

By: Senator(s) Parks

To: Business and Financial
Institutions

SENATE BILL NO. 2815

1 AN ACT TO REENACT SECTIONS 75-67-601 THROUGH 75-67-637,
 2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE MISSISSIPPI CREDIT
 3 AVAILABILITY ACT; TO AMEND REENACTED SECTION 75-67-619,
 4 MISSISSIPPI CODE OF 1972, TO AUTHORIZE LICENSEES TO CHARGE FEES
 5 AND COSTS RELATING TO THE REPOSSESSION AND SALE OF COLLATERAL; TO
 6 AMEND SECTION 22, CHAPTER 500, LAWS OF 2016, MISSISSIPPI CODE OF
 7 1972, TO REMOVE THE SECTIONS OF LAW SUBJECT TO REPEAL WHICH
 8 PERTAIN TO THE CHECK CASHERS ACT AND THE TITLE PLEDGE LOAN ACT,
 9 AND TO EXTEND THE DATE OF REPEAL ON THE MISSISSIPPI CREDIT
 10 AVAILABILITY ACT; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 75-67-601, Mississippi Code of 1972, is
 13 reenacted as follows:

14 75-67-601. This article shall be known and may be cited as
 15 the "Mississippi Credit Availability Act."

16 **SECTION 2.** Section 75-67-603, Mississippi Code of 1972, is
 17 reenacted as follows:

18 75-67-603. The following words and phrases used in this
 19 article shall have the following meanings unless the context
 20 clearly indicates otherwise:

21 (a) "Appropriate law enforcement agency" means the
 22 sheriff of each county in which the licensee maintains an office,



23 or the police chief of the municipality in which the licensee
24 maintains an office, or law enforcement officers of the Department
25 of Public Safety.

26 (b) "Attorney General" means the Attorney General of
27 the State of Mississippi.

28 (c) "Commissioner" means the Mississippi Commissioner
29 of Banking and Consumer Finance, or his designee, as the
30 designated official for the purpose of enforcing this article.

31 (d) "Credit availability account" means all credit
32 availability transactions held in the name of a single person
33 through a single licensee or, if a secured transaction and the
34 property is jointly owned, the names of the persons who jointly
35 own the property that is being used as security for the
36 transaction. That person or those persons shall be the "account
37 holder" or "account holders."

38 (e) "Credit availability transaction" means a
39 transaction whereby a credit availability licensee provides a
40 consumer with a fully amortized loan, secured or unsecured,
41 payable in substantially equal payments due monthly, or on any
42 other schedule mutually agreed upon by the licensee and the
43 consumer, over an overall term of four (4) to twelve (12) months,
44 calculated on the amount initially disbursed to the account holder
45 or holders plus any fees that may be charged in an amount and
46 manner provided for under this article.



47 (f) "Department" means the Department of Banking and
48 Consumer Finance.

49 (g) "Licensee" means any individual, partnership,
50 association or corporation duly licensed by the Department of
51 Banking and Consumer Finance to engage in the business of
52 providing credit availability transactions under this article.

53 (h) "Month" means the calendar month beginning on and
54 including the date of the credit availability transaction.

55 (i) "Person" means an individual, partnership,
56 corporation, joint venture, trust, association or any legal
57 entity, however organized.

58 (j) "Written" and "writing" includes communication of
59 information in an electronic record consistent with the federal
60 Electronic Signatures in Global and National Commerce (E-SIGN)
61 Act, 15 USC Section 7001 et seq.

62 **SECTION 3.** Section 75-67-605, Mississippi Code of 1972, is
63 reenacted as follows:

64 75-67-605. (1) A person may not engage in business as a
65 credit availability licensee or otherwise portray himself as a
66 credit availability licensee unless the person has a valid license
67 authorizing him to engage in the business. Any transaction that
68 would be subject to this article that is made by a person who does
69 not have a valid license under this article shall be null and
70 void.



71 (2) A credit availability licensee shall (a) have a
72 definitive United States postal address and E911 address; and (b)
73 comply with applicable local zoning requirements, except as
74 otherwise provided in this article; and (c) maintain separate
75 books and records for credit availability transactions.

76 (3) (a) The commissioner may issue more than one (1)
77 license to a person if that person complies with this article for
78 each license. A new license is required upon a change, directly
79 or beneficially, in the ownership of any licensed credit
80 availability business and an application shall be made to the
81 commissioner in accordance with this article.

82 (b) When a licensee wishes to move a credit
83 availability business to another physical location, the licensee
84 shall give thirty (30) days' prior written notice to the
85 commissioner who shall amend the license accordingly.

86 (c) Each license shall remain in full force and effect
87 until relinquished, suspended, revoked or expired. With each
88 initial application for a license, the applicant shall pay the
89 commissioner at the time of making the application a license fee
90 of Seven Hundred Fifty Dollars (\$750.00), and on or before
91 September 1 of each year thereafter, an annual renewal fee of Four
92 Hundred Seventy-five Dollars (\$475.00). If the annual renewal fee
93 remains unpaid twenty-nine (29) days after September 1, the
94 license shall thereupon expire, but not before the thirtieth day
95 of September of any year for which the annual fee has been paid.



96 If any licensee fails to pay the annual renewal fee before the
97 thirtieth day of September of any year for which the renewal fee
98 is due, then the licensee shall be liable for the full amount of
99 the license fee, plus a penalty in an amount not to exceed
100 Twenty-five Dollars (\$25.00) for each day that the licensee has
101 engaged in business after September 30. All licensing fees and
102 penalties shall be paid into the Consumer Finance Fund of the
103 Department of Banking and Consumer Finance.

104 (4) Notwithstanding any other provisions of this article,
105 the commissioner may issue a temporary license authorizing the
106 operation of a credit availability business on the receipt of an
107 application for a license involving principals and owners that are
108 substantially identical to those of an existing licensed credit
109 availability licensee. The temporary license is effective until
110 the permanent license is issued or denied.

111 (5) Notwithstanding other provisions of this article,
112 neither a new license nor an application to transfer an existing
113 license shall be required upon any change, directly or
114 beneficially, in the ownership of any licensed business
115 incorporated under the laws of this state or any other state so
116 long as the licensee continues to operate as a corporation doing a
117 credit availability business under the license.

118 (6) Persons licensed under Sections 75-67-401 et seq. and
119 75-67-501 et seq. on July 1, 2016, shall have until September 30,
120 2016, to apply for an expedited license approval under this



121 article. The commissioner, in his discretion, may waive certain
122 documentation already on file under those licenses, including
123 fingerprints, and may promulgate an application that expedites the
124 licensing process. Upon the approval of the application, the
125 commissioner shall grant a license under this article.

126 **SECTION 4.** Section 75-67-607, Mississippi Code of 1972, is
127 reenacted as follows:

128 75-67-607. The provisions of this article shall not apply to
129 any bank, trust company, savings association, savings and loan
130 association, savings bank or credit union that is chartered under
131 the laws of this state or under federal law and domiciled in this
132 state.

133 **SECTION 5.** Section 75-67-609, Mississippi Code of 1972, is
134 reenacted as follows:

135 75-67-609. To be eligible for a credit availability license,
136 an applicant shall:

137 (a) Operate lawfully and fairly within the purposes of
138 this article.

139 (b) Not have been convicted in the last ten (10) years
140 or be active as a beneficial owner for someone who has been
141 convicted in the last ten (10) years of a crime that the
142 commissioner finds directly relates to the duties and
143 responsibilities of the business of offering credit availability
144 transactions.



145 (c) File with the commissioner a bond with good
146 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
147 payable to the State of Mississippi, for the faithful performance
148 by the licensee of the duties and obligations pertaining to the
149 business so licensed and the prompt payment of any judgment which
150 may be recovered against the licensee on account of charges or
151 other claims arising directly or collectively from any violation
152 of the provisions of this article. The bond shall not be valid
153 until the commissioner approves it. The applicant may file, in
154 lieu of the bond, cash, a certificate of deposit or government
155 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those
156 deposits shall be filed with the commissioner and are subject to
157 the same terms and conditions as are provided for in the surety
158 bond required in this paragraph. Any interest or earnings on
159 those deposits are payable to the depositor. Applicants applying
160 for multiple licenses may submit a single bond for all licenses,
161 provided that the total value of the bond is equal to Ten Thousand
162 Dollars (\$10,000.00) per license applied for.

163 (d) File with the commissioner an application for a
164 license and the initial license fee required in this article. If
165 applicant's application is approved, a credit availability license
166 will be issued within thirty (30) days.

167 (e) File with the commissioner a set of fingerprints
168 from any local law enforcement agency for each owner of a sole
169 proprietorship, partners in a partnership or principal owners of a



170 limited liability company that own at least ten percent (10%) of
171 the voting shares of the company, shareholders owning ten percent
172 (10%) or more of the outstanding shares of the corporation, except
173 publically traded corporations and their subsidiaries, and any
174 other executive officer with significant oversight duties of the
175 business. In order to determine the applicant's suitability for
176 license, the commissioner shall forward the fingerprints to the
177 Department of Public Safety; and if no disqualifying record is
178 identified at the state level, the Department of Public Safety
179 shall forward the fingerprints to the FBI for a national criminal
180 history record check.

181 (f) Complete and file with the commissioner an annual
182 renewal application for a license accompanied by the renewal fee
183 required in this article.

184 **SECTION 6.** Section 75-67-611, Mississippi Code of 1972, is
185 reenacted as follows:

186 75-67-611. Each application for a license shall be in a form
187 prescribed by the commissioner, signed under oath or otherwise
188 authenticated in a record, and shall include the following:

189 (a) The legal name, residence and business address of
190 the applicant and, if the applicant is a partnership, association
191 or corporation, of every member, officer and director thereof.
192 However, the application need not state the full name and address
193 of each shareholder, if the applicant is owned directly or
194 beneficially by a person which as an issuer has a class of



195 securities registered under Section 12 of the Securities and
196 Exchange Act of 1934 or is an issuer of securities which is
197 required to file reports with the Securities and Exchange
198 Commission under Section 15(d) of the Securities and Exchange Act,
199 provided that the person files with the commissioner such
200 information, documents and reports as are required by the
201 provisions of the Securities and Exchange Act to be filed by the
202 issuer with the Securities and Exchange Commission. The
203 commissioner may, however, require the licensee to provide such
204 information as he deems reasonable and appropriate concerning the
205 officers and directors of the corporation and persons owning in
206 excess of twenty-five percent (25%) of the outstanding shares of
207 the corporation.

208 (b) The complete address of the location at which the
209 applicant proposes to engage in the business of offering credit
210 availability transactions.

211 (c) Other data and information the department may
212 require with respect to the applicant, its directors, trustees,
213 officers, members or agents.

214 (d) Sworn financial statements of the applicant showing
215 a net worth of at least Twenty Thousand Dollars (\$20,000.00) for
216 the first license. The applicant shall possess and maintain a net
217 worth of at least Twenty Thousand Dollars (\$20,000.00) for the
218 first license and at least Five Thousand Dollars (\$5,000.00) for
219 each additional license.



220 **SECTION 7.** Section 75-67-613, Mississippi Code of 1972, is
221 reenacted as follows:

222 75-67-613. (1) Upon filing of an application in a form
223 prescribed by the commissioner, accompanied by the documents
224 required in this article, the department shall investigate to
225 ascertain whether the qualifications prescribed in this article
226 have been satisfied. If the commissioner finds that the
227 qualifications have been satisfied and, if he approves the
228 documents so filed by the applicant, he shall issue to the
229 applicant a license to engage in the credit availability business
230 in this state.

231 (2) The license shall be kept conspicuously posted in the
232 place of business of the licensee.

233 **SECTION 8.** Section 75-67-615, Mississippi Code of 1972, is
234 reenacted as follows:

235 75-67-615. (1) The department may adopt reasonable
236 administrative regulations, not inconsistent with law, for the
237 enforcement of this article and shall develop and provide any
238 necessary forms or other documentation to carry out the provisions
239 of this article.

240 (2) To assure compliance with the provisions of this
241 article, the department may examine the books and records of any
242 licensee without notice during normal business hours. The
243 commissioner may charge the licensee an examination fee in an
244 amount not less than Three Hundred Dollars (\$300.00) nor more than



245 Six Hundred Dollars (\$600.00) for each office or location within
246 the State of Mississippi plus any actual expenses incurred while
247 examining the licensee's records or books that are located outside
248 the State of Mississippi. However, in no event shall a licensee
249 be examined more than once in a two-year period unless for cause
250 shown based upon a consumer complaint and/or other exigent reasons
251 as determined by the commissioner.

252 (3) Each licensee shall keep and use in its business any
253 books, accounts and records the department may require to carry
254 into effect the provisions of this article and the administrative
255 regulations issued under this article. Every licensee shall
256 preserve the books, accounts and records of its business for at
257 least two (2) years.

258 **SECTION 9.** Section 75-67-617, Mississippi Code of 1972, is
259 reenacted as follows:

260 75-67-617. A licensee shall not advertise, display or
261 publish, or permit to be advertised, displayed or published, in
262 any manner whatsoever, any statement or representation that is
263 false, misleading or deceptive.

264 **SECTION 10.** Section 75-67-619, Mississippi Code of 1972, is
265 reenacted and amended as follows:

266 75-67-619. (1) Notwithstanding any other statutory
267 limitation, a licensee authorized to provide credit availability
268 transactions under this article may charge and collect fees and
269 charges in a manner consistent with this section, and may take as



270 security therefor any personal property that is not exempt or
271 prohibited by state or federal law or regulations.

272 (2) (a) A licensee may charge and collect a monthly
273 handling fee for services, expenses, and costs not to exceed
274 twenty-five percent (25%) of the outstanding principal balance of
275 any credit availability account per month, or any portion thereof,
276 for transactions of Five Hundred Dollars (\$500.00) or less. The
277 handling fee shall not be deemed interest for any purpose of law.

278 (b) A licensee may charge and collect a monthly
279 handling fee for services, expenses, and costs not to exceed
280 twenty-five percent (25%) of the outstanding principal balance of
281 any credit availability account per month, or portion thereof, for
282 transactions in excess of Five Hundred Dollars (\$500.00). The
283 handling fee shall not be deemed interest for any purpose of law.

284 (c) (i) In addition to the charges authorized under
285 this subsection (2), a licensee may also charge and collect an
286 origination fee in the amount of one percent (1%) of the amount
287 disbursed to the account holder or Five Dollars (\$5.00), whichever
288 is greater, for costs associated with providing a credit
289 availability transaction.

290 (ii) The origination fee shall not be deemed
291 interest for any purpose of law.

292 (3) (a) No credit availability account created under
293 subsection (2) (a) of this section shall have an outstanding



294 principal balance in excess of Five Hundred Dollars (\$500.00) at
295 any time.

296 (b) No credit availability account created under
297 subsection (2) (b) of this section shall have an outstanding
298 principal balance in excess of Two Thousand Five Hundred Dollars
299 (\$2,500.00) at any time.

300 (4) (a) Any credit availability account created under
301 subsection (2) (a) of this section shall be a fully amortized loan,
302 secured or unsecured, payable in equal payments of four (4) to six
303 (6) months calculated on the amount initially disbursed to the
304 account holder plus any fees that may be charged, in an amount and
305 manner provided for under this article.

306 (b) Any credit availability account created under
307 subsection (2) (b) of this section shall be a fully amortized loan,
308 secured or unsecured, payable in equal payments of six (6) to
309 twelve (12) months calculated on the amount initially disbursed to
310 the account holder plus any fees that may be charged, in an amount
311 and manner provided for under this article.

312 (5) (a) In the event an account holder is delinquent in
313 payment of a monthly payment under the terms of a credit
314 availability agreement, the licensee may charge and collect from
315 the account holder a late fee of ten percent (10%) of the past-due
316 amount; provided, however, that no such late fee may be charged
317 unless an account holder has failed to pay the past-due amount
318 within ten (10) business days after the due date and provided that



319 such fees are clearly disclosed in the credit availability
320 agreement.

321 (b) If applicable and provided that such fees are
322 clearly disclosed in the credit availability agreement, the
323 licensee may charge and collect from the account holder any fees
324 and costs relating to the repossession and sale of collateral,
325 including, but not limited to, fees and costs associated with the
326 repossession, storage, presale preparation and sale of collateral.

327 (6) In the event an account holder is in default under the
328 terms of a credit availability agreement for more than sixty (60)
329 days, the licensee may charge and collect from the account holder
330 the following fees in connection with any such default, provided
331 that such fees are clearly disclosed in the credit availability
332 agreement:

333 (a) If the licensee is required to employ a third
334 party, including an attorney, to collect on the account the
335 licensee may:

336 (i) * * * Charge and collect a reasonable
337 collection fee and attorney's fee; and

338 (ii) * * * Be entitled to recover from the account
339 holder all court costs incurred and to recover any court-awarded
340 damages, including those incurred on appeal.

341 (b) If applicable, the licensee may charge and collect
342 from the account holder any fees and costs relating to the
343 repossession and sale of collateral, including, but not limited



344 to, fees and costs associated with the repossession, storage,
345 preparation for sale and sale of collateral.

346 **SECTION 11.** Section 75-67-621, Mississippi Code of 1972, is
347 reenacted as follows:

348 75-67-621. (1) A licensee shall provide each prospective
349 account holder, before consummation of a credit availability
350 transaction, a written explanation of the fees, and charges to be
351 charged by the licensee and the due dates for all payments. The
352 style, content, and method of executing the required written
353 explanation shall comply with federal truth-in-lending laws and
354 shall contain a statement that the account holder may prepay the
355 unpaid balance in whole or in part at any time. The commissioner
356 may promulgate rules in accordance with this article in order to
357 assure complete and accurate disclosure of the fees and charges to
358 be charged by a licensee under a credit availability agreement.
359 At a minimum, the written explanation must include:

- 360 (a) The amount of the transaction;
- 361 (b) The date the agreement was entered into;
- 362 (c) A schedule or description of the payments;
- 363 (d) The name and address of the licensed office;
- 364 (e) The name of the person primarily obligated on the
365 agreement;
- 366 (f) The amount of the principal;
- 367 (g) The agreed rate of charge stated on a percent per
368 year basis and the amount in dollars and cents;



369 (h) All other disclosures required pursuant to state
370 and federal law.

371 (2) The contract for any credit availability agreement shall
372 include, along with other state or federal law requirements, the
373 right for an account holder to rescind the transaction within one
374 (1) business day; provided, however, that if the account holder
375 accepts funds from the credit availability licensee prior to the
376 expiration of the one-day rescission period, any origination fee
377 charged shall be nonrefundable.

378 (3) A licensee with a physical location in this state shall
379 display in its consumer waiting area, and shall provide a copy to
380 any account holder that requests it, a pamphlet prepared by the
381 department that describes general information about the
382 transaction and about the account holder's rights and
383 responsibilities in the transaction, including the rates and fees
384 charged by the licensee, the licensee's rights in event of default
385 by the consumer, the maximum allowable account balance, and the
386 consumer hotline telephone number to the Mississippi Department of
387 Banking and Consumer Finance. The licensee shall add the account
388 information and/or complaint hotline telephone number of the
389 licensee to the pamphlet. A licensee without a physical location
390 in this state shall make the information available on its website.

391 **SECTION 12.** Section 75-67-623, Mississippi Code of 1972, is
392 reenacted as follows:



393 75-67-623. (1) The commissioner may, after notice and
394 hearing, suspend or revoke a license if he finds that:

395 (a) The licensee, either knowingly, or without the
396 exercise of due care to prevent the same, has violated any
397 provision of this article;

398 (b) Any fact or condition exists which, if it had
399 existed or had been known to exist at the time of the original
400 application for the license, clearly would have justified the
401 commissioner in refusing the license;

402 (c) The licensee has aided, abetted or conspired with
403 an individual or person to circumvent or violate the requirement
404 of this article;

405 (d) The licensee, or a legal or beneficial owner of the
406 license, has been convicted of a crime that the commissioner finds
407 directly relates to the duties and responsibilities of the
408 business of offering credit availability transactions.

409 (2) The commissioner may conditionally license or place on
410 probation a person whose license has been suspended or may
411 reprimand a licensee for a violation of this article.

412 (3) The manner of giving notice and conducting a hearing as
413 required by subsection (1) of this section shall be performed in
414 accordance with procedures prescribed by the commissioner in rules
415 or regulations adopted under the Mississippi Administrative
416 Procedures Law, Section 25-43-1 et seq.



417 (4) Any licensee may surrender any license by delivering it
418 to the commissioner with written notice of its surrender, but that
419 surrender shall not affect the licensee's civil or criminal
420 liability for acts committed prior thereto.

421 (5) The commissioner may reinstate suspended licenses or
422 issue new licenses to a person whose licenses have been revoked if
423 no fact or condition then exists which clearly would have
424 justified the commissioner in refusing originally to issue a
425 license under this article.

426 (6) The appropriate local law enforcement agency shall be
427 notified of any licensee who has his license suspended or revoked
428 as provided by this article.

429 (7) The commissioner shall enforce the provisions of this
430 section.

431 (8) No revocation, suspension or surrender of any license
432 shall impair or affect the obligation of any preexisting lawful
433 contract between the licensee and any debtor.

434 **SECTION 13.** Section 75-67-625, Mississippi Code of 1972, is
435 reenacted as follows:

436 75-67-625. The commissioner, or his duly authorized
437 representative, for the purpose of discovering violations of this
438 article and for the purpose of determining whether persons are
439 subject to the provisions of this article, may examine persons
440 licensed under this article and persons reasonably suspected by
441 the commissioner of conducting business which requires a license



442 under this article, including all relevant books, records and
443 papers employed by those persons in the transaction of their
444 business, and may summon witnesses and examine them under oath
445 concerning matters relating to the business of those persons, or
446 such other matters as may be relevant to the discovery of
447 violations of this article, including without limitation the
448 conduct of business without a license as required under this
449 article.

450 **SECTION 14.** Section 75-67-627, Mississippi Code of 1972, is
451 reenacted as follows:

452 75-67-627. (1) Any person who engages in the business of
453 offering credit availability transactions without first securing a
454 license prescribed by this article shall be guilty of a
455 misdemeanor and upon conviction thereof, shall be punishable by a
456 fine not to exceed One Thousand Dollars (\$1,000.00) or by
457 confinement in the county jail for not more than one (1) year, or
458 both.

459 (2) Any person who engages in the business of offering
460 credit availability transactions without first securing a license
461 prescribed by this article shall be liable for the full amount of
462 the license fee, plus a penalty in an amount not to exceed
463 Twenty-five Dollars (\$25.00) for each day that the person engaged
464 in the business without a license. All licensing fees and
465 penalties shall be paid into the Consumer Finance Fund of the
466 Department of Banking and Consumer Finance.



467 **SECTION 15.** Section 75-67-629, Mississippi Code of 1972, is
468 reenacted as follows:

469 75-67-629. (1) In addition to any other penalty which may
470 be applicable, any licensee or employee who willfully violates any
471 provision of this article, or who willfully makes a false entry in
472 any record specifically required by this article, shall be guilty
473 of a misdemeanor and upon conviction thereof, shall be punishable
474 by a fine not to exceed One Thousand Dollars (\$1,000.00) per
475 violation or false entry.

476 (2) Compliance with criminal provisions of this article
477 shall be enforced by the appropriate law enforcement agency, which
478 may exercise for that purpose any authority conferred upon the
479 agency by law.

480 (3) When the commissioner has reasonable cause to believe
481 that a person is violating any provision of this article, the
482 commissioner, in addition to and without prejudice to the
483 authority provided elsewhere in this article, may enter an order
484 requiring the person to stop or to refrain from the violation.
485 The commissioner may sue in any circuit court of the state having
486 jurisdiction and venue to enjoin the person from engaging in or
487 continuing the violation or from doing any action in furtherance
488 of the violation. In such an action, the court may enter an order
489 or judgment awarding a preliminary or permanent injunction.

490 (4) The commissioner may impose a civil penalty against any
491 licensee adjudged by the commissioner to be in violation of the



492 provisions of this article. The civil penalty shall not exceed
493 Five Hundred Dollars (\$500.00) per violation and shall be
494 deposited into the Department of Banking and Consumer Finance,
495 "Consumer Finance Fund."

496 (5) Any licensee convicted in the manner provided in this
497 article shall forfeit the surety bond or deposit required in this
498 article and the amount of the bond or deposit shall be credited to
499 the budget of the state or local agency which directly
500 participated in the prosecution of the licensee, for the specific
501 purpose of increasing law enforcement resources for that specific
502 state or local agency. The bond or deposit shall be used to
503 augment existing state and local law enforcement budgets and not
504 to supplant them.

505 **SECTION 16.** Section 75-67-631, Mississippi Code of 1972, is
506 reenacted as follows:

507 75-67-631. The provisions of this article are severable. If
508 any part of this article is declared invalid or unconstitutional,
509 that declaration shall not affect the parts that remain.

510 **SECTION 17.** Section 75-67-633, Mississippi Code of 1972, is
511 reenacted as follows:

512 75-67-633. (1) Municipalities of this state may enact
513 ordinances that are in compliance with, but not more restrictive
514 than, the provisions of this article. Any existing or future
515 order, ordinance or regulation that conflicts with this provision
516 shall be null and void.



517 (2) Notwithstanding any existing zoning ordinance, any
518 person or entity conducting business under a valid license issued
519 by the department pursuant to Section 75-67-401 et seq. or Section
520 75-67-501 et seq., as of July 1, 2016, that elects to secure a
521 license under this article may not be restricted from continuing
522 operations under this article in the same location, regardless of
523 whether the licensee elects to continue, if permitted by law, or
524 to terminate its previous license.

525 **SECTION 18.** Section 75-67-635, Mississippi Code of 1972, is
526 reenacted as follows:

527 75-67-635. The commissioner may employ the necessary
528 full-time employees above the number of permanent full-time
529 employees authorized for the department for fiscal year 2016 to
530 carry out and enforce the provisions of this article. The
531 commissioner may also expend the necessary funds to equip and
532 provide necessary travel expenses for those employees.

533 **SECTION 19.** Section 75-67-637, Mississippi Code of 1972, is
534 reenacted as follows:

535 75-67-637. (1) A licensee under this article shall have no
536 liability for any act or practice done or omitted in conformity
537 with (a) any rule or regulation of the commissioner, or (b) any
538 rule, regulation, interpretation or approval of any other state or
539 federal agency or any opinion of the Attorney General,
540 notwithstanding that after such act or omission has occurred the
541 rule, regulation, interpretation, approval or opinion is amended,



542 rescinded, or determined by judicial or other authority to be
543 invalid for any reason.

544 (2) A licensee under this article, acting in conformity with
545 a written interpretation or approval by an official or employee of
546 any state or federal agency or department, shall be presumed to
547 have acted in accordance with applicable law, notwithstanding that
548 after such act has occurred, the interpretation or approval is
549 amended, rescinded, or determined by judicial or other authority
550 to be incorrect or invalid for any reason.

551 **SECTION 20.** Section 22, Chapter 500, Laws of 2016, is
552 amended as follows:

553 Section 22. Sections 1 through 19 of this act shall stand
554 repealed on July 1, * * * 2022.

555 **SECTION 21.** This act shall take effect and be in force from
556 and after July 1, 2017.

