMERGENCY MEDICAL SERVICES AND  
5 TRAUMA CARE SERVICES FEE PROGRAM; TO AMEND REENACTED SECTION  
6 41-59-5, MISSISSIPPI CODE OF 1972, TO CLARIFY THE USE OF FEES FOR  
7 THE EXCLUSIVE BENEFIT OF THE STATEWIDE TRAUMA SYSTEM; TO AMEND  
8 REENACTED SECTION 41-59-7, MISSISSIPPI CODE OF 1972, TO ADD THE  
9 TRADE ASSOCIATION FOR AMBULANCE SERVICE PROVIDERS TO THE EMERGENCY  
10 MEDICAL SERVICES ADVISORY COUNCIL WITHIN THE DEPARTMENT OF HEALTH;  
11 TO AMEND SECTION 43-11-13, MISSISSIPPI CODE OF 1972, TO EXTEND THE  
12 AUTOMATIC REPEALER ON CERTAIN HOSPICE AND NURSING HOME  
13 REGULATIONS; TO REENACT AND AMEND SECTION 63-17-171, MISSISSIPPI  
14 CODE OF 1972, WHICH LEVIES A POINT-OF-SALE FEE ON RETAIL SALES OF  
15 ALL-TERRAIN VEHICLES AND MOTORCYCLES FOR DEPOSIT INTO THE  
16 MISSISSIPPI TRAUMA CARE SYSTEMS FUND; TO LEVY A FEE ON ANY  
17 RESIDENT OF THIS STATE WHO PURCHASES A NEW AND NOT PREVIOUSLY  
18 REGISTERED MOTORCYCLE IN ANOTHER STATE AND BRINGS THE MOTORCYCLE  
19 INTO THIS STATE; TO PROVIDE THAT THE PERSON SHALL PAY THE FEE TO  
20 THE TAX COLLECTOR AT THE TIME OF REGISTERING THE MOTORCYCLE AND  
21 APPLYING FOR A LICENSE TAG; TO PROVIDE THAT THE PROCEEDS OF THE  
22 FEE SHALL BE DEPOSITED INTO THE MISSISSIPPI TRAUMA CARE SYSTEMS  
23 FUND; TO LEVY A FEE ON ANY RESIDENT OF THIS STATE WHO PURCHASES A  
24 NEW ALL-TERRAIN VEHICLE IN ANOTHER STATE AND BRINGS THE VEHICLE  
25 INTO THIS STATE; TO PROVIDE THAT THE PROCEEDS OF THE FEE SHALL BE  
26 DEPOSITED INTO THE MISSISSIPPI TRAUMA CARE SYSTEMS FUND; AND FOR  
27 RELATED PURPOSES.

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

29 **SECTION 1.** Section 41-9-51, Mississippi Code of 1972, is  
30 reenacted as follows:

31 41-9-51. Any hospital that reasonably activates a trauma  
32 care team in response to a request for trauma care services may  
33 charge the patient for the reasonable cost of activating those  
34 services and shall be reimbursed for those services by the health  
35 care insurer by assignment from the patient or from the patient.  
36 That cost shall be reimbursed regardless of whether services were  
37 actually rendered to the patient, and those trauma care services



38 shall be deemed as a matter of law to have been medical services  
39 provided to the patient.

40 **SECTION 2.** Section 41-59-3, Mississippi Code of 1972, is  
41 reenacted as follows:

42 41-59-3. As used in this chapter, unless the context  
43 otherwise requires, the term:

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

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

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

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

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

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

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



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

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

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

84 (ii) is nationally registered as a first responder by the National  
85 Registry of Emergency Medical Technicians; and (iii) is certified  
86 as a medical first responder by the State Department of Health,  
87 Division of Emergency Medical Services;

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

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

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

101 (n) "Trauma care facility" or "trauma center" means a  
102 hospital located in the State of Mississippi or a Level I trauma



103 care facility or center located in a state contiguous to the State  
104 of Mississippi that has been designated by the department to  
105 perform specified trauma care services within a trauma care system  
106 pursuant to standards adopted by the department;

107 (o) "Trauma registry" means a collection of data on  
108 patients who receive hospital care for certain types of injuries.  
109 Such data are primarily designed to ensure quality trauma care and  
110 outcomes in individual institutions and trauma systems, but have  
111 the secondary purpose of providing useful data for the  
112 surveillance of injury morbidity and mortality;

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

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

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



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

139           **SECTION 3.** Section 41-59-5, Mississippi Code of 1972, is  
140 reenacted and amended as follows:

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

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

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

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

166           (5) The department acting as the lead agency, in  
167 consultation with and having solicited advice from the EMS



168 Advisory Council, shall develop a uniform nonfragmented inclusive  
169 statewide trauma care system that provides excellent patient care.  
170 It is the intent of the Legislature that the purpose of this  
171 system is to reduce death and disability resulting from traumatic  
172 injury, and in order to accomplish this goal it is necessary to  
173 assign additional responsibilities to the department. The  
174 department is assigned the responsibility for creating,  
175 implementing and managing the statewide trauma care system. The  
176 department shall be designated as the lead agency for trauma care  
177 systems development. The department shall develop and administer  
178 trauma regulations that include, but are not limited to, the  
179 Mississippi Trauma Care System Plan, trauma system standards,  
180 trauma center designations, field triage, interfacility trauma  
181 transfer, EMS aero medical transportation, trauma data collection,  
182 trauma care system evaluation and management of state trauma  
183 systems funding. The department shall promulgate regulations  
184 specifying the methods and procedures by which  
185 Mississippi-licensed acute care facilities shall participate in  
186 the statewide trauma system. Those regulations shall include  
187 mechanisms for determining the appropriate level of participation  
188 for each facility or class of facilities. The department shall  
189 also adopt a schedule of fees to be assessed for facilities that  
190 choose not to participate in the statewide trauma care system, or  
191 which participate at a level lower than the level at which they  
192 are capable of participating. The fees paid under this provision  
193 shall be for the exclusive benefit of the statewide trauma care  
194 system and shall not lapse into the State General Fund. The  
195 department shall promulgate rules and regulations necessary to  
196 effectuate this provision by September 1, 2008, with an  
197 implementation date of September 1, 2008. The department shall  
198 take the necessary steps to develop, adopt and implement the  
199 Mississippi Trauma Care System Plan and all associated trauma care  
200 system regulations necessary to implement the Mississippi trauma



201 care system. The department shall cause the implementation of  
202 both professional and lay trauma education programs. These trauma  
203 educational programs shall include both clinical trauma education  
204 and injury prevention. As it is recognized that rehabilitation  
205 services are essential for traumatized individuals to be returned  
206 to active, productive lives, the department shall coordinate the  
207 development of the inclusive trauma system with the Mississippi  
208 Department of Rehabilitation Services and all other appropriate  
209 rehabilitation systems.

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

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

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

232 (b) Until the Mississippi Burn Center established at  
233 the University of Mississippi Medical Center under Section



234 37-115-45 is operational, procedures for allocating funds  
235 appropriated from the Mississippi Burn Care Fund to hospitals that  
236 provide services to Mississippi burn victims; and

237 (c) Such other provisions necessary to provide burn  
238 care for Mississippi residents, including reimbursement for  
239 travel, lodging, if no free lodging is available, meals and other  
240 reasonable travel-related expenses incurred by burn victims,  
241 family members and/or caregivers, as established by the State  
242 Board of Health through rules and regulations.

243 After the Mississippi Burn Center established at the  
244 University of Mississippi Medical Center under Section 37-115-45  
245 is operational, the Board of Health shall revise the plan to  
246 include the Mississippi Burn Center.

247 **SECTION 4.** Section 41-59-7, Mississippi Code of 1972, is  
248 reenacted and amended as follows:

249 41-59-7. (1) There is created an emergency medical services  
250 advisory council to consist of the following members who shall be  
251 appointed by the Governor:

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

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

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

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

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





- 267 (f) Three (3) officials of county or municipal  
268 government;
- 269 (g) One (1) licensed physician to be appointed from a  
270 list of nominees presented by the Mississippi Chapter of the  
271 American College of Emergency Physicians;
- 272 (h) One (1) representative from each designated trauma  
273 care region, to be appointed from a list of nominees submitted by  
274 each region;
- 275 (i) One (1) registered nurse to be appointed from a  
276 list of nominees submitted by the Mississippi Emergency Nurses  
277 Association;
- 278 (j) One (1) EMT-Paramedic whose employer renders  
279 emergency medical services in a designated trauma care region;
- 280 (k) One (1) representative from the Mississippi  
281 Department of Rehabilitation Services;
- 282 (l) One (1) member who shall be a person who has been a  
283 recipient of trauma care in Mississippi or who has an immediate  
284 family member who has been a recipient of trauma care in  
285 Mississippi;
- 286 (m) One (1) licensed neurosurgeon to be appointed from  
287 a list of nominees presented by the Mississippi State Medical  
288 Association;
- 289 (n) One (1) licensed physician with certification or  
290 experience in trauma care to be appointed from a list of nominees  
291 presented by the Mississippi Medical and Surgical  
292 Association; \* \* \*
- 293 (o) One (1) representative from the Mississippi  
294 Firefighters Memorial Burn Association, to be appointed by the  
295 association's governing body; and
- 296 (p) One (1) representative from the Mississippians for  
297 Emergency Medical Services, to be appointed by the association's  
298 governing body.



299           The terms of the advisory council members shall begin on July  
300 1, 1974. Four (4) members shall be appointed for a term of two  
301 (2) years, three (3) members shall be appointed for a term of  
302 three (3) years, and three (3) members shall be appointed for a  
303 term of four (4) years. Thereafter, members shall be appointed  
304 for a term of four (4) years. The executive officer or his  
305 designated representative shall serve as ex officio chairman of  
306 the advisory council. Advisory council members may hold over and  
307 shall continue to serve until a replacement is named by the  
308 Governor.

309           The advisory council shall meet at the call of the chairman  
310 at least annually. For attendance at such meetings, the members  
311 of the advisory council shall be reimbursed for their actual and  
312 necessary expenses including food, lodging and mileage as  
313 authorized by law, and they shall be paid per diem compensation  
314 authorized under Section 25-3-69.

315           The advisory council shall advise and make recommendations to  
316 the board regarding rules and regulations promulgated pursuant to  
317 this chapter.

318           (2) There is created a committee of the Emergency Medical  
319 Services Advisory Council to be named the Mississippi Trauma  
320 Advisory Committee (hereinafter "MTAC"). This committee shall act  
321 as the advisory body for trauma care system development and  
322 provide technical support to the department in all areas of trauma  
323 care system design, trauma standards, data collection and  
324 evaluation, continuous quality improvement, trauma care system  
325 funding, and evaluation of the trauma care system and trauma care  
326 programs. The membership of the Mississippi Trauma Advisory  
327 Committee shall be comprised of Emergency Medical Services  
328 Advisory Council members appointed by the chairman.

329           **SECTION 5.** Section 41-59-75, Mississippi Code of 1972, is  
330 reenacted as follows:



331 41-59-75. (1) The Mississippi Trauma Care Systems Fund is  
332 established. Fifteen Dollars (\$15.00) collected from each  
333 assessment of Twenty Dollars (\$20.00) under subsection (1) of  
334 Section 99-19-73 and Thirty Dollars (\$30.00) collected from each  
335 assessment of Forty-five Dollars (\$45.00) under subsection (2) of  
336 Section 99-19-73, as provided in Section 41-59-61, and any other  
337 funds made available for funding the trauma care system, shall be  
338 deposited into the fund. Funds appropriated from the Mississippi  
339 Trauma Care Systems Fund to the State Board of Health shall be  
340 made available for department administration and implementation of  
341 the comprehensive state trauma care plan for distribution by the  
342 department to designated trauma care regions for regional  
343 administration, for the department's trauma specific public  
344 information and education plan, and to provide hospital and  
345 physician indigent trauma care block grant funding to trauma  
346 centers designated by the department. All designated trauma care  
347 hospitals are eligible to contract with the department for these  
348 funds.

349 (2) The Mississippi Trauma Care Escrow Fund is created as a  
350 special fund in the State Treasury. Whenever the amount in the  
351 Mississippi Trauma Care Systems Fund exceeds Twenty-five Million  
352 Dollars (\$25,000,000.00) in any fiscal year, the State Fiscal  
353 Officer shall transfer the amount above Twenty-five Million  
354 Dollars (\$25,000,000.00) to the Trauma Care Escrow Fund. Monies  
355 in the Trauma Care Escrow Fund shall not lapse into the State  
356 General Fund at the end of the fiscal year, and all interest and  
357 other earnings on the monies in the Trauma Care Escrow Fund shall  
358 be deposited to the credit of the Trauma Care Escrow Fund.

359 **SECTION 6.** Section 27-19-43, Mississippi Code of 1972, as  
360 amended by House Bill No. 1115, 2011 Regular Session, is reenacted  
361 as follows:

362 27-19-43. (1) License tags, substitute tags and decals for  
363 individual fleets and for private carriers of passengers, school



364 buses (excluding school buses owned by a school district in the  
365 state), church buses, taxicabs, ambulances, hearses, motorcycles  
366 and private carriers of property, and private commercial carriers  
367 of property of a gross weight of ten thousand (10,000) pounds and  
368 less, shall be sold and issued by the tax collectors of the  
369 several counties.

370 (2) Applications for license tags for motor vehicles in a  
371 corporate fleet registered under Section 27-19-66 and trailers in  
372 a fleet registered under Section 1 of House Bill No. 1115, 2011  
373 Regular Session, and applications for all other license tags,  
374 substitute tags and decals shall be filed with the department or  
375 the local tax collector of the respective counties and forwarded  
376 to the department for issuance to the applicant. All tags and  
377 decals for vehicles owned by the state or any agency or  
378 instrumentality thereof, and vehicles owned by a fire protection  
379 district, school district or a county or municipality, and all  
380 vehicles owned by a road, drainage or levee district shall be  
381 issued by the department.

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

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

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

388 (c) Additionally, the tax collector or the department,  
389 as the case may be, shall assess and collect a fee of Four Dollars  
390 (\$4.00) upon each set of license tags and two (2) decals issued,  
391 or upon each set of two (2) decals issued, and that sum shall be  
392 deposited in the Mississippi Trauma Care Systems Fund established  
393 in Section 41-59-75, to be used for the purposes set out in that  
394 section.

395 No tag or decal shall be issued either by a tax collector or  
396 by the department without the collection of such registration fee



397 except substitute tags and decals and license tags for vehicles  
398 owned by the State of Mississippi.

399 Beginning July 1, 1987, and until the date specified in  
400 Section 65-39-35, there shall be levied a registration fee of Five  
401 Dollars (\$5.00) in addition to the regular registration fee  
402 imposed in paragraphs (a) and (b) of this subsection. Such  
403 additional registration fee shall be levied in the same manner as  
404 the regular registration fee.

405 **SECTION 7.** Section 99-19-73, Mississippi Code of 1972, is  
406 reenacted as follows:

407 99-19-73. (1) **Traffic violations.** In addition to any  
408 monetary penalties and any other penalties imposed by law, there  
409 shall be imposed and collected the following state assessment from  
410 each person upon whom a court imposes a fine or other penalty for  
411 any violation in Title 63, Mississippi Code of 1972, except  
412 offenses relating to the Mississippi Implied Consent Law (Section  
413 63-11-1 et seq.) and offenses relating to vehicular parking or  
414 registration:

415	FUND	AMOUNT
416	State Court Education Fund.....	\$ 1.50
417	State Prosecutor Education Fund.....	2.00
418	Vulnerable Adults Training, 419 Investigation and Prosecution Trust Fund.....	.50
420	Child Support Prosecution Trust Fund.....	.50
421	Driver Training Penalty Assessment Fund.....	7.00
422	Law Enforcement Officers Training Fund.....	5.00
423	Spinal Cord and Head Injury Trust Fund 424 (for all moving violations).....	6.00
425	Emergency Medical Services Operating Fund.....	20.00
426	Mississippi Leadership Council on Aging Fund.....	1.00
427	Law Enforcement Officers and Fire Fighters Death 428 Benefits Trust Fund.....	.50
429	Law Enforcement Officers and Fire Fighters	



430	Disability Benefits Trust Fund.....	1.00
431	State Prosecutor Compensation Fund for the purpose	
432	of providing additional compensation for legal	
433	assistants to district attorneys.....	1.50
434	Crisis Intervention Mental Health Fund.....	10.00
435	Drug Court Fund.....	10.00
436	Capital Defense Counsel Fund.....	2.89
437	Indigent Appeals Fund.....	2.29
438	Capital Post-Conviction Counsel Fund.....	2.33
439	Victims of Domestic Violence Fund.....	.49
440	Public Defenders Education Fund.....	1.00
441	Domestic Violence Training Fund.....	1.00
442	Attorney General's Cyber-Crime Unit.....	1.00
443	TOTAL STATE ASSESSMENT.....	\$ 77.50

444 (2) **Implied Consent Law violations.** In addition to any  
445 monetary penalties and any other penalties imposed by law, there  
446 shall be imposed and collected the following state assessment from  
447 each person upon whom a court imposes a fine or any other penalty  
448 for any violation of the Mississippi Implied Consent Law (Section  
449 63-11-1 et seq.):

450	FUND	AMOUNT
451	Crime Victims' Compensation Fund.....	\$ 10.00
452	State Court Education Fund.....	1.50
453	State Prosecutor Education Fund.....	2.00
454	Vulnerable Adults Training,	
455	Investigation and Prosecution Trust Fund.....	.50
456	Child Support Prosecution Trust Fund.....	.50
457	Driver Training Penalty Assessment Fund.....	22.00
458	Law Enforcement Officers Training Fund.....	11.00
459	Emergency Medical Services Operating Fund.....	45.00
460	Mississippi Alcohol Safety Education Program Fund.....	5.00
461	Federal-State Alcohol Program Fund.....	10.00
462	Mississippi Crime Laboratory	



463	Implied Consent Law Fund.....	25.00
464	Spinal Cord and Head Injury Trust Fund.....	25.00
465	Capital Defense Counsel Fund.....	2.89
466	Indigent Appeals Fund.....	2.29
467	Capital Post-Conviction Counsel Fund.....	2.33
468	Victims of Domestic Violence Fund.....	.49
469	State General Fund.....	35.00
470	Law Enforcement Officers and Fire Fighters Death	
471	Benefits Trust Fund.....	.50
472	Law Enforcement Officers and Fire Fighters Disability	
473	Benefits Trust Fund.....	1.00
474	State Prosecutor Compensation Fund for the purpose	
475	of providing additional compensation for legal	
476	assistants to district attorneys.....	1.50
477	Crisis Intervention Mental Health Fund.....	10.00
478	Drug Court Fund.....	10.00
479	Statewide Victims' Information and Notification	
480	System Fund.....	6.00
481	Public Defenders Education Fund.....	1.00
482	Domestic Violence Training Fund.....	1.00
483	Attorney General's Cyber-Crime Unit.....	1.00
484	TOTAL STATE ASSESSMENT.....	\$232.50

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

491	FUND	AMOUNT
492	State Court Education Fund.....	\$ 1.50
493	State Prosecutor Education Fund.....	2.00
494	Law Enforcement Officers Training Fund.....	5.00
495	Hunter Education and Training Program Fund.....	5.00



496	State General Fund.....	30.00
497	Law Enforcement Officers and Fire Fighters Death	
498	Benefits Trust Fund.....	.50
499	Law Enforcement Officers and Fire Fighters Disability	
500	Benefits Trust Fund.....	1.00
501	State Prosecutor Compensation Fund for the purpose	
502	of providing additional compensation for legal	
503	assistants to district attorneys.....	1.00
504	Crisis Intervention Mental Health Fund.....	10.00
505	Drug Court Fund.....	10.00
506	Capital Defense Counsel Fund.....	2.89
507	Indigent Appeals Fund.....	2.29
508	Capital Post-Conviction Counsel Fund.....	2.33
509	Victims of Domestic Violence Fund.....	.49
510	Public Defenders Education Fund.....	1.00
511	Domestic Violence Training Fund.....	1.00
512	Attorney General's Cyber-Crime Unit.....	1.00
513	TOTAL STATE ASSESSMENT.....	\$ 77.00

514       (4) **Litter Law violations.** In addition to any monetary  
515 penalties and any other penalties imposed by law, there shall be  
516 imposed and collected the following state assessment from each  
517 person upon whom a court imposes a fine or other penalty for any  
518 violation of Section 97-15-29 or 97-15-30:

519	FUND	AMOUNT
520	Statewide Litter Prevention Fund.....	\$ 25.00
521	TOTAL STATE ASSESSMENT.....	\$ 25.00

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





- 527           (a) At a speed that exceeds the posted speed limit by  
528 at least ten (10) miles per hour but not more than twenty (20)  
529 miles per hour.....\$ 10.00
- 530           (b) At a speed that exceeds the posted speed limit by  
531 at least twenty (20) miles per hour but not more than thirty (30)  
532 miles per hour.....\$ 20.00
- 533           (c) At a speed that exceeds the posted speed limit by  
534 thirty (30) miles per hour or more.....\$ 30.00
- 535           (d) In violation of Section 63-3-1201, which is the  
536 offense of reckless driving.....\$ 10.00
- 537           (e) In violation of Section 63-3-1213, which is the  
538 offense of careless driving.....\$ 10.00

539           All assessments collected under this subsection shall be  
540 deposited into the Mississippi Trauma Care Systems Fund  
541 established under Section 41-59-75.

542           (6) **Other misdemeanors.** In addition to any monetary  
543 penalties and any other penalties imposed by law, there shall be  
544 imposed and collected the following state assessment from each  
545 person upon whom a court imposes a fine or other penalty for any  
546 misdemeanor violation not specified in subsection (1), (2) or (3)  
547 of this section, except offenses relating to vehicular parking or  
548 registration:

549           FUND	AMOUNT
550           Crime Victims' Compensation Fund.....	\$ 10.00
551           State Court Education Fund.....	1.50
552           State Prosecutor Education Fund.....	2.00
553           Vulnerable Adults Training, 554           Investigation and Prosecution Trust Fund.....	.50
555           Child Support Prosecution Trust Fund.....	.50
556           Law Enforcement Officers Training Fund.....	5.00
557           Capital Defense Counsel Fund.....	2.89
558           Indigent Appeals Fund.....	2.29
559           Capital Post-Conviction Counsel Fund.....	2.33



560	Victims of Domestic Violence Fund.....	.49
561	State General Fund.....	30.00
562	State Crime Stoppers Fund.....	1.50
563	Law Enforcement Officers and Fire Fighters Death	
564	Benefits Trust Fund.....	.50
565	Law Enforcement Officers and Fire Fighters Disability	
566	Benefits Trust Fund.....	1.00
567	State Prosecutor Compensation Fund for the purpose	
568	of providing additional compensation for legal	
569	assistants to district attorneys.....	1.50
570	Crisis Intervention Mental Health Fund.....	10.00
571	Drug Court Fund.....	8.00
572	Judicial Performance Fund.....	2.00
573	Statewide Victims' Information and Notification	
574	System Fund.....	6.00
575	Public Defenders Education Fund.....	1.00
576	Domestic Violence Training Fund.....	1.00
577	Attorney General's Cyber-Crime Unit.....	1.00
578	Information Exchange Network Fund.....	4.00
579	TOTAL STATE ASSESSMENT.....	\$ 95.00

580       (7) **Other felonies.** In addition to any monetary penalties  
581 and any other penalties imposed by law, there shall be imposed and  
582 collected the following state assessment from each person upon  
583 whom a court imposes a fine or other penalty for any felony  
584 violation not specified in subsection (1), (2) or (3) of this  
585 section:

586	FUND	AMOUNT
587	Crime Victims' Compensation Fund.....	\$ 10.00
588	State Court Education Fund.....	1.50
589	State Prosecutor Education Fund.....	2.00
590	Vulnerable Adults Training,	
591	Investigation and Prosecution Trust Fund.....	.50
592	Child Support Prosecution Trust Fund.....	.50



593	Law Enforcement Officers Training Fund.....	5.00
594	Capital Defense Counsel Fund.....	2.89
595	Indigent Appeals Fund.....	2.29
596	Capital Post-Conviction Counsel Fund.....	2.33
597	Victims of Domestic Violence Fund.....	.49
598	State General Fund.....	60.00
599	Criminal Justice Fund.....	50.00
600	Law Enforcement Officers and Fire Fighters Death	
601	Benefits Trust Fund.....	.50
602	Law Enforcement Officers and Fire Fighters Disability	
603	Benefits Trust Fund.....	1.00
604	State Prosecutor Compensation Fund for the purpose	
605	of providing additional compensation for legal	
606	assistants to district attorneys.....	1.50
607	Crisis Intervention Mental Health Fund.....	10.00
608	Drug Court Fund.....	10.00
609	Statewide Victims' Information and Notification	
610	System Fund.....	6.00
611	Public Defenders Education Fund.....	1.00
612	Domestic Violence Training Fund.....	1.00
613	Attorney General's Cyber-Crime Unit.....	1.00
614	Crime Laboratory DNA Identification System Fund.....	100.00
615	TOTAL STATE ASSESSMENT.....	\$269.50

(8) **Additional assessments on certain violations:**

(a) In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation of Section 77-9-249:

Operation Lifesaver Fund.....	\$25.00
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(b) In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the



626 following state assessment in addition to all other state  
627 assessments due under this section from each person upon whom a  
628 court imposes a fine or other penalty for any violation of Section  
629 41-29-139:

630 Drug Evidence Disposition Fund.....\$25.00

631 (9) If a fine or other penalty imposed is suspended, in  
632 whole or in part, such suspension shall not affect the state  
633 assessment under this section. No state assessment imposed under  
634 the provisions of this section may be suspended or reduced by the  
635 court.

636 (10) After a determination by the court of the amount due,  
637 it shall be the duty of the clerk of the court to promptly collect  
638 all state assessments imposed under the provisions of this  
639 section. The state assessments imposed under the provisions of  
640 this section may not be paid by personal check. It shall be the  
641 duty of the chancery clerk of each county to deposit all such  
642 state assessments collected in the circuit, county and justice  
643 courts in such county on a monthly basis with the State Treasurer  
644 pursuant to appropriate procedures established by the State  
645 Auditor. The chancery clerk shall make a monthly lump-sum deposit  
646 of the total state assessments collected in the circuit, county  
647 and justice courts in such county under this section, and shall  
648 report to the Department of Finance and Administration the total  
649 number of violations under each subsection for which state  
650 assessments were collected in the circuit, county and justice  
651 courts in such county during such month. It shall be the duty of  
652 the municipal clerk of each municipality to deposit all such state  
653 assessments collected in the municipal court in such municipality  
654 on a monthly basis with the State Treasurer pursuant to  
655 appropriate procedures established by the State Auditor. The  
656 municipal clerk shall make a monthly lump-sum deposit of the total  
657 state assessments collected in the municipal court in such  
658 municipality under this section, and shall report to the



659 Department of Finance and Administration the total number of  
660 violations under each subsection for which state assessments were  
661 collected in the municipal court in such municipality during such  
662 month.

663 (11) It shall be the duty of the Department of Finance and  
664 Administration to deposit on a monthly basis all such state  
665 assessments into the proper special fund in the State Treasury.  
666 The monthly deposit shall be based upon the number of violations  
667 reported under each subsection and the pro rata amount of such  
668 assessment due to the appropriate special fund. The Department of  
669 Finance and Administration shall issue regulations providing for  
670 the proper allocation of these special funds.

671 (12) The State Auditor shall establish by regulation  
672 procedures for refunds of state assessments, including refunds  
673 associated with assessments imposed before July 1, 1990, and  
674 refunds after appeals in which the defendant's conviction is  
675 reversed. The Auditor shall provide in such regulations for  
676 certification of eligibility for refunds and may require the  
677 defendant seeking a refund to submit a verified copy of a court  
678 order or abstract by which such defendant is entitled to a refund.  
679 All refunds of state assessments shall be made in accordance with  
680 the procedures established by the Auditor.

681 **SECTION 8.** Section 9 of Chapter 549, Laws of 2008, is  
682 amended as follows:

683 Section 9. This act shall stand repealed on July 1, 2014.

684 **SECTION 9.** Section 43-11-13, Mississippi Code of 1972, is  
685 amended as follows:

686 43-11-13. (1) The licensing agency shall adopt, amend,  
687 promulgate and enforce such rules, regulations and standards,  
688 including classifications, with respect to all institutions for  
689 the aged or infirm to be licensed under this chapter as may be  
690 designed to further the accomplishment of the purpose of this  
691 chapter in promoting adequate care of individuals in those



692 institutions in the interest of public health, safety and welfare.  
693 Those rules, regulations and standards shall be adopted and  
694 promulgated by the licensing agency and shall be recorded and  
695 indexed in a book to be maintained by the licensing agency in its  
696 main office in the State of Mississippi, entitled "Rules,  
697 Regulations and Minimum Standards for Institutions for the Aged or  
698 Infirm" and the book shall be open and available to all  
699 institutions for the aged or infirm and the public generally at  
700 all reasonable times. Upon the adoption of those rules,  
701 regulations and standards, the licensing agency shall mail copies  
702 thereof to all those institutions in the state that have filed  
703 with the agency their names and addresses for this purpose, but  
704 the failure to mail the same or the failure of the institutions to  
705 receive the same shall in no way affect the validity thereof. The  
706 rules, regulations and standards may be amended by the licensing  
707 agency, from time to time, as necessary to promote the health,  
708 safety and welfare of persons living in those institutions.

709 (2) The licensee shall keep posted in a conspicuous place on  
710 the licensed premises all current rules, regulations and minimum  
711 standards applicable to fire protection measures as adopted by the  
712 licensing agency. The licensee shall furnish to the licensing  
713 agency at least once each six (6) months a certificate of approval  
714 and inspection by state or local fire authorities. Failure to  
715 comply with state laws and/or municipal ordinances and current  
716 rules, regulations and minimum standards as adopted by the  
717 licensing agency, relative to fire prevention measures, shall be  
718 prima facie evidence for revocation of license.

719 (3) The State Board of Health shall promulgate rules and  
720 regulations restricting the storage, quantity and classes of drugs  
721 allowed in personal care homes and adult foster care facilities.  
722 Residents requiring administration of Schedule II Narcotics as  
723 defined in the Uniform Controlled Substances Law may be admitted  
724 to a personal care home. Schedule drugs may only be allowed in a



725 personal care home if they are administered or stored utilizing  
726 proper procedures under the direct supervision of a licensed  
727 physician or nurse.

728 (4) (a) Notwithstanding any determination by the licensing  
729 agency that skilled nursing services would be appropriate for a  
730 resident of a personal care home, that resident, the resident's  
731 guardian or the legally recognized responsible party for the  
732 resident may consent in writing for the resident to continue to  
733 reside in the personal care home, if approved in writing by a  
734 licensed physician. However, no personal care home shall allow  
735 more than two (2) residents, or ten percent (10%) of the total  
736 number of residents in the facility, whichever is greater, to  
737 remain in the personal care home under the provisions of this  
738 subsection (4). This consent shall be deemed to be appropriately  
739 informed consent as described in the regulations promulgated by  
740 the licensing agency. After that written consent has been  
741 obtained, the resident shall have the right to continue to reside  
742 in the personal care home for as long as the resident meets the  
743 other conditions for residing in the personal care home. A copy  
744 of the written consent and the physician's approval shall be  
745 forwarded by the personal care home to the licensing agency.

746 (b) The State Board of Health shall promulgate rules  
747 and regulations restricting the handling of a resident's personal  
748 deposits by the director of a personal care home. Any funds given  
749 or provided for the purpose of supplying extra comforts,  
750 conveniences or services to any resident in any personal care  
751 home, and any funds otherwise received and held from, for or on  
752 behalf of any such resident, shall be deposited by the director or  
753 other proper officer of the personal care home to the credit of  
754 that resident in an account that shall be known as the Resident's  
755 Personal Deposit Fund. No more than one (1) month's charge for  
756 the care, support, maintenance and medical attention of the  
757 resident shall be applied from the account at any one time. After



758 the death, discharge or transfer of any resident for whose benefit  
759 any such fund has been provided, any unexpended balance remaining  
760 in his personal deposit fund shall be applied for the payment of  
761 care, cost of support, maintenance and medical attention that is  
762 accrued. If any unexpended balance remains in that resident's  
763 personal deposit fund after complete reimbursement has been made  
764 for payment of care, support, maintenance and medical attention,  
765 and the director or other proper officer of the personal care home  
766 has been or shall be unable to locate the person or persons  
767 entitled to the unexpended balance, the director or other proper  
768 officer may, after the lapse of one (1) year from the date of that  
769 death, discharge or transfer, deposit the unexpended balance to  
770 the credit of the personal care home's operating fund.

771 (c) The State Board of Health shall promulgate rules  
772 and regulations requiring personal care homes to maintain records  
773 relating to health condition, medicine dispensed and administered,  
774 and any reaction to that medicine. The director of the personal  
775 care home shall be responsible for explaining the availability of  
776 those records to the family of the resident at any time upon  
777 reasonable request.

778 (d) This subsection (4) shall stand repealed on June  
779 30, 2014.

780 (5) (a) For the purposes of this subsection (5):

781 (i) "Licensed entity" means a hospital, nursing  
782 home, personal care home, home health agency, hospice or adult  
783 foster care facility;

784 (ii) "Covered entity" means a licensed entity or a  
785 health care professional staffing agency;

786 (iii) "Employee" means any individual employed by  
787 a covered entity, and also includes any individual who by contract  
788 provides to the patients, residents or clients being served by the  
789 covered entity direct, hands-on, medical patient care in a  
790 patient's, resident's or client's room or in treatment or recovery





791 rooms. The term "employee" does not include health care  
792 professional/vocational technical students, as defined in Section  
793 37-29-232, performing clinical training in a licensed entity under  
794 contracts between their schools and the licensed entity, and does  
795 not include students at high schools located in Mississippi who  
796 observe the treatment and care of patients in a licensed entity as  
797 part of the requirements of an allied-health course taught in the  
798 high school, if:

799                   1. The student is under the supervision of a  
800 licensed health care provider; and

801                   2. The student has signed an affidavit that  
802 is on file at the student's school stating that he or she has not  
803 been convicted of or pleaded guilty or nolo contendere to a felony  
804 listed in paragraph (d) of this subsection (5), or that any such  
805 conviction or plea was reversed on appeal or a pardon was granted  
806 for the conviction or plea. Before any student may sign such an  
807 affidavit, the student's school shall provide information to the  
808 student explaining what a felony is and the nature of the felonies  
809 listed in paragraph (d) of this subsection (5).

810           However, the health care professional/vocational technical  
811 academic program in which the student is enrolled may require the  
812 student to obtain criminal history record checks under the  
813 provisions of Section 37-29-232.

814           (b) Under regulations promulgated by the State Board of  
815 Health, the licensing agency shall require to be performed a  
816 criminal history record check on (i) every new employee of a  
817 covered entity who provides direct patient care or services and  
818 who is employed on or after July 1, 2003, and (ii) every employee  
819 of a covered entity employed before July 1, 2003, who has a  
820 documented disciplinary action by his or her present employer. In  
821 addition, the licensing agency shall require the covered entity to  
822 perform a disciplinary check with the professional licensing



823 agency of each employee, if any, to determine if any disciplinary  
824 action has been taken against the employee by that agency.

825       Except as otherwise provided in paragraph (c) of this  
826 subsection (5), no such employee hired on or after July 1, 2003,  
827 shall be permitted to provide direct patient care until the  
828 results of the criminal history record check have revealed no  
829 disqualifying record or the employee has been granted a waiver.  
830 In order to determine the employee applicant's suitability for  
831 employment, the applicant shall be fingerprinted. Fingerprints  
832 shall be submitted to the licensing agency from scanning, with the  
833 results processed through the Department of Public Safety's  
834 Criminal Information Center. If no disqualifying record is  
835 identified at the state level, the fingerprints shall be forwarded  
836 by the Department of Public Safety to the Federal Bureau of  
837 Investigation for a national criminal history record check. The  
838 licensing agency shall notify the covered entity of the results of  
839 an employee applicant's criminal history record check. If the  
840 criminal history record check discloses a felony conviction,  
841 guilty plea or plea of nolo contendere to a felony of possession  
842 or sale of drugs, murder, manslaughter, armed robbery, rape,  
843 sexual battery, sex offense listed in Section 45-33-23(g), child  
844 abuse, arson, grand larceny, burglary, gratification of lust or  
845 aggravated assault, or felonious abuse and/or battery of a  
846 vulnerable adult that has not been reversed on appeal or for which  
847 a pardon has not been granted, the employee applicant shall not be  
848 eligible to be employed by the covered entity.

849       (c) Any such new employee applicant may, however, be  
850 employed on a temporary basis pending the results of the criminal  
851 history record check, but any employment contract with the new  
852 employee shall be voidable if the new employee receives a  
853 disqualifying criminal history record check and no waiver is  
854 granted as provided in this subsection (5).



855           (d) Under regulations promulgated by the State Board of  
856 Health, the licensing agency shall require every employee of a  
857 covered entity employed before July 1, 2003, to sign an affidavit  
858 stating that he or she has not been convicted of or pleaded guilty  
859 or nolo contendere to a felony of possession or sale of drugs,  
860 murder, manslaughter, armed robbery, rape, sexual battery, any sex  
861 offense listed in Section 45-33-23(g), child abuse, arson, grand  
862 larceny, burglary, gratification of lust, aggravated assault, or  
863 felonious abuse and/or battery of a vulnerable adult, or that any  
864 such conviction or plea was reversed on appeal or a pardon was  
865 granted for the conviction or plea. No such employee of a covered  
866 entity hired before July 1, 2003, shall be permitted to provide  
867 direct patient care until the employee has signed the affidavit  
868 required by this paragraph (d). All such existing employees of  
869 covered entities must sign the affidavit required by this  
870 paragraph (d) within six (6) months of the final adoption of the  
871 regulations promulgated by the State Board of Health. If a person  
872 signs the affidavit required by this paragraph (d), and it is  
873 later determined that the person actually had been convicted of or  
874 pleaded guilty or nolo contendere to any of the offenses listed in  
875 this paragraph (d) and the conviction or plea has not been  
876 reversed on appeal or a pardon has not been granted for the  
877 conviction or plea, the person is guilty of perjury. If the  
878 offense that the person was convicted of or pleaded guilty or nolo  
879 contendere to was a violent offense, the person, upon a conviction  
880 of perjury under this paragraph, shall be punished as provided in  
881 Section 97-9-61. If the offense that the person was convicted of  
882 or pleaded guilty or nolo contendere to was a nonviolent offense,  
883 the person, upon a conviction of perjury under this paragraph,  
884 shall be punished by a fine of not more than Five Hundred Dollars  
885 (\$500.00), or by imprisonment in the county jail for not more than  
886 six (6) months, or by both such fine and imprisonment.



887           (e) The covered entity may, in its discretion, allow  
888 any employee who is unable to sign the affidavit required by  
889 paragraph (d) of this subsection (5) or any employee applicant  
890 aggrieved by an employment decision under this subsection (5) to  
891 appear before the covered entity's hiring officer, or his or her  
892 designee, to show mitigating circumstances that may exist and  
893 allow the employee or employee applicant to be employed by the  
894 covered entity. The covered entity, upon report and  
895 recommendation of the hiring officer, may grant waivers for those  
896 mitigating circumstances, which shall include, but not be limited  
897 to: (i) age at which the crime was committed; (ii) circumstances  
898 surrounding the crime; (iii) length of time since the conviction  
899 and criminal history since the conviction; (iv) work history; (v)  
900 current employment and character references; and (vi) other  
901 evidence demonstrating the ability of the individual to perform  
902 the employment responsibilities competently and that the  
903 individual does not pose a threat to the health or safety of the  
904 patients of the covered entity.

905           (f) The licensing agency may charge the covered entity  
906 submitting the fingerprints a fee not to exceed Fifty Dollars  
907 (\$50.00), which covered entity may, in its discretion, charge the  
908 same fee, or a portion thereof, to the employee applicant. Any  
909 costs incurred by a covered entity implementing this subsection  
910 (5) shall be reimbursed as an allowable cost under Section  
911 43-13-116.

912           (g) If the results of an employee applicant's criminal  
913 history record check reveals no disqualifying event, then the  
914 covered entity shall, within two (2) weeks of the notification of  
915 no disqualifying event, provide the employee applicant with a  
916 notarized letter signed by the chief executive officer of the  
917 covered entity, or his or her authorized designee, confirming the  
918 employee applicant's suitability for employment based on his or  
919 her criminal history record check. An employee applicant may use



920 that letter for a period of two (2) years from the date of the  
921 letter to seek employment with any covered entity without the  
922 necessity of an additional criminal history record check. Any  
923 covered entity presented with the letter may rely on the letter  
924 with respect to an employee applicant's criminal background and is  
925 not required for a period of two (2) years from the date of the  
926 letter to conduct or have conducted a criminal history record  
927 check as required in this subsection (5).

928 (h) The licensing agency, the covered entity, and their  
929 agents, officers, employees, attorneys and representatives, shall  
930 be presumed to be acting in good faith for any employment decision  
931 or action taken under this subsection (5). The presumption of  
932 good faith may be overcome by a preponderance of the evidence in  
933 any civil action. No licensing agency, covered entity, nor their  
934 agents, officers, employees, attorneys and representatives shall  
935 be held liable in any employment decision or action based in whole  
936 or in part on compliance with or attempts to comply with the  
937 requirements of this subsection (5).

938 (i) The licensing agency shall promulgate regulations  
939 to implement this subsection (5).

940 (j) The provisions of this subsection (5) shall not  
941 apply to:

942 (i) Applicants and employees of the University of  
943 Mississippi Medical Center for whom criminal history record checks  
944 and fingerprinting are obtained in accordance with Section  
945 37-115-41; or

946 (ii) Health care professional/vocational technical  
947 students for whom criminal history record checks and  
948 fingerprinting are obtained in accordance with Section 37-29-232.

949 (6) The State Board of Health shall promulgate rules,  
950 regulations and standards regarding the operation of adult foster  
951 care facilities.



952           **SECTION 10.** Section 63-17-171, Mississippi Code of 1972, is  
953 amended as follows:

954           63-17-171. (1) (a) There is levied a point-of-sale fee of  
955 Fifty Dollars (\$50.00) on the retail sales of all-terrain vehicles  
956 and motorcycles as defined in Section 63-21-5. The seller of an  
957 all-terrain vehicle or a motorcycle shall collect the fee from the  
958 purchaser at the time of sale and remit the fee to the Department  
959 of Revenue, which shall deposit the proceeds of the fees into the  
960 Mississippi Trauma Care Systems Fund created in Section 41-59-75.

961           (b) The seller of an all-terrain vehicle or a  
962 motorcycle shall provide a written statement to the purchaser,  
963 which may be printed on the sales receipt, that reads as follows:  
964 "\$50.00 of the amount that you paid for this vehicle will be used  
965 to fund the Mississippi Trauma Care System."

966           (2) (a) There is levied a fee of Fifty Dollars (\$50.00) on  
967 a resident of this state who purchases a new and not previously  
968 registered motorcycle in another state and brings the motorcycle  
969 into this state. The person shall pay the fee to the tax  
970 collector at the time of registering the motorcycle and applying  
971 for a license tag. The tax collector shall remit the fee to the  
972 Department of Revenue, which shall deposit the proceeds of the fee  
973 into the Mississippi Trauma Care Systems Fund created in Section  
974 41-59-75.

975           (b) There is levied a fee of Fifty Dollars (\$50.00) on  
976 a resident of this state who purchases a new all-terrain vehicle  
977 in another state and brings the vehicle into this state. The  
978 person shall pay the fee to the Department of Revenue, which shall  
979 deposit the proceeds of the fee into the Mississippi Trauma Care  
980 Systems Fund created in Section 41-59-75.

981           **SECTION 11.** This act shall take effect and be in force from  
982 and after July 1, 2011.

