

By: Representative Horan

To: Judiciary B

HOUSE BILL NO. 875

1 AN ACT TO BRING FORWARD SECTIONS 63-11-1, 63-11-3, 63-11-7,
 2 63-11-8, 63-11-9, 63-11-11, 63-11-13, 63-11-15, 63-11-17,
 3 63-11-19, 63-11-21, 63-11-25, 63-11-26, 63-11-27, 63-11-30,
 4 63-11-31, 63-11-31.1, 63-11-32, 63-11-33, 63-11-37, 63-11-39,
 5 63-11-40, 63-11-41, 63-11-45 AND 63-11-47, MISSISSIPPI CODE OF
 6 1972, WHICH PROVIDES FOR IMPLIED CONSENT LAWS, FOR PURPOSES OF
 7 AMENDMENT; TO AMEND SECTIONS 63-11-5 AND 63-11-23, MISSISSIPPI
 8 CODE OF 1972, TO CLARIFY CERTAIN LANGUAGE; TO BRING FORWARD
 9 SECTIONS 63-1-216, 63-1-217, 63-1-218, 63-1-219, 63-1-220,
 10 63-1-224 AND 63-1-225, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR
 11 DISQUALIFICATION AND SUSPENSION OF COMMERCIAL DRIVER'S LICENSE,
 12 FOR PURPOSES OF AMENDMENT; TO BRING FORWARD SECTIONS 99-19-72, AND
 13 99-19-73, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR MONETARY
 14 ASSESSMENTS AND FEES FOR VIOLATIONS OF IMPLIED CONSENT LAWS; AND
 15 FOR RELATED PURPOSES.

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

17 **SECTION 1.** Section 63-11-1, Mississippi Code of 1972, is
 18 brought forward as follows:

19 63-11-1. This chapter may be cited as the Mississippi
 20 Implied Consent Law.

21 **SECTION 2.** Section 63-11-3, Mississippi Code of 1972, is
 22 brought forward as follows:



23 63-11-3. The following words and phrases shall have the
24 meaning ascribed herein, unless the context clearly indicates
25 otherwise:

26 (a) "Driving privilege" or "privilege" means both the
27 driver's license of those licensed in Mississippi and the driving
28 privilege of unlicensed residents and the privilege of
29 nonresidents, licensed or not, the purpose of this section being
30 to make unlicensed and nonresident drivers subject to the same
31 penalties as licensed residents.

32 (b) "Community service" means work, projects or
33 services for the benefit of the community assigned, supervised and
34 recorded by appropriate public officials.

35 (c) "Chemical test" means an analysis of a person's
36 blood, breath, urine or other bodily substance for the
37 determination of the presence of alcohol or any other substance
38 which may impair a person's mental or physical ability.

39 (d) "Refusal to take breath, urine and/or blood test"
40 means an individual declining to take a chemical test, and/or the
41 failure to provide an adequate breath sample as required by the
42 Implied Consent Law when requested by a law enforcement officer.

43 (e) "Alcohol concentration" means either grams of
44 alcohol per one hundred (100) milliliters of blood or grams of
45 alcohol per two hundred ten (210) liters of breath.

46 (f) "Qualified person to withdraw blood" means any
47 person who has been trained to withdraw blood in the course of



48 their employment duties including, but not limited to, laboratory
49 personnel, phlebotomist, emergency medical personnel, nurses and
50 doctors.

51 (g) "Victim impact panel" means a two-hour seminar in
52 which victims of DUI accidents relate their experiences following
53 the accident to persons convicted under the Implied Consent Law.
54 Paneling programs shall be based on a model developed by Mothers
55 Against Drunk Driving (MADD) victim panel or equivalent program
56 approved by the court.

57 (h) "Booked" means the administrative step taken after
58 the arrested person is brought to the police station, which
59 involves entry of the person's name, the crime for which the
60 arrest was made, and other relevant facts on the police docket,
61 and which may also include photographing, fingerprinting, and the
62 like.

63 **SECTION 3.** Section 63-11-5, Mississippi Code of 1972, is
64 amended as follows:

65 63-11-5. (1) (a) Any person who operates a motor vehicle
66 upon the public highways, public roads * * * or streets of this
67 state shall be deemed to have given his consent, subject to the
68 provisions of this chapter, to a chemical test or tests of his
69 breath, blood or urine for the purpose of determining alcohol
70 concentration. A person shall give his consent to a chemical test
71 or tests of his breath, blood or urine for the purpose of



72 determining the presence in his body of any other substance which
73 would impair a person's ability to operate a motor vehicle.

74 (b) The test or tests shall be administered at the
75 direction of any authorized officer, when such officer has
76 reasonable grounds and probable cause to believe that the person
77 was driving or had under his actual physical control a motor
78 vehicle upon the public streets or highways of this state while
79 under the influence of intoxicating liquor or any other substance
80 which had impaired such person's ability to operate a motor
81 vehicle.

82 (2) (a) A breath analysis test must be administered by a
83 person who has met all the educational and training requirements
84 of the appropriate course of study prescribed by the Board on Law
85 Enforcement * * * Officer Standards and Training; however,
86 sheriffs and elected chiefs of police are exempt from the
87 educational and training requirement. A breath analysis test must
88 not be given to any person within fifteen (15) minutes of
89 consumption of any substance by mouth.

90 (b) For purposes of this section, the term "authorized
91 officer" means any highway patrol officer, sheriff or his duly
92 commissioned deputies, police officer in any incorporated
93 municipality, national park ranger, officer of a state-supported
94 institution of higher learning campus police force if such officer
95 is exercising this authority in regard to a violation that
96 occurred on campus property, or security officer appointed and



97 commissioned pursuant to the Pearl River Valley Water Supply
98 District Security Officer Law of 1978 if such officer is
99 exercising this authority in regard to a violation that occurred
100 within the limits of the Pearl River Valley Water Supply District.

101 (3) If the officer has reasonable grounds and probable cause
102 to believe such person to have been driving a motor vehicle upon
103 the public highways, public roads * * * or streets of this state
104 while under the influence of intoxicating liquor or any other
105 substance that has impaired the person's ability to operate a
106 motor vehicle, the officer shall inform the person that his
107 failure to submit to such chemical test or tests of his breath,
108 blood or urine shall result in the suspension of his privilege to
109 operate a motor vehicle upon the public streets * * *, roads or
110 highways of this state for a period of ninety (90) days if the
111 person has not previously been convicted of a violation of Section
112 63-11-30, or * * * for a period of one (1) year if the person has
113 a prior conviction under Section 63-11-30.

114 (4) The traffic ticket, citation or affidavit issued to a
115 person arrested for a violation of this chapter shall conform to
116 the requirements of Section 63-9-21(3)(b) * * * and, if filed
117 electronically, shall conform to Section 63-9-21(8).

118 (5) Any person arrested under the provisions of this chapter
119 shall be informed that he has the right to telephone for the
120 purpose of requesting legal or medical assistance immediately
121 after being booked for a violation under this chapter.



122 (6) The Commissioner of Public Safety and the Mississippi
123 Forensics Laboratory created pursuant to Section 45-1-17 are
124 authorized to adopt procedures, rules and regulations applicable
125 to the Implied Consent Law.

126 **SECTION 4.** Section 63-11-7, Mississippi Code of 1972, is
127 brought forward as follows:

128 63-11-7. If any person be unconscious or dead as a result of
129 an accident, or unconscious at the time of arrest or apprehension
130 or when the test is to be administered, or is otherwise in a
131 condition rendering him incapable of refusal, such person shall be
132 subjected to a blood test for the purpose of determining the
133 alcoholic content of his blood as provided in this chapter, if the
134 arresting officer has reasonable grounds to believe the person to
135 have been driving a motor vehicle upon the public highways, public
136 roads and streets of this state while under the influence of
137 intoxicating liquor. The results of such test or tests, however,
138 shall not be used in evidence against such person in any court or
139 before any regulatory body without the consent of the person so
140 tested, or, if deceased, such person's legal representative.
141 However, refusal of release of evidence so obtained by such
142 officer or agency will in criminal actions against such person
143 result in the suspension of his or her driver's license for a
144 period of ninety (90) days as provided in this chapter for
145 conscious and capable persons who have refused to submit to such
146 test. Blood may only be withdrawn under the provisions of Section



147 63-11-9. It is the intent of this chapter that blood samples
148 taken under this section shall be used exclusively for statistical
149 evaluation of accident causes with safeguards established to
150 protect the identity of such victims and to extend the rights of
151 privileged communications to those engaged in taking, handling and
152 evaluating such statistical evidence.

153 **SECTION 5.** Section 63-11-8, Mississippi Code of 1972, is
154 brought forward as follows:

155 63-11-8. (1) The operator of any motor vehicle involved in
156 an accident that results in a death shall be tested for the
157 purpose of determining the alcohol content or drug content of such
158 operator's blood, breath or urine. Any blood withdrawal required
159 by this section shall be administered by any qualified person and
160 shall be administered within two (2) hours after such accident, if
161 possible. The exact time of the accident, to the extent possible,
162 and the exact time of the blood withdrawal shall be recorded.

163 (2) If any investigating law enforcement officer has
164 reasonable grounds to believe that a person is the operator of a
165 motor vehicle involved in an accident that has resulted in a
166 death, it shall be such officer's duty to see that a chemical test
167 is administered as required by this section.

168 (3) The results of a test administered pursuant to this
169 section may be used as evidence in any court or administrative
170 hearing without the consent of the person so tested.



171 (4) No person may refuse to submit to a chemical test
172 required under the provisions of this section.

173 (5) Analysis of blood or urine to determine alcohol or drug
174 content pursuant to this section shall be conducted by the
175 Mississippi Forensics Laboratory or a laboratory whose methods and
176 procedures have been approved by the Mississippi Forensics
177 Laboratory.

178 **SECTION 6.** Section 63-11-9, Mississippi Code of 1972, is
179 brought forward as follows:

180 63-11-9. Under Section 63-11-7, any qualified person acting
181 at the request of a law enforcement officer may withdraw blood for
182 the purpose of determining the alcoholic content therein. This
183 limitation shall not apply to the taking of breath or urine
184 specimens.

185 **SECTION 7.** Section 63-11-11, Mississippi Code of 1972, is
186 brought forward as follows:

187 63-11-11. If the test given under the provisions of this
188 chapter is a chemical test of urine, the person tested shall be
189 given such privacy in the taking of the urine specimen as will
190 ensure the accuracy of the specimen and, at the same time,
191 maintain the dignity of the individual involved.

192 **SECTION 8.** Section 63-11-13, Mississippi Code of 1972, is
193 brought forward as follows:

194 63-11-13. The person tested may, at his own expense, have a
195 physician, registered nurse, clinical laboratory technologist or



196 clinical laboratory technician or any other qualified person of
197 his choosing administer a test, approved by the Mississippi
198 Forensics Laboratory created pursuant to Section 45-1-17, in
199 addition to any other test, for the purpose of determining the
200 amount of alcohol in his blood at the time alleged as shown by
201 chemical analysis of his blood, breath or urine. The failure or
202 inability to obtain an additional test by such arrested person
203 shall not preclude the admissibility in evidence of the test taken
204 at the direction of a law enforcement officer.

205 **SECTION 9.** Section 63-11-15, Mississippi Code of 1972, is
206 brought forward as follows:

207 63-11-15. Upon the written request of the person tested, or
208 his attorney, full information concerning the test taken at the
209 direction of the law enforcement officer shall be made available
210 to him or to his attorney.

211 **SECTION 10.** Section 63-11-17, Mississippi Code of 1972, is
212 brought forward as follows:

213 63-11-17. No qualified person, hospital, clinic or funeral
214 home shall incur any civil or criminal liability as the result of
215 the proper administration of a test or chemical analysis of a
216 person's breath, blood or urine when requested in writing by a law
217 enforcement officer to administer such a test or perform such
218 chemical analysis.

219 **SECTION 11.** Section 63-11-19, Mississippi Code of 1972, is
220 brought forward as follows:



221 63-11-19. A chemical analysis of the person's breath, blood
222 or urine, to be considered valid under the provisions of this
223 section, shall have been performed according to methods approved
224 by the Mississippi Forensics Laboratory created pursuant to
225 Section 45-1-17 and the Commissioner of Public Safety and
226 performed by an individual possessing a valid permit issued by the
227 Mississippi Forensics Laboratory for making such analysis. The
228 Mississippi Forensics Laboratory and the Commissioner of Public
229 Safety are authorized to approve satisfactory techniques or
230 methods, to ascertain the qualifications and competence of
231 individuals to conduct such analyses, and to issue permits which
232 shall be subject to termination or revocation at the discretion of
233 the Mississippi Forensics Laboratory. The Mississippi Forensics
234 Laboratory shall not approve the permit required herein for any
235 law enforcement officer other than a member of the State Highway
236 Patrol, a sheriff or his deputies, a city policeman, an officer of
237 a state-supported institution of higher learning campus police
238 force, a security officer appointed and commissioned pursuant to
239 the Pearl River Valley Water Supply District Security Officer Law
240 of 1978, a national park ranger, a national park ranger
241 technician, a military policeman stationed at a United States
242 military base located within this state other than a military
243 policeman of the Army or Air National Guard or of Reserve Units of
244 the Army, Air Force, Navy or Marine Corps, a marine law
245 enforcement officer employed by the Department of Marine



246 Resources, or a conservation officer employed by the Mississippi
247 Department of Wildlife, Fisheries and Parks. The permit given a
248 marine law enforcement officer shall authorize such officer to
249 administer tests only for violations of Sections 59-23-1 through
250 59-23-7. The permit given a conservation officer shall authorize
251 such officer to administer tests only for violations of Sections
252 59-23-1 through 59-23-7 and for hunting related incidents
253 resulting in injury or death to any person by discharge of a
254 weapon as provided under Section 49-4-31.

255 The Mississippi Forensics Laboratory shall make periodic, but
256 not less frequently than quarterly, tests of the methods, machines
257 or devices used in making chemical analysis of a person's breath
258 as shall be necessary to ensure the accuracy thereof, and shall
259 issue its certificate to verify the accuracy of the same.

260 Without compromising accepted law enforcement standards and
261 methodologies, the Mississippi Forensics Laboratory shall approve
262 for use at least one (1) model of a breath alcohol content
263 instrument that is readily available to law enforcement agencies
264 throughout the state.

265 **SECTION 12.** Section 63-11-21, Mississippi Code of 1972, is
266 brought forward as follows:

267 63-11-21. If a person refuses upon the request of a law
268 enforcement officer to submit to a chemical test of his breath
269 designated by the law enforcement agency as provided in Section
270 63-11-5, none shall be given, but the officer shall at that point



271 demand the driver's license of the person, who shall deliver his
272 driver's license into the hands of the officer. If a person
273 refuses to submit to a chemical test under the provisions of this
274 chapter, the person shall be informed by the law enforcement
275 officer that the refusal to submit to the test shall subject him
276 to suspension of the privilege to operate a motor vehicle. The
277 officer shall give the driver a receipt for his license on forms
278 prescribed and furnished by the Commissioner of Public Safety.
279 The officer shall forward the driver's license together with a
280 sworn report to the Commissioner of Public Safety stating that he
281 had reasonable grounds and probable cause to believe the person
282 had been operating a motor vehicle upon the public highways,
283 public roads and streets of this state while under the influence
284 of intoxicating liquor or any other substance which may impair a
285 person's mental or physical ability, stating the grounds, and that
286 the person had refused to submit to the chemical test of his
287 breath upon request of the law enforcement officer.

288 **SECTION 13.** Section 63-11-23, Mississippi Code of 1972, is
289 amended as follows:

290 63-11-23. (1) **Administrative license suspension for test**
291 **refusal.** The Commissioner of Public Safety, or his authorized
292 agent, shall review the sworn report by a law enforcement officer
293 as provided in Section 63-11-21.

294 (a) If upon review the Commissioner of Public Safety,
295 or his authorized agent, finds (i) that the law enforcement



296 officer had reasonable grounds and probable cause to believe the
297 person had been operating a motor vehicle upon the public
298 highways, public roads * * * or streets of this state while under
299 the influence of intoxicating liquor or any other substance that
300 may impair a person's mental or physical ability; (ii) that the
301 person refused to submit to the chemical test of the person's
302 breath, blood or urine upon request of the officer; and (iii) that
303 the person was informed that his license and driving privileges
304 would be suspended or denied if he refused to submit to the
305 chemical test of his breath, blood or urine, then the Commissioner
306 of Public Safety, or his authorized agent, shall give notice to
307 the licensee that his license or permit to drive, or any
308 nonresident operating privilege, shall be suspended thirty (30)
309 days after the date of the notice for a period of ninety (90) days
310 if the person has not previously been convicted of or
311 nonadjudicated for a violation of Section 63-11-30, or, for a
312 period of one (1) year if the person was previously convicted or
313 nonadjudicated under Section 63-11-30. If the commissioner or his
314 authorized agent determines that the license or permit should not
315 be suspended, he shall return the license or permit to the
316 licensee.

317 (b) The notice of suspension shall be in writing and
318 conform to Section 63-1-52.

319 (c) A person may continue to drive on either an
320 interlock-restricted license or under a drug-testing program if so



321 ordered by a court in the course of a criminal proceeding for a
322 violation of Section 63-11-30.

323 (2) **Extension or suspension of privilege to drive; request**
324 **for trial.** (a) If the chemical testing of a person's breath
325 indicates the blood alcohol concentration was eight one-hundredths
326 percent (.08%) or more for persons who are above the legal age to
327 purchase alcoholic beverages under state law, or two
328 one-hundredths percent (.02%) or more for persons who are below
329 the legal age to purchase alcoholic beverages under state law,
330 based upon grams of alcohol per one hundred (100) milliliters of
331 blood or grams of alcohol per two hundred ten (210) liters of
332 breath as shown by a chemical analysis of the person's blood,
333 breath, or urine, the arresting officer shall seize the license
334 and give the driver a receipt for his license on forms prescribed
335 by the Commissioner of Public Safety and shall promptly forward
336 the license together with a sworn report to the Commissioner of
337 Public Safety. The receipt given a person shall be valid as a
338 permit to operate a motor vehicle for thirty (30) days in order
339 that the defendant may be processed through the court having
340 original jurisdiction and a final disposition had.

341 (b) If the defendant requests a trial within thirty
342 (30) days and trial is not commenced within thirty (30) days, then
343 the court shall determine if the delay in the trial is the fault
344 of the defendant or his counsel. If the court finds that it is
345 not the fault of the defendant or his counsel, then the court



346 shall order the defendant's privileges to operate a motor vehicle
347 to be extended until the defendant is convicted upon final order
348 of the court.

349 (c) If a receipt or permit to drive issued under this
350 subsection expires without a trial having been requested as
351 provided in this subsection, then the Commissioner of Public
352 Safety, or his authorized agent, shall suspend the license or
353 permit to drive or any nonresident operating privilege for the
354 applicable period of time as provided in subsection (1) of this
355 section.

356 (3) **Offenders driving without a license.** If the person is a
357 resident without a license or permit to operate a motor vehicle in
358 this state, the Commissioner of Public Safety, or his authorized
359 agent, shall deny to the person the issuance of a license or
360 permit for a period of one (1) year beginning thirty (30) days
361 after the date of notice of the suspension.

362 (4) **Appeal.** It shall be the duty of the municipal
363 prosecuting attorney, county prosecuting attorney, an attorney
364 employed under the provisions of Section 19-3-49, or if there is
365 not a prosecuting attorney for the municipality or county, the
366 duty of the district attorney to represent the state in any
367 hearing on a de novo appeal held under the provisions of Section
368 63-11-25, Section 63-11-37 or Section 63-11-30.

369 (5) **Suspension subsequent to conviction.** Unless the person
370 obtains an interlock-restricted license or the court orders the



371 person to exercise the privilege to operate a motor vehicle only
372 under an interlock-restricted license or while participating in a
373 court-ordered drug-testing program, thirty (30) days after receipt
374 of the court abstract documenting a person's conviction under
375 Section 63-11-30, the Department of Public Safety shall suspend
376 the driver's license and privileges of the person to operate a
377 motor vehicle as follows:

378 (a) When sentenced under Section 63-11-30(2):

379 (i) For a first offense: one hundred twenty (120)
380 days;

381 (ii) For a second offense: one (1) year;

382 (iii) For a third offense: for the full period of
383 the person's sentence; upon release from incarceration, the person
384 will be eligible for only an interlock-restricted license for
385 three (3) years;

386 (iv) For a fourth or subsequent offense: for the
387 full period of the person's sentence; upon release from
388 incarceration, the person will be eligible for only an
389 interlock-restricted license for ten (10) years and will further
390 be subject to court-ordered drug testing if the original offense
391 involved operating a motor vehicle under the influence of a drug
392 other than alcohol.

393 (b) When sentenced under Section 63-11-30(3) (Zero
394 Tolerance for Minors):



395 (i) For a first offense: one hundred twenty (120)
396 days;

397 (ii) For a second offense: one (1) year;

398 (iii) For a third offense occurring within five
399 (5) years, suspend or deny the driving privilege for two (2) years
400 or until the person reaches the age of twenty-one (21), whichever
401 is longer.

402 (6) **Suspensions.** (a) Notices of suspension given under
403 this section shall be in writing and conform to Section 63-1-52.

404 (b) Suspensions under this and any other chapter shall
405 run consecutively and not concurrently.

406 (7) **License reinstatement.** A person is eligible for an
407 unrestricted license when the person has completed an alcohol
408 safety education program as provided in Section 63-11-32, has
409 satisfied all other conditions of law and of the person's sentence
410 or nonadjudication, and is not otherwise barred from obtaining an
411 unrestricted license.

412 **SECTION 14.** Section 63-11-25, Mississippi Code of 1972, is
413 brought forward as follows:

414 63-11-25. If the forfeiture, suspension or denial of
415 issuance is sustained by the Commissioner of Public Safety, or his
416 duly authorized agent pursuant to subsection (1) of Section
417 63-11-23, upon such hearing, the person aggrieved may file within
418 ten (10) days after the rendition of such decision a petition in
419 the circuit or county court having original jurisdiction of the



420 violation for review of such decision and such hearing upon review
421 shall proceed as a trial de novo before the court without a jury.
422 The petition shall be served upon the Attorney General and the
423 Commissioner of Public Safety. Provided further, that no such
424 party shall be allowed to exercise the driving privilege while any
425 such appeal is pending.

426 **SECTION 15.** Section 63-11-26, Mississippi Code of 1972, is
427 brought forward as follows:

428 63-11-26. When the Commissioner of Public Safety, or his
429 authorized agent, shall suspend the driver's license or permit to
430 drive of a person or shall deny the issuance of a license or
431 permit to a person as provided in Section 63-11-30, the person
432 shall not be entitled to any judicial review of or appeal from the
433 actions of the commissioner. A final conviction under said
434 section shall finally adjudicate the privilege of such convicted
435 person to operate a motor vehicle upon the public highways, public
436 roads and streets of this state.

437 **SECTION 16.** Section 63-11-27, Mississippi Code of 1972, is
438 brought forward as follows:

439 63-11-27. When it has been finally determined under the
440 procedures of Sections 63-11-21 through 63-11-25, that a
441 nonresident's privilege to operate a motor vehicle in this state
442 has been suspended, the commissioner, or his duly authorized
443 agent, shall give information in writing of the action taken to



444 the motor vehicle administrator of the state of the person's
445 residence and of any state in which he has a license.

446 **SECTION 17.** Section 63-11-30, Mississippi Code of 1972, is
447 brought forward as follows:

448 63-11-30. (1) It is unlawful for a person to drive or
449 otherwise operate a vehicle within this state if the person:

450 (a) Is under the influence of intoxicating liquor;

451 (b) Is under the influence of any other substance that
452 has impaired the person's ability to operate a motor vehicle;

453 (c) Is under the influence of any drug or controlled
454 substance, the possession of which is unlawful under the
455 Mississippi Controlled Substances Law; or

456 (d) Has an alcohol concentration in the person's blood,
457 based upon grams of alcohol per one hundred (100) milliliters of
458 blood, or grams of alcohol per two hundred ten (210) liters of
459 breath, as shown by a chemical analysis of the person's breath,
460 blood or urine administered as authorized by this chapter, of:

461 (i) Eight one-hundredths percent (.08%) or more
462 for a person who is above the legal age to purchase alcoholic
463 beverages under state law;

464 (ii) Two one-hundredths percent (.02%) or more for
465 a person who is below the legal age to purchase alcoholic
466 beverages under state law; or

467 (iii) Four one-hundredths percent (.04%) or more
468 for a person operating a commercial motor vehicle.



469 (2) Except as otherwise provided in subsection (3) of this
470 section (Zero Tolerance for Minors):

471 (a) **First offense DUI.** (i) Upon conviction of any
472 person for the first offense of violating subsection (1) of this
473 section where chemical tests under Section 63-11-5 were given, or
474 where chemical test results are not available, the person shall be
475 fined not less than Two Hundred Fifty Dollars (\$250.00) nor more
476 than One Thousand Dollars (\$1,000.00), or imprisoned for not more
477 than forty-eight (48) hours in jail, or both; the court shall
478 order the person to attend and complete an alcohol safety
479 education program as provided in Section 63-11-32 within six (6)
480 months of sentencing. The court may substitute attendance at a
481 victim impact panel instead of forty-eight (48) hours in jail.

482 (ii) Suspension of commercial driving privileges
483 is governed by Section 63-1-216.

484 (iii) A qualifying first offense may be
485 nonadjudicated by the court under subsection (14) of this section.
486 The holder of a commercial driver's license or a commercial
487 learning permit at the time of the offense is ineligible for
488 nonadjudication.

489 (iv) Eligibility for an interlock-restricted
490 license is governed by Section 63-11-31 and suspension of regular
491 driving privileges is governed by Section 63-11-23.

492 (b) **Second offense DUI.** (i) Upon any second
493 conviction of any person violating subsection (1) of this section,



494 the offenses being committed within a period of five (5) years,
495 the person shall be guilty of a misdemeanor, fined not less than
496 Six Hundred Dollars (\$600.00) nor more than One Thousand Five
497 Hundred Dollars (\$1,500.00), shall be imprisoned not less than
498 five (5) days nor more than six (6) months and sentenced to
499 community service work for not less than ten (10) days nor more
500 than six (6) months. The minimum penalties shall not be suspended
501 or reduced by the court and no prosecutor shall offer any
502 suspension or sentence reduction as part of a plea bargain.

503 (ii) Suspension of commercial driving privileges
504 is governed by Section 63-1-216.

505 (iii) Eligibility for an interlock-restricted
506 license is governed by Section 63-11-31 and suspension of regular
507 driving privileges is governed by Section 63-11-23.

508 (c) **Third offense DUI.** (i) For a third conviction of
509 a person for violating subsection (1) of this section, the
510 offenses being committed within a period of five (5) years, the
511 person shall be guilty of a felony and fined not less than Two
512 Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars
513 (\$5,000.00), and shall serve not less than one (1) year nor more
514 than five (5) years in the custody of the Department of
515 Corrections. For any offense that does not result in serious
516 injury or death to any person, the sentence of incarceration may
517 be served in the county jail rather than in the State Penitentiary
518 at the discretion of the circuit court judge. The minimum



519 penalties shall not be suspended or reduced by the court and no
520 prosecutor shall offer any suspension or sentence reduction as
521 part of a plea bargain.

522 (ii) The suspension of commercial driving
523 privileges is governed by Section 63-1-216.

524 (iii) The suspension of regular driving privileges
525 is governed by Section 63-11-23.

526 (d) **Fourth and subsequent offense DUI.** (i) For any
527 fourth or subsequent conviction of a violation of subsection (1)
528 of this section, without regard to the time period within which
529 the violations occurred, the person shall be guilty of a felony
530 and fined not less than Three Thousand Dollars (\$3,000.00) nor
531 more than Ten Thousand Dollars (\$10,000.00), and shall serve not
532 less than two (2) years nor more than ten (10) years in the
533 custody of the Department of Corrections.

534 (ii) The suspension of commercial driving
535 privileges is governed by Section 63-1-216.

536 (iii) A person convicted of a fourth or subsequent
537 offense is ineligible to exercise the privilege to operate a motor
538 vehicle that is not equipped with an ignition-interlock device for
539 ten (10) years.

540 (e) Any person convicted of a second or subsequent
541 violation of subsection (1) of this section shall receive an
542 in-depth diagnostic assessment, and if as a result of the
543 assessment is determined to be in need of treatment for alcohol or



544 drug abuse, the person must successfully complete treatment at a
545 program site certified by the Department of Mental Health. Each
546 person who receives a diagnostic assessment shall pay a fee
547 representing the cost of the assessment. Each person who
548 participates in a treatment program shall pay a fee representing
549 the cost of treatment.

550 (f) The use of ignition-interlock devices is governed
551 by Section 63-11-31.

552 (3) **Zero Tolerance for Minors.** (a) This subsection shall
553 be known and may be cited as Zero Tolerance for Minors. The
554 provisions of this subsection shall apply only when a person under
555 the age of twenty-one (21) years has a blood alcohol concentration
556 of two one-hundredths percent (.02%) or more, but lower than eight
557 one-hundredths percent (.08%). If the person's blood alcohol
558 concentration is eight one-hundredths percent (.08%) or more, the
559 provisions of subsection (2) shall apply.

560 (b) (i) A person under the age of twenty-one (21) is
561 eligible for nonadjudication of a qualifying first offense by the
562 court pursuant to subsection (14) of this section.

563 (ii) Upon conviction of any person under the age
564 of twenty-one (21) years for the first offense of violating
565 subsection (1) of this section where chemical tests provided for
566 under Section 63-11-5 were given, or where chemical test results
567 are not available, the person shall be fined Two Hundred Fifty
568 Dollars (\$250.00); the court shall order the person to attend and



569 complete an alcohol safety education program as provided in
570 Section 63-11-32 within six (6) months. The court may also
571 require attendance at a victim impact panel.

572 (c) A person under the age of twenty-one (21) years who
573 is convicted of a second violation of subsection (1) of this
574 section, the offenses being committed within a period of five (5)
575 years, shall be fined not more than Five Hundred Dollars
576 (\$500.00).

577 (d) A person under the age of twenty-one (21) years who
578 is convicted of a third or subsequent violation of subsection (1)
579 of this section, the offenses being committed within a period of
580 five (5) years, shall be fined not more than One Thousand Dollars
581 (\$1,000.00).

582 (e) License suspension is governed by Section 63-11-23
583 and ignition interlock is governed by Section 63-11-31.

584 (f) Any person under the age of twenty-one (21) years
585 convicted of a third or subsequent violation of subsection (1) of
586 this section must complete treatment of an alcohol or drug abuse
587 program at a site certified by the Department of Mental Health.

588 (4) **DUI test refusal.** In addition to the other penalties
589 provided in this section, every person refusing a law enforcement
590 officer's request to submit to a chemical test of the person's
591 breath as provided in this chapter, or who was unconscious at the
592 time of a chemical test and refused to consent to the introduction
593 of the results of the test in any prosecution, shall suffer an



594 additional administrative suspension of driving privileges as set
595 forth in Section 63-11-23.

596 (5) **Aggravated DUI.** (a) Every person who operates any
597 motor vehicle in violation of the provisions of subsection (1) of
598 this section and who in a negligent manner causes the death of
599 another or mutilates, disfigures, permanently disables or destroys
600 the tongue, eye, lip, nose or any other limb, organ or member of
601 another shall, upon conviction, be guilty of a separate felony for
602 each victim who suffers death, mutilation, disfigurement or other
603 injury and shall be committed to the custody of the State
604 Department of Corrections for a period of time of not less than
605 five (5) years and not to exceed twenty-five (25) years for each
606 death, mutilation, disfigurement or other injury, and the
607 imprisonment for the second or each subsequent conviction, in the
608 discretion of the court, shall commence either at the termination
609 of the imprisonment for the preceding conviction or run
610 concurrently with the preceding conviction. Any person charged
611 with causing the death of another as described in this subsection
612 shall be required to post bail before being released after arrest.

613 (b) A holder of a commercial driver's license who is
614 convicted of operating a commercial motor vehicle with an alcohol
615 concentration of eight one-hundredths percent (.08%) or more shall
616 be guilty of a felony and shall be committed to the custody of the
617 Department of Corrections for not less than two (2) years and not
618 more than ten (10) years.



619 (c) The court shall order an ignition-interlock
620 restriction on the offender's privilege to drive as a condition of
621 probation or post-release supervision not to exceed five (5) years
622 unless a longer restriction is required under other law. The
623 ignition-interlock restriction shall not be applied to commercial
624 license privileges until the driver serves the full
625 disqualification period required by Section 63-1-216.

626 (6) **DUI citations.** (a) Upon conviction of a violation of
627 subsection (1) of this section, the trial judge shall sign in the
628 place provided on the traffic ticket, citation or affidavit
629 stating that the person arrested either employed an attorney or
630 waived his right to an attorney after having been properly
631 advised. If the person arrested employed an attorney, the name,
632 address and telephone number of the attorney shall be written on
633 the ticket, citation or affidavit. The court clerk must
634 immediately send a copy of the traffic ticket, citation or
635 affidavit, and any other pertinent documents concerning the
636 conviction or other order of the court, to the Department of
637 Public Safety as provided in Section 63-11-37.

638 (b) A copy of the traffic ticket, citation or affidavit
639 and any other pertinent documents, having been attested as true
640 and correct by the Commissioner of Public Safety, or his designee,
641 shall be sufficient proof of the conviction for purposes of
642 determining the enhanced penalty for any subsequent convictions of
643 violations of subsection (1) of this section. The Department of



644 Public Safety shall maintain a central database for verification
645 of prior offenses and convictions.

646 (7) **Out-of-state prior convictions.** Convictions in another
647 state, territory or possession of the United States, or under the
648 law of a federally recognized Native American tribe, of violations
649 for driving or operating a vehicle while under the influence of an
650 intoxicating liquor or while under the influence of any other
651 substance that has impaired the person's ability to operate a
652 motor vehicle occurring within five (5) years before an offense
653 shall be counted for the purposes of determining if a violation of
654 subsection (1) of this section is a second, third, fourth or
655 subsequent offense and the penalty that shall be imposed upon
656 conviction for a violation of subsection (1) of this section.

657 (8) **Charging of subsequent offenses.** (a) For the purposes
658 of determining how to impose the sentence for a second, third,
659 fourth or subsequent conviction under this section, the affidavit
660 or indictment shall not be required to enumerate previous
661 convictions. It shall only be necessary that the affidavit or
662 indictment states the number of times that the defendant has been
663 convicted and sentenced within the past five (5) years for a
664 second or third offense, or without a time limitation for a fourth
665 or subsequent offense, under this section to determine if an
666 enhanced penalty shall be imposed. The amount of fine and
667 imprisonment imposed in previous convictions shall not be



668 considered in calculating offenses to determine a second, third,
669 fourth or subsequent offense of this section.

670 (b) Before a defendant enters a plea of guilty to an
671 offense under this section, law enforcement must submit
672 certification to the prosecutor that the defendant's driving
673 record, the confidential registry and National Crime Information
674 Center record have been searched for all prior convictions,
675 nonadjudications, pretrial diversions and arrests for driving or
676 operating a vehicle while under the influence of an intoxicating
677 liquor or while under the influence of any other substance that
678 has impaired the person's ability to operate a motor vehicle. The
679 results of the search must be included in the certification.

680 (9) **License eligibility for underage offenders.** A person
681 who is under the legal age to obtain a license to operate a motor
682 vehicle at the time of the offense and who is convicted under this
683 section shall not be eligible to receive a driver's license until
684 the person reaches the age of eighteen (18) years.

685 (10) **License suspensions and restrictions to run**
686 **consecutively.** Suspension or restriction of driving privileges
687 for any person convicted of or nonadjudicated for violations of
688 subsection (1) of this section shall run consecutively to and not
689 concurrently with any other administrative license suspension.

690 (11) **Ignition interlock.** If the court orders installation
691 and use of an ignition-interlock device as provided in Section
692 63-11-31 for every vehicle operated by a person convicted or



693 nonadjudicated under this section, each device shall be installed,
694 maintained and removed as provided in Section 63-11-31.

695 (12) **DUI child endangerment.** A person over the age of
696 twenty-one (21) who violates subsection (1) of this section while
697 transporting in a motor vehicle a child under the age of sixteen
698 (16) years is guilty of the separate offense of endangering a
699 child by driving under the influence of alcohol or any other
700 substance which has impaired the person's ability to operate a
701 motor vehicle. The offense of endangering a child by driving
702 under the influence of alcohol or any other substance which has
703 impaired the person's ability to operate a motor vehicle shall not
704 be merged with an offense of violating subsection (1) of this
705 section for the purposes of prosecution and sentencing. An
706 offender who is convicted of a violation of this subsection shall
707 be punished as follows:

708 (a) A person who commits a violation of this subsection
709 which does not result in the serious injury or death of a child
710 and which is a first conviction shall be guilty of a misdemeanor
711 and, upon conviction, shall be fined not more than One Thousand
712 Dollars (\$1,000.00) or shall be imprisoned for not more than
713 twelve (12) months, or both;

714 (b) A person who commits a violation of this subsection
715 which does not result in the serious injury or death of a child
716 and which is a second conviction shall be guilty of a misdemeanor
717 and, upon conviction, shall be fined not less than One Thousand



718 Dollars (\$1,000.00) nor more than Five Thousand Dollars
719 (\$5,000.00) or shall be imprisoned for one (1) year, or both;

720 (c) A person who commits a violation of this subsection
721 which does not result in the serious injury or death of a child
722 and which is a third or subsequent conviction shall be guilty of a
723 felony and, upon conviction, shall be fined not less than Ten
724 Thousand Dollars (\$10,000.00) or shall be imprisoned for not less
725 than one (1) year nor more than five (5) years, or both; and

726 (d) A person who commits a violation of this subsection
727 which results in the serious injury or death of a child, without
728 regard to whether the offense was a first, second, third or
729 subsequent offense, shall be guilty of a felony and, upon
730 conviction, shall be punished by a fine of not less than Ten
731 Thousand Dollars (\$10,000.00) and shall be imprisoned for not less
732 than five (5) years nor more than twenty-five (25) years.

733 (13) **Expunction.** (a) Any person convicted under subsection
734 (2) or (3) of this section of a first offense of driving under the
735 influence and who was not the holder of a commercial driver's
736 license or a commercial learning permit at the time of the offense
737 may petition the circuit court of the county in which the
738 conviction was had for an order to expunge the record of the
739 conviction at least five (5) years after successful completion of
740 all terms and conditions of the sentence imposed for the
741 conviction. Expunction under this subsection will only be
742 available to a person:



743 (i) Who has successfully completed all terms and
744 conditions of the sentence imposed for the conviction;

745 (ii) Who did not refuse to submit to a test of his
746 blood or breath;

747 (iii) Whose blood alcohol concentration tested
748 below sixteen one-hundredths percent (.16%) if test results are
749 available;

750 (iv) Who has not been convicted of and does not
751 have pending any other offense of driving under the influence;

752 (v) Who has provided the court with justification
753 as to why the conviction should be expunged; and

754 (vi) Who has not previously had a nonadjudication
755 or expunction of a violation of this section.

756 (b) A person is eligible for only one (1) expunction
757 under this subsection, and the Department of Public Safety shall
758 maintain a permanent confidential registry of all cases of
759 expunction under this subsection for the sole purpose of
760 determining a person's eligibility for expunction, for
761 nonadjudication, or as a first offender under this section.

762 (c) The court in its order of expunction shall state in
763 writing the justification for which the expunction was granted and
764 forward the order to the Department of Public Safety within five
765 (5) days of the entry of the order.

766 (14) **Nonadjudication.** (a) For the purposes of this
767 chapter, "nonadjudication" means that the court withholds



768 adjudication of guilt and sentencing, either at the conclusion of
769 a trial on the merits or upon the entry of a plea of guilt by a
770 defendant, and places the defendant in a nonadjudication program
771 conditioned upon the successful completion of the requirements
772 imposed by the court under this subsection.

773 (b) A person is eligible for nonadjudication of an
774 offense under this Section 63-11-30 only one (1) time under any
775 provision of a law that authorizes nonadjudication and only for an
776 offender:

777 (i) Who has successfully completed all terms and
778 conditions imposed by the court after placement of the defendant
779 in a nonadjudication program;

780 (ii) Who was not the holder of a commercial
781 driver's license or a commercial learning permit at the time of
782 the offense;

783 (iii) Who has not previously been convicted of and
784 does not have pending any former or subsequent charges under this
785 section; and

786 (iv) Who has provided the court with justification
787 as to why nonadjudication is appropriate.

788 (c) Nonadjudication may be initiated upon the filing of
789 a petition for nonadjudication or at any stage of the proceedings
790 in the discretion of the court; the court may withhold
791 adjudication of guilt, defer sentencing, and upon the agreement of
792 the offender to participate in a nonadjudication program, enter an



793 order imposing requirements on the offender for a period of court
794 supervision before the order of nonadjudication is entered.
795 Failure to successfully complete a nonadjudication program
796 subjects the person to adjudication of the charges against him and
797 to imposition of all penalties previously withheld due to entrance
798 into a nonadjudication program. The court shall immediately
799 inform the commissioner of the conviction as required in Section
800 63-11-37.

801 (i) The court shall order the person to:

802 1. Pay the nonadjudication fee imposed under
803 Section 63-11-31 if applicable;

804 2. Pay all fines, penalties and assessments
805 that would have been imposed for conviction;

806 3. Attend and complete an alcohol safety
807 education program as provided in Section 63-11-32 within six (6)
808 months of the date of the order;

809 4. a. If the court determines that the
810 person violated this section with respect to alcohol or
811 intoxicating liquor, the person must install an ignition-interlock
812 device on every motor vehicle operated by the person, obtain an
813 interlock-restricted license, and maintain that license for one
814 hundred twenty (120) days or suffer a one-hundred-twenty-day
815 suspension of the person's regular driver's license, during which
816 time the person must not operate any vehicle.



817 b. If the court determines that the
818 person violated this section by operating a vehicle when under the
819 influence of a substance other than alcohol that has impaired the
820 person's ability to operate a motor vehicle, including any drug or
821 controlled substance which is unlawful to possess under the
822 Mississippi Controlled Substances Law, the person must submit to a
823 one-hundred-twenty-day period of a nonadjudication program that
824 includes court-ordered drug testing at the person's own expense
825 not less often than every thirty (30) days, during which time the
826 person may drive if compliant with the terms of the program, or
827 suffer a one-hundred-twenty-day suspension of the person's regular
828 driver's license, during which time the person will not operate
829 any vehicle.

830 (ii) Other conditions that may be imposed by the
831 court include, but are not limited to, alcohol or drug screening,
832 or both, proof that the person has not committed any other traffic
833 violations while under court supervision, proof of immobilization
834 or impoundment of vehicles owned by the offender if required, and
835 attendance at a victim-impact panel.

836 (d) The court may enter an order of nonadjudication
837 only if the court finds, after a hearing or after ex parte
838 examination of reliable documentation of compliance, that the
839 offender has successfully completed all conditions imposed by law
840 and previous orders of the court. The court shall retain



841 jurisdiction over cases involving nonadjudication for a period of
842 not more than two (2) years.

843 (e) (i) The clerk shall immediately forward a record
844 of every person placed in a nonadjudication program and of every
845 nonadjudication order to the Department of Public Safety for
846 inclusion in the permanent confidential registry of all cases that
847 are nonadjudicated under this subsection (14).

848 (ii) Judges, clerks and prosecutors involved in
849 the trial of implied consent violations and law enforcement
850 officers involved in the issuance of citations for implied consent
851 violations shall have secure online access to the confidential
852 registry for the purpose of determining whether a person has
853 previously been the subject of a nonadjudicated case and 1. is
854 therefore ineligible for another nonadjudication; 2. is ineligible
855 as a first offender for a violation of this section; or 3. is
856 ineligible for expunction of a conviction of a violation of this
857 section.

858 (iii) The Driver Services Bureau of the department
859 shall have access to the confidential registry for the purpose of
860 determining whether a person is eligible for a form of license not
861 restricted to operating a vehicle equipped with an
862 ignition-interlock device.

863 (iv) The Mississippi Alcohol Safety Education
864 Program shall have secure online access to the confidential
865 registry for research purposes only.



866 (15) The provisions of this section are fully applicable to
867 any person who is under the influence of medical cannabis that is
868 lawful under the Mississippi Medical Cannabis Act and in
869 compliance with rules and regulations adopted thereunder which has
870 impaired the person's ability to operate a motor vehicle.

871 **SECTION 18.** Section 63-11-31, Mississippi Code of 1972, is
872 brought forward as follows:

873 63-11-31. (1) (a) The provisions of this section are
874 supplemental to the provisions of Section 63-11-30.

875 (b) (i) "Ignition-interlock device" means a device
876 approved by the Department of Public Safety that connects a motor
877 vehicle ignition system to a breath-alcohol analyzer and prevents
878 a motor vehicle ignition from starting if the driver's blood
879 alcohol level exceeds the calibrated setting on the device.

880 (ii) "Interlock-restricted license" means a
881 driver's license bearing a restriction that limits the person to
882 operation of vehicles equipped with an ignition-interlock device.

883 (iii) "Court-ordered drug-testing program" means a
884 program that qualifies under Section 63-11-31.1.

885 (c) A person who can exercise the privilege of driving
886 only under an interlock-restricted license must have an
887 ignition-interlock device installed and operating on all motor
888 vehicles owned or operated by the person.

889 (d) A person who installs an ignition-interlock device
890 may obtain an interlock-restricted license.



891 (2) (a) (i) The cost of installation and operation of an
892 ignition-interlock device shall be borne by the person to whom an
893 interlock-restricted driver's license is issued, and the costs of
894 court-ordered drug testing shall be borne by the person so
895 ordered, unless the person is determined by the court to be
896 indigent.

897 (ii) The cost of participating in a court-ordered
898 drug-testing program shall be borne by the person, unless the
899 person is determined by the court to be indigent.

900 (b) (i) A person convicted under Section 63-11-30
901 shall be assessed by the court, in addition to the criminal fines,
902 penalties and assessments provided by law for violations of
903 Section 63-11-30, a fee of Fifty Dollars (\$50.00), to be deposited
904 in the Interlock Device Fund in the State Treasury unless the
905 person is determined by the court to be indigent.

906 (ii) A person nonadjudicated under Section
907 63-11-30 shall be assessed by the court, in addition to the
908 criminal fines, penalties and assessments provided by law for
909 violations of Section 63-11-30, a fee of Two Hundred Fifty Dollars
910 (\$250.00) to be deposited in the Interlock Device Fund in the
911 State Treasury unless the person is determined by the court to be
912 indigent.

913 (3) (a) The Department of Public Safety shall promulgate
914 rules and regulations for the use of an ignition-interlock device.
915 The Department of Public Safety shall approve which vendors shall



916 be used to furnish the systems, may assess fees to the vendors,
917 and shall prescribe the maximum costs to the offender for
918 installation, removal, monthly operation, periodic inspections,
919 calibrations and repairs.

920 (b) A person who has an ignition-interlock device
921 installed in a vehicle shall:

922 (i) Provide proof of the installation of the
923 device and periodic reporting for verification of the proper
924 operation of the device;

925 (ii) Have the system monitored for proper use and
926 accuracy as required by departmental regulation;

927 (iii) Pay the reasonable cost of leasing or
928 buying, monitoring, and maintaining the device unless the person
929 is determined to be indigent; and

930 (iv) Obtain an ignition-interlock driver's
931 license.

932 (4) (a) (i) A person who is limited to driving only under
933 an interlock-restricted driver's license shall not operate a
934 vehicle that is not equipped with an ignition-interlock device.

935 (ii) A person prohibited from operating a motor
936 vehicle that is not equipped with an ignition-interlock device may
937 not solicit or have another person attempt to start or start a
938 motor vehicle equipped with such a device.

939 (iii) A person may not start or attempt to start a
940 motor vehicle equipped with an ignition-interlock device for the



941 purpose of providing an operable motor vehicle to a person who is
942 prohibited from operating a motor vehicle that is not equipped
943 with an ignition-interlock device.

944 (iv) A person may not tamper with, or in any way
945 attempt to circumvent, the operation of an ignition-interlock
946 device that has been installed in a motor vehicle.

947 (v) A person may not knowingly provide a motor
948 vehicle not equipped with a functioning ignition-interlock device
949 to another person who the provider of the vehicle knows or should
950 know is prohibited from operating a motor vehicle not equipped
951 with an ignition-interlock device.

952 (b) A violation of this subsection (4) is a misdemeanor
953 and upon conviction the violator shall be fined an amount not less
954 than Two Hundred Fifty Dollars (\$250.00) nor more than One
955 Thousand Dollars (\$1,000.00) or imprisoned for not more than six
956 (6) months, or both, unless the starting of a motor vehicle
957 equipped with an ignition-interlock device is done for the purpose
958 of safety or mechanical repair of the device or the vehicle, and
959 the person subject to the restriction does not operate the
960 vehicle.

961 (5) In order to obtain an interlock-restricted license, a
962 person must:

963 (a) Be otherwise qualified to operate a motor vehicle,
964 and will be subject to all other restrictions on the privilege to
965 drive provided by law;



966 (b) Submit proof that an ignition-interlock device is
967 installed and operating on all motor vehicles operated by the
968 person; and

969 (c) Pay the fee set forth in Section 63-1-43 to obtain
970 the license without regard to indigence; no license reinstatement
971 fee under Section 63-1-46 shall be charged for a person obtaining
972 an interlock-restricted license.

973 (6) (a) In addition to the penalties authorized for any
974 second or subsequent conviction under Section 63-11-30, the court
975 shall order that all vehicles owned by the offender that are not
976 equipped with an ignition-interlock device must be either
977 impounded or immobilized pending further order of the court
978 lifting the offender's driving restriction. However, no county,
979 municipality, sheriff's department or the Department of Public
980 Safety shall be required to keep, store, maintain, serve as a
981 bailee or otherwise exercise custody over a motor vehicle
982 impounded under the provisions of this section. The cost
983 associated with any impoundment or immobilization shall be paid by
984 the person convicted without regard to ability to pay.

985 (b) A person may not tamper with, or in any way attempt
986 to circumvent, vehicle immobilization or impoundment ordered by
987 the court under this section. A violation of this paragraph (b)
988 is a misdemeanor and, upon conviction, the violator shall be fined
989 an amount not less than Two Hundred Fifty Dollars (\$250.00) nor



990 more than One Thousand Dollars (\$1,000.00) or imprisoned for not
991 more than six (6) months, or both.

992 (7) (a) The Department of Public Safety shall promulgate
993 rules and regulations for the use of monies in the Interlock
994 Device Fund to offset the cost of interlock device installation
995 and operation by and court-ordered drug testing of indigent
996 offenders.

997 (b) The court shall determine a defendant's indigence
998 based upon whether the defendant has access to adequate resources
999 to pay the ignition-interlock fee and the costs of installation
1000 and maintenance of an ignition-interlock device, or the costs of
1001 court-ordered drug testing or both, and may further base the
1002 determination of indigence on proof of enrollment in one or more
1003 of the following types of public assistance:

- 1004 (i) Temporary Assistance for Needy Families
1005 (TANF);
- 1006 (ii) Medicaid assistance;
- 1007 (iii) The Supplemental Nutritional Assistance
1008 Program (SNAP), also known as "food stamps";
- 1009 (iv) Supplemental security income (SSI);
- 1010 (v) Participation in a federal food distribution
1011 program;
- 1012 (vi) Federal housing assistance;
- 1013 (vii) Unemployment compensation; or



1014 (viii) Other criteria determined appropriate by
1015 the court.

1016 (c) No more than ten percent (10%) of the money in the
1017 Interlock Device Fund in any fiscal year shall be expended by the
1018 department for the purpose of administering the fund.

1019 (d) The Commissioner of the Department of Public Safety
1020 must promulgate regulations for the program and for vendors,
1021 including at a minimum:

1022 (i) That the offender must pay the cost of the
1023 testing program or, if the court finds the offender to be
1024 indigent, that the cost be paid from the Interlock Device Fund.

1025 (ii) How indigent funds will be accessed by the
1026 vendors, and the maximum cost to the offender or the fund.

1027 (e) (i) Money in the Interlock Device Fund will be
1028 appropriated to the department to cover part of the costs of
1029 court-ordered drug testing and installing, removing and leasing
1030 ignition-interlock devices for indigent people who are required,
1031 because of a conviction or nonadjudication under Section 63-11-30,
1032 to install an ignition-interlock device in all vehicles operated
1033 by the person.

1034 (ii) If money is available in the Interlock Device
1035 Fund, the department shall pay to the vendor, for one (1) vehicle
1036 per offender, up to Fifty Dollars (\$50.00) for the cost of
1037 installation, up to Fifty Dollars (\$50.00) for the cost of
1038 removal, and up to Thirty Dollars (\$30.00) monthly for verified



1039 active usage of the ignition-interlock device. The department
1040 shall not pay any amount above what an offender would be required
1041 to pay for the installation, removal or usage of an
1042 ignition-interlock device.

1043 (iii) If money is available in the Interlock
1044 Device Fund, the department shall pay to the vendor an amount not
1045 to exceed that promulgated by the Forensics Laboratory for
1046 court-ordered drug testing. The department shall not pay any
1047 amount above what an offender would be required to pay
1048 individually.

1049 (8) In order to reinstate a form of driver's license that is
1050 not restricted to operation of an ignition-interlock equipped
1051 vehicle, the person must submit proof to the Department of Public
1052 Safety to substantiate the person's eligibility for an
1053 unrestricted license, which may be a court order indicating
1054 completion of sentence or final order of nonadjudication; in the
1055 absence of a court order, the proof may consist of the following
1056 or such other proof as the commissioner may set forth by
1057 regulation duly adopted under the Administrative Procedures Act:

1058 (a) Proof of successful completion of an alcohol safety
1059 program as provided in Section 63-11-32 if so ordered by the
1060 court;

1061 (b) Payment of the reinstatement fee required under
1062 Section 63-1-46(1) (a);



1063 (c) Payment of the driver's license fee required under
1064 Section 63-1-43;

1065 (d) A certificate of liability insurance or proof of
1066 financial responsibility; and

1067 (e) (i) For those driving under an
1068 interlock-restricted license, a declaration from the vendor, in a
1069 form provided or approved by the Department of Public Safety,
1070 certifying that there have been none of the following incidents in
1071 the last thirty (30) days:

1072 1. An attempt to start the vehicle with a
1073 breath alcohol concentration of 0.04 or more;

1074 2. Failure to take or pass any required
1075 retest; or

1076 3. Failure of the person to appear at the
1077 ignition-interlock device vendor when required for maintenance,
1078 repair, calibration, monitoring, inspection, or replacement of the
1079 device; or

1080 (ii) For a person who violated Section 63-11-30
1081 with respect to drugs other than alcohol, proof of successful
1082 compliance with all court-ordered drug testing; or

1083 (iii) Both subparagraphs (i) and (ii) of this
1084 paragraph (e) if applicable.

1085 (9) The court may extend the interlock-restricted period if
1086 the person had a violation in the last thirty (30) days.



1087 (10) The court that originally ordered installation of the
1088 ignition-interlock device for a violation of Section 63-11-30 and
1089 a court in the municipality or county in which the violation
1090 occurred have jurisdiction over an offense under this section.

1091 (11) A person who voluntarily obtains an
1092 interlock-restricted license may convert at any time to any other
1093 form of license for which the person is qualified.

1094 (12) (a) The Department of Public Safety shall require all
1095 manufacturers of ignition-interlock devices to report
1096 ignition-interlock data in a consistent and uniform format as
1097 prescribed by the Department of Public Safety. Ignition-interlock
1098 vendors must also use the uniform format when sharing data with
1099 courts ordering an ignition interlock, with alcohol safety
1100 education programs, or with other treatment providers.

1101 (b) The Department of Public Safety shall require all
1102 vendors of drug testing programs approved under Section 63-11-31.1
1103 to report test results in a consistent and uniform format as
1104 prescribed by the Forensics Laboratory. Vendors must report test
1105 results to the court on a monthly basis, except that a positive
1106 test or failure of the testing participant to submit to
1107 verification must be reported to the court within five (5) days of
1108 verification of the positive test or the failure to submit.

1109 **SECTION 19.** Section 63-11-31.1, Mississippi Code of 1972, is
1110 brought forward as follows:



1111 63-11-31.1. (1) The Mississippi Forensics Laboratory shall
1112 promulgate rules and regulations for court-ordered drug testing of
1113 DUI/other drug violators and shall approve which vendors are
1114 eligible to be utilized by the trial courts when ordering
1115 defendants to undergo drug testing as a condition of continuing to
1116 exercise the privilege to drive. The Forensics Laboratory may
1117 assess fees to the vendors, and shall prescribe the maximum costs
1118 to the offender for drug testing. The Forensics Laboratory may
1119 seek the advice of the State Intervention Court Advisory Committee
1120 in fulfilling these duties.

1121 (2) The Forensics Laboratory must evaluate proposals made by
1122 prospective vendors for acceptability, including, without
1123 limitation, the following factors:

1124 (a) A description of the method used for assessment;

1125 (b) The frequency with which the offender will be
1126 tested;

1127 (c) The procedure used by the vendor to ensure the
1128 accuracy of the test results;

1129 (d) The length of time allowed the offender to provide
1130 a biological sample after being given notice;

1131 (e) The frequency with which the vendor will make
1132 reports to the court;

1133 (f) The list of approved sites for the collection of
1134 biological samples for testing.



1135 (3) The Forensics Laboratory must promulgate regulations for
1136 the program and for vendors, including at a minimum:

1137 (a) That the offender must pay the cost of the testing
1138 program or, if the court finds the offender to be indigent, that
1139 the cost be paid from the Interlock Device Fund.

1140 (b) How indigent funds will be accessed by the vendors,
1141 and the maximum cost to the offender or the fund.

1142 (4) The Forensics Laboratory will provide the list of
1143 approved vendors, subject to continuous updating, to the
1144 Mississippi Judicial College for dissemination to the trial
1145 courts.

1146 **SECTION 20.** Section 63-11-32, Mississippi Code of 1972, is
1147 brought forward as follows:

1148 63-11-32. (1) The State Department of Public Safety in
1149 conjunction with the Governor's Highway Safety Program, the State
1150 Board of Health, or any other state agency or institution shall
1151 develop and implement a driver improvement program for persons
1152 identified as first offenders convicted of driving while under the
1153 influence of intoxicating liquor or another substance which had
1154 impaired such person's ability to operate a motor vehicle,
1155 including provision for referral to rehabilitation facilities.

1156 (2) The program shall consist of a minimum of ten (10) hours
1157 of instruction. Each person who participates shall pay a nominal
1158 fee to defray a portion of the cost of the program.



1159 (3) Such assessments as are collected under subsection (2)
1160 of Section 99-19-73 shall be deposited in a special fund hereby
1161 created in the State Treasury and designated the "Mississippi
1162 Alcohol Safety Education Program Fund." Monies deposited in such
1163 fund shall be expended by the Board of Trustees of State
1164 Institutions of Higher Learning as authorized and appropriated by
1165 the Legislature to defray the costs of the Mississippi Alcohol
1166 Safety Education Program operated pursuant to the provisions of
1167 this section. Any revenue in the fund which is not encumbered at
1168 the end of the fiscal year shall lapse to the General Fund.

1169 (4) Such assessments as are collected under subsection (2)
1170 of Section 99-19-73 shall be deposited in a special fund hereby
1171 created in the State Treasury and designated the "Federal-State
1172 Alcohol Program Fund." Monies deposited in such fund shall be
1173 expended by the Department of Public Safety as authorized and
1174 appropriated by the Legislature to defray the costs of alcohol and
1175 traffic safety programs. Any revenue in the fund which is not
1176 encumbered at the end of the fiscal year shall lapse to the
1177 General Fund.

1178 (5) Such assessments as are collected under subsection (2)
1179 of Section 99-19-73 shall be deposited in a special fund hereby
1180 created in the State Treasury and designated the "Mississippi
1181 Forensics Laboratory Implied Consent Law Fund." Monies deposited
1182 in such fund shall be expended by the Department of Public Safety
1183 as authorized and appropriated by the Legislature to defray the



1184 costs of equipment replacement and operational support of the
1185 Mississippi Forensics Laboratory relating to enforcement of the
1186 Implied Consent Law. Any revenue in the fund which is not
1187 encumbered at the end of the fiscal year shall not lapse to the
1188 General Fund but shall remain in the fund.

1189 **SECTION 21.** Section 63-11-33, Mississippi Code of 1972, is
1190 brought forward as follows:

1191 **[Effective until July 1, 2020, this section will read as**
1192 **follows:]**

1193 63-11-33. There is created in the State Treasury a special
1194 fund to be known as the Interlock Device Fund. The purpose of the
1195 fund shall be to provide funding for the Driver's License Bureau
1196 of the Department of Public Safety and also to provide funding
1197 assistance for ignition interlock devices for persons determined
1198 to be unable to afford the installation and maintenance of an
1199 ignition interlock device. Monies from the fund shall be
1200 distributed by the State Treasurer upon warrants issued by the
1201 Department of Public Safety. The fund shall be a continuing fund,
1202 not subject to fiscal-year limitations, and shall consist of:

- 1203 (a) Monies appropriated by the Legislature for the
1204 purposes of funding the Driver's License Bureau;
- 1205 (b) The interest accruing to the fund;
- 1206 (c) Monies paid by a person for deposit into the fund
1207 under Section 63-11-31; and



1208 (d) Monies received from such other sources as may be
1209 provided by law.

1210 **[Effective from and after July 1, 2020, this section will**
1211 **read:]**

1212 63-11-33. There is created in the State Treasury a special
1213 fund to be known as the Interlock Device Fund. The purpose of the
1214 fund shall be to provide funding for the Driver's License Bureau
1215 of the Department of Public Safety and also to provide funding
1216 assistance for ignition interlock devices and court-ordered drug
1217 testing for persons determined to be unable to afford the
1218 installation and maintenance of an ignition interlock device or
1219 costs of drug testing. Monies from the fund shall be distributed
1220 by the State Treasurer upon warrants issued by the Department of
1221 Public Safety. The fund shall be a continuing fund, not subject
1222 to fiscal-year limitations, and shall consist of:

1223 (a) Monies appropriated by the Legislature for the
1224 purposes of funding the Driver's License Bureau;

1225 (b) The interest accruing to the fund;

1226 (c) Monies paid by a person for deposit into the fund
1227 under Section 63-11-31; and

1228 (d) Monies received from such other sources as may be
1229 provided by law.

1230 **SECTION 22.** Section 63-11-37, Mississippi Code of 1972, is
1231 brought forward as follows:



1232 63-11-37. (1) It shall be the duty of the trial judge, upon
1233 conviction of a person under Section 63-11-30, to mail or
1234 otherwise deliver in a method prescribed by the commissioner a
1235 true and correct copy of the traffic ticket, citation or affidavit
1236 evidencing the arrest that resulted in the conviction and a
1237 certified copy of the abstract of the court record within five (5)
1238 days to the Commissioner of Public Safety at Jackson, Mississippi.
1239 The trial judge in municipal and justice courts shall show on the
1240 docket and the trial judge in courts of record shall show on the
1241 minutes:

1242 (a) Whether a chemical test was given and the results
1243 of the test, if any; and

1244 (b) Whether conviction was based in whole or in part on
1245 the results of such a test.

1246 (2) The abstract of the court record shall show the date of
1247 the conviction, the results of the test if there was one, and the
1248 penalty, so that a record of same may be made by the Department of
1249 Public Safety.

1250 (3) For the purposes of Section 63-11-30, a bond forfeiture
1251 shall operate as and be considered as a conviction.

1252 (4) A trial court clerk who fails to provide a true and
1253 correct copy of the traffic ticket, citation or affidavit
1254 evidencing the arrest that resulted in the conviction and a copy
1255 of the abstract of the court record within five (5) days of the
1256 availability of that information as required in subsection (1) of



1257 this section is guilty of a civil violation and shall be fined One
1258 Hundred Dollars (\$100.00), for which civil fine the clerk bears
1259 sole and personal responsibility. Each instance of failure is a
1260 separate violation.

1261 **SECTION 23.** Section 63-11-39, Mississippi Code of 1972, is
1262 brought forward as follows:

1263 63-11-39. The court having jurisdiction or the prosecutor
1264 shall not reduce any charge under this chapter to a lesser charge.

1265 **SECTION 24.** Section 63-11-40, Mississippi Code of 1972, is
1266 brought forward as follows:

1267 63-11-40. Any person whose driver's license, or driving
1268 privilege has been cancelled, suspended or revoked under the
1269 provisions of this chapter and who drives any motor vehicle upon
1270 the highways, streets or public roads of this state, while such
1271 license or privilege is cancelled, suspended or revoked, shall be
1272 guilty of a misdemeanor and upon conviction shall be punished by
1273 imprisonment for not less than forty-eight (48) hours nor more
1274 than six (6) months, and fined not less than Two Hundred Dollars
1275 (\$200.00) nor more than Five Hundred Dollars (\$500.00).

1276 The Commissioner of Public Safety shall suspend the driver's
1277 license or driving privilege of any person convicted under the
1278 provisions of this section for an additional six (6) months. Such
1279 suspension shall begin at the end of the original cancellation,
1280 suspension or revocation and run consecutively.



1281 **SECTION 25.** Section 63-11-41, Mississippi Code of 1972, is
1282 brought forward as follows:

1283 63-11-41. If a person under arrest refuses to submit to a
1284 chemical test under the provisions of this chapter, evidence of
1285 refusal shall be admissible in any criminal action under this
1286 chapter.

1287 **SECTION 26.** Section 63-11-45, Mississippi Code of 1972, is
1288 brought forward as follows:

1289 63-11-45. No coverage otherwise afforded under any policy of
1290 insurance shall be denied on the ground that any person has
1291 refused any test provided for by this chapter nor on the basis of
1292 the results of any such test. Any provision to such effect in any
1293 insurance policy hereinafter issued shall be void.

1294 **SECTION 27.** Section 63-11-47, Mississippi Code of 1972, is
1295 brought forward as follows:

1296 63-11-47. The Commissioner of Public Safety, acting in
1297 concert with the Mississippi Forensics Laboratory created pursuant
1298 to Section 45-1-17, is hereby expressly authorized and directed to
1299 determine the equipment and supplies which are adequate and
1300 necessary from both a medical and law enforcement standpoint for
1301 administration of this chapter. The Commissioner of Public
1302 Safety, upon receiving such recommendation from the Mississippi
1303 Forensics Laboratory, shall recommend an equipment standard for
1304 such equipment to the Department of Finance and Administration.
1305 The Department of Finance and Administration, using such a uniform



1306 standard for said equipment, shall advertise its intention of
1307 purchasing said equipment by one (1) publication in at least one
1308 (1) newspaper having general circulation in the State of
1309 Mississippi at least ten (10) days before the purchase of such
1310 equipment and supplies, and the advertisement shall clearly and
1311 distinctly describe the articles to be purchased, and shall
1312 receive sealed bids thereon which shall be opened in public at a
1313 time and place to be specified in the advertisement.

1314 The Department of Finance and Administration shall accept the
1315 lowest and best bid for said equipment and supplies; in its
1316 discretion, it may reject any and all bids submitted. The lowest
1317 and best bid for said equipment and supplies accepted by the
1318 Department of Finance and Administration shall be the
1319 state-approved price of said equipment for purchase by the state,
1320 county and city governments.

1321 Title to all such testing equipment in the state purchased
1322 hereunder shall remain in the Commissioner of Public Safety
1323 regardless of what entity pays the purchase price.

1324 The state, counties and municipalities may purchase in the
1325 name of the Commissioner of Public Safety such equipment and
1326 supplies from other vendors of said equipment and supplies
1327 necessary to implement this chapter, provided they purchase of the
1328 same quality and standard as certified to the Department of
1329 Finance and Administration and approved by the department.
1330 However, such equipment and supplies shall not be purchased by the



1331 state, counties and municipalities unless it is at a price
1332 equivalent to or lower than that approved by the Department of
1333 Finance and Administration, pursuant to the bid procedure as
1334 outlined herein.

1335 **SECTION 28.** Section 63-1-216, Mississippi Code of 1972, is
1336 brought forward as follows:

1337 63-1-216. (1) (a) A person shall be disqualified from
1338 driving a commercial motor vehicle for a period of one (1) year if
1339 the person's license or permit to drive has been administratively
1340 suspended under Section 63-11-23 or the person has been convicted
1341 of a first violation of:

1342 (i) Operating, attempting to operate, or being in
1343 actual physical control of a commercial motor vehicle on a highway
1344 with an alcohol concentration of four one-hundredths percent
1345 (0.04%) or more, or under the influence as provided in Section
1346 63-11-30;

1347 (ii) Failure to stop and render aid as required
1348 under the laws of this state in the event of a motor vehicle
1349 accident resulting in the death or personal injury of another;

1350 (iii) Using a motor vehicle in the commission of
1351 any offense under state or federal law that is punishable by
1352 imprisonment for a term exceeding one (1) year;

1353 (iv) Refusal to submit to a test to determine the
1354 operator's alcohol concentration, as provided in Title 63, Chapter
1355 11, Mississippi Code of 1972;



1356 (v) Operating, attempting to operate, or being in
1357 actual physical control of a motor vehicle on a highway with an
1358 alcohol concentration of eight one-hundredths percent (0.08%) or
1359 more, or under the influence of intoxicating liquor or other
1360 substance, as provided in Section 63-11-30;

1361 (vi) Operating, attempting to operate, or being in
1362 actual physical control of a motor vehicle on a highway when the
1363 person is under the influence of any other drug or under the
1364 combined influence of alcohol and any other drug to a degree which
1365 renders the person incapable of driving safely as provided in
1366 Section 63-11-30;

1367 (vii) Operating or attempting to operate a
1368 commercial motor vehicle while the license is revoked, suspended,
1369 cancelled, or disqualified;

1370 (viii) Operating a commercial motor vehicle in a
1371 negligent manner resulting in a fatal injury.

1372 (b) A person shall be disqualified from driving a
1373 commercial motor vehicle for three (3) years if convicted of a
1374 violation listed in subsection (1) of this section, if the
1375 violation occurred while transporting a hazardous material
1376 required to be placarded.

1377 (c) A person shall be disqualified from driving a
1378 commercial motor vehicle for life if convicted of two (2) or more
1379 violations or a combination of them listed in subsection (1) of
1380 this section arising from two (2) or more separate occurrences.



1381 (d) A person shall be disqualified from driving a
1382 commercial motor vehicle for a period of sixty (60) days if
1383 convicted of two (2) serious traffic violations, or one hundred
1384 twenty (120) days if convicted of three (3) serious traffic
1385 violations, arising from separate incidents occurring within a
1386 three-year period. A disqualification for three (3) serious
1387 traffic violations must be imposed consecutively to any other
1388 previous period of disqualification.

1389 (e) A person shall be disqualified from driving a
1390 commercial motor vehicle for life if the person uses a motor
1391 vehicle in the commission of any offense under state or federal
1392 law that is punishable by imprisonment for a term exceeding one
1393 (1) year involving the manufacture, distribution, or dispensing of
1394 a regulated drug, or possession with intent to manufacture,
1395 distribute, or dispense a regulated drug and for which the person
1396 was convicted.

1397 (f) A person who is disqualified from driving a
1398 commercial motor vehicle shall surrender the person's Mississippi
1399 commercial driver's license no later than the effective date of
1400 the disqualification. Upon receipt of the person's commercial
1401 driver's license, that person, if otherwise eligible, may apply
1402 for a non-CDL, and upon payment of sufficient fees receive the
1403 driver's license.

1404 (g) The commissioner shall adopt rules establishing
1405 guidelines, including conditions, under which a disqualification



1406 for life under this section, except for a disqualification issued
1407 pursuant to paragraph (e) of this subsection, may be reduced to a
1408 period of not less than ten (10) years.

1409 (h) A person shall be disqualified from driving a
1410 commercial motor vehicle for a period of sixty (60) days if the
1411 driver is convicted of a first violation of a railroad-highway
1412 grade crossing violation.

1413 (i) A person shall be disqualified from driving a
1414 commercial motor vehicle for a period of one hundred twenty (120)
1415 days if, during any three-year period, the driver is convicted of
1416 a second railroad-highway grade crossing violation in a separate
1417 incident.

1418 (j) A person shall be disqualified from driving a
1419 commercial motor vehicle for a period of one (1) year if, during
1420 any three-year period, the driver is convicted of a third or
1421 subsequent railroad-highway grade crossing violation in separate
1422 incidents.

1423 (k) A person who is simultaneously subject to a
1424 disqualification issued by the administrator of the Federal Motor
1425 Carrier Safety Administration pursuant to 49 CFR, Part 383.52 and
1426 a disqualification under any other provision of this section shall
1427 serve those disqualification periods concurrently.

1428 (2) (a) A person's privilege to operate a commercial motor
1429 vehicle in the State of Mississippi shall be suspended for one (1)
1430 year, if:



1431 (i) The person is convicted of a first violation
1432 of operating, attempting to operate or being in actual physical
1433 control of a commercial motor vehicle on a highway with an alcohol
1434 concentration of four one-hundredths percent (0.04%) or more, or
1435 under the influence, as provided in Section 63-11-30; and

1436 (ii) The person's commercial driver's license is
1437 issued by a state or country that does not issue commercial
1438 driver's licenses and disqualify persons in accordance with 49
1439 CFR, Parts 383 and 384.

1440 (b) A person's privilege to operate a commercial motor
1441 vehicle in the State of Mississippi shall be suspended for three
1442 (3) years if the person is convicted of violating subsection (1)
1443 of this section, and the violation occurred while the person was
1444 transporting a hazardous material required to be placarded.

1445 (c) A person's privilege to operate a commercial motor
1446 vehicle in the State of Mississippi shall be suspended for life if
1447 the person is convicted a second time of violating subsection (1)
1448 of this section, and both convictions arise out of separate
1449 occurrences.

1450 (d) A person's privilege to operate a commercial motor
1451 vehicle in the State of Mississippi shall be suspended for sixty
1452 (60) days if the person is convicted of two (2) serious traffic
1453 violations, or for one hundred twenty (120) days if the person is
1454 convicted of three (3) serious traffic violations, arising from
1455 separate incidents occurring within a three-year period.



1456 (e) A person's privilege to operate a commercial motor
1457 vehicle in the State of Mississippi shall be suspended for life if
1458 the person uses a commercial motor vehicle in the commission of
1459 any offense under state or federal law that is punishable by
1460 imprisonment for a term exceeding one (1) year, involving the
1461 manufacture, distribution, or dispensing of a regulated drug, or
1462 possession with intent to manufacture, distribute, or dispense a
1463 regulated drug, and for which the person was convicted.

1464 (f) In addition to the reasons specified in this
1465 section for suspension of the commercial driver's license, the
1466 commissioner shall be authorized to suspend the commercial
1467 driver's license of any person for being out of compliance with an
1468 order for support, as defined in Section 93-11-153. The procedure
1469 for suspension of a commercial driver's license for being out of
1470 compliance with an order for support, and the procedure for the
1471 reissuance or reinstatement of a commercial driver's license
1472 suspended for that purpose, and the payment of any fees for the
1473 reissuance or reinstatement of a commercial driver's license
1474 suspended for that purpose, shall be governed by Section 93-11-157
1475 or 93-11-163, as the case may be. If there is any conflict
1476 between any provision of Section 93-11-157 or 93-11-163 and any
1477 provision of this article, the provisions of Section 93-11-157 or
1478 93-11-163, as the case may be, shall control.

1479 (3) A person shall be disqualified from driving a commercial
1480 motor vehicle for life if the person is convicted of any crime



1481 under the Mississippi Human Trafficking Act in Section 97-3-54 et
1482 seq. or any felony involving a severe form of trafficking in
1483 persons, as defined by 22 USC 7102(11).

1484 **SECTION 29.** Section 63-1-217, Mississippi Code of 1972, is
1485 brought forward as follows:

1486 63-1-217. A suspension of a person's operating privilege or
1487 license and a disqualification imposed under Section 63-1-216
1488 imposed for the same violation, shall run concurrently.

1489 **SECTION 30.** Section 63-1-218, Mississippi Code of 1972, is
1490 brought forward as follows:

1491 63-1-218. (1) A disqualification from driving a commercial
1492 motor vehicle shall be effective on not less than ten (10) days'
1493 notice.

1494 (2) If requested, a hearing on the disqualification shall be
1495 conducted, under Section 63-1-53. The scope of the hearing shall
1496 be limited to verification of the conviction.

1497 (3) A person aggrieved by a decision resulting from a
1498 hearing under this section may have the decision reviewed on the
1499 record. The appeal shall be to the Circuit Court of the First
1500 Judicial District of Hinds County or, in the discretion of the
1501 licensee, to the circuit court of the county in which the licensee
1502 resides or has a principal place of business.

1503 **SECTION 31.** Section 63-1-219, Mississippi Code of 1972, is
1504 brought forward as follows:



1505 63-1-219. (1) Any person convicted for violating an
1506 out-of-service order shall be disqualified as follows except as
1507 provided in subsection (2) of this section:

1508 (a) A person shall be disqualified from driving a
1509 commercial motor vehicle for a period of ninety (90) days if
1510 convicted of a first violation of an out-of-service order.

1511 (b) A person shall be disqualified for a period of one
1512 (1) year if convicted of a second violation of an out-of-service
1513 order during any ten-year period, arising from separate incidents.

1514 (c) A person shall be disqualified for a period of
1515 three (3) years if convicted of a third or subsequent violation of
1516 an out-of-service order during any ten-year period, arising from
1517 separate incidents.

1518 (2) Any person convicted for violating an out-of-service
1519 order while transporting hazardous materials or while operating a
1520 commercial motor vehicle designed or used to transport sixteen
1521 (16) or more passengers, including the driver, shall be
1522 disqualified as follows:

1523 (a) A person shall be disqualified for a period of one
1524 hundred eighty (180) days if convicted of a first violation of an
1525 out-of-service order.

1526 (b) A person shall be disqualified for a period of
1527 three (3) years if convicted of a second or subsequent violation
1528 of an out-of-service order during any ten-year period, arising
1529 from separate incidents.



1530 **SECTION 32.** Section 63-1-220, Mississippi Code of 1972, is
1531 brought forward as follows:

1532 63-1-220. (1) Notwithstanding any other provision of law to
1533 the contrary, any driver who violates or fails to comply with an
1534 out-of-service order is subject to a penalty of One Thousand Five
1535 Hundred Dollars (\$1,500.00), in addition to disqualification under
1536 this article.

1537 (2) Any employer who violates an out-of-service order, or
1538 who knowingly requires or permits a driver to violate or fail to
1539 comply with an out-of-service order, is subject to a penalty of
1540 Four Thousand Dollars (\$4,000.00).

1541 (3) The fine imposed for a speeding violation of a
1542 commercial motor vehicle operating in excess of fifteen (15) miles
1543 per hour over the legally posted speed limit on any highway shall
1544 be one and one-half (1-1/2) times the fine imposed for a speeding
1545 violation in other vehicles.

1546 **SECTION 33.** Section 63-1-224, Mississippi Code of 1972, is
1547 brought forward as follows:

1548 63-1-224. (1) A person who holds a commercial driver's
1549 license and drives a motor vehicle within this state or a person
1550 who drives a commercial motor vehicle within this state for which
1551 a commercial learner's permit or a commercial driver's license is
1552 required under this article is deemed to have given his consent to
1553 a chemical test or tests of his breath for the purpose of
1554 determining the alcohol content of his blood. A person may give



1555 his consent to a chemical test or tests of his blood or urine for
1556 the purpose of determining the presence in his body of any other
1557 substance which would impair a person's ability to drive a motor
1558 vehicle.

1559 (2) The tests shall be administered, and all procedures and
1560 proceedings relating thereto shall be performed, as nearly as
1561 practicable, in accordance with the provisions of the Mississippi
1562 Implied Consent Law. However, from and after April 1, 1992,
1563 refusal of any such person to submit to such test or a test given
1564 which indicates that such person was driving such motor vehicle
1565 within this state with any measurable or detectable amount of
1566 alcohol in his system or while under the influence of a controlled
1567 substance shall require such person to be immediately placed out
1568 of service for twenty-four (24) hours and shall require suspension
1569 of the commercial driver's license of such person for the
1570 applicable period of time prescribed in this article.

1571 **SECTION 34.** Section 63-1-225, Mississippi Code of 1972, is
1572 brought forward as follows:

1573 63-1-225. Except as otherwise specifically provided by this
1574 article, any violation of this article for which the only penalty
1575 under this article is the requirement that the commissioner
1576 suspend the commercial learner's permit or commercial driver's
1577 license of a person shall not, for the purposes of this article,
1578 constitute a criminal offense. However, if a violation of this
1579 article also constitutes a criminal offense under the provisions



1580 of some other law, then any criminal penalty which may be imposed
1581 for violation of such criminal law shall be in addition to
1582 suspension of a person's license under this article.

1583 If violation of any law of this state other than a violation
1584 of this article requires that the driver's license or driving
1585 privileges of a person be suspended, cancelled or revoked, then
1586 any suspension, cancellation or revocation imposed for violation
1587 of such law shall also result in suspension, revocation or
1588 cancellation of the person's commercial learner's permit or
1589 commercial driver's license under the provisions of this article
1590 for the same period of time and to run concurrently therewith.

1591 If any person is disqualified under the provisions of this
1592 article and the violation is not an offense for which a person's
1593 driver's license or driving privilege is suspended, revoked or
1594 cancelled under the provisions of some law other than the
1595 provisions of this article, then the person may apply for and
1596 obtain, upon meeting all qualifications as required by law, any
1597 type of driver's license other than a commercial driver's license
1598 or commercial learner's permit issued under the provisions of this
1599 article.

1600 **SECTION 35.** Section 99-19-72, Mississippi Code of 1972, is
1601 brought forward as follows:

1602 99-19-72. (1) A filing fee of One Hundred Fifty Dollars
1603 (\$150.00) is hereby levied on each petition to expunge an offense



1604 under Section 99-19-71 to be collected by the circuit clerk and
1605 distributed as follows:

1606 (a) One Hundred Dollars (\$100.00) to be deposited into
1607 the Judicial System Operation Fund;

1608 (b) Forty Dollars (\$40.00) to be deposited into the
1609 District Attorneys Operation Fund; and

1610 (c) Ten Dollars (\$10.00) to be retained by the circuit
1611 clerk collecting the fee for administration purposes.

1612 (2) From and after July 1, 2016, the expenses of district
1613 attorneys shall be defrayed by appropriation from the State
1614 General Fund and all user charges and fees authorized by
1615 paragraphs (a) and (b) of subsection (1) of this section shall be
1616 deposited into the State General Fund as authorized by law and as
1617 determined by the State Fiscal Officer, and charges and fees
1618 authorized by paragraph (c) of subsection (1) of this section
1619 shall be retained by the circuit clerks for expenditures
1620 authorized by law.

1621 **SECTION 36.** Section 99-19-73, Mississippi Code of 1972, is
1622 brought forward as follows:

1623 99-19-73. (1) **Traffic violations.** In addition to any
1624 monetary penalties and any other penalties imposed by law, there
1625 shall be imposed and collected the following state assessment from
1626 each person upon whom a court imposes a fine or other penalty for
1627 any violation in Title 63, Mississippi Code of 1972, except
1628 offenses relating to the Mississippi Implied Consent Law (Section



1629 63-11-1 et seq.) and offenses relating to vehicular parking or
1630 registration:

1631	FUND	AMOUNT
1632	State Court Education Fund.....	[Deleted]
1633	State Prosecutor Education Fund.....	[Deleted]
1634	Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....	[Deleted]
1635	Child Support Prosecution Trust Fund.....	[Deleted]
1636	Driver Training Penalty Assessment Fund.....	[Deleted]
1637	Law Enforcement Officers Training Fund.....	[Deleted]
1638	Spinal Cord and Head Injury Trust Fund (for all moving violations).....	[Deleted]
1639	Emergency Medical Services Operating Fund.....	[Deleted]
1640	Mississippi Leadership Council on Aging Fund.....	[Deleted]
1641	Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....	[Deleted]
1642	Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....	[Deleted]
1643	State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....	[Deleted]
1644	Crisis Intervention Mental Health Fund.....	[Deleted]
1645	Intervention Court Fund.....	[Deleted]
1646	Judicial Performance Fund.....	[Deleted]
1647	Capital Defense Counsel Fund.....	[Deleted]



1654 Indigent Appeals Fund.....[Deleted]
 1655 Capital Post-Conviction Counsel Fund.....[Deleted]
 1656 Victims of Domestic Violence Fund.....[Deleted]
 1657 Public Defenders Education Fund.....[Deleted]
 1658 Domestic Violence Training Fund.....[Deleted]
 1659 Attorney General's Cyber Crime Unit.....[Deleted]
 1660 Children's Safe Center Fund.....[Deleted]
 1661 DuBard School for Language Disorders Fund.....[Deleted]
 1662 Children's Advocacy Centers Fund.....[Deleted]
 1663 Judicial System Operation Fund.....[Deleted]
 1664 GENERAL FUND.....\$ 90.50

1665 (2) **Implied Consent Law violations.** In addition to any
 1666 monetary penalties and any other penalties imposed by law, there
 1667 shall be imposed and collected the following state assessment from
 1668 each person upon whom a court imposes a fine or any other penalty
 1669 for any violation of the Mississippi Implied Consent Law (Section
 1670 63-11-1 et seq.):

1671 FUND	AMOUNT
1672 Crime Victims' Compensation Fund.....	[Deleted]
1673 State Court Education Fund.....	[Deleted]
1674 State Prosecutor Education Fund.....	[Deleted]
1675 Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....	[Deleted]
1677 Child Support Prosecution Trust Fund.....	[Deleted]
1678 Driver Training Penalty Assessment Fund.....	[Deleted]



- 1679 Law Enforcement Officers Training Fund.....[Deleted]
- 1680 Emergency Medical Services Operating Fund.....[Deleted]
- 1681 Mississippi Alcohol Safety Education Program Fund.....[Deleted]
- 1682 Federal-State Alcohol Program Fund.....[Deleted]
- 1683 Mississippi Forensics Laboratory
- 1684 Implied Consent Law Fund.....[Deleted]
- 1685 Spinal Cord and Head Injury Trust Fund.....[Deleted]
- 1686 Capital Defense Counsel Fund.....[Deleted]
- 1687 Indigent Appeals Fund.....[Deleted]
- 1688 Capital Post-Conviction Counsel Fund.....[Deleted]
- 1689 Victims of Domestic Violence Fund.....[Deleted]
- 1690 Law Enforcement Officers and Fire Fighters
- 1691 Death Benefits Trust Fund.....[Deleted]
- 1692 Law Enforcement Officers and Fire Fighters
- 1693 Disability Benefits Trust Fund.....[Deleted]
- 1694 State Prosecutor Compensation Fund for the purpose
- 1695 of providing additional compensation for
- 1696 district attorneys and their legal assistants.....[Deleted]
- 1697 Crisis Intervention Mental Health Fund.....[Deleted]
- 1698 Intervention Court Fund.....[Deleted]
- 1699 Statewide Victims' Information and
- 1700 Notification System Fund.....[Deleted]
- 1701 Public Defenders Education Fund.....[Deleted]
- 1702 Domestic Violence Training Fund.....[Deleted]
- 1703 Attorney General's Cyber Crime Unit.....[Deleted]



1704 GENERAL FUND.....\$ 243.50

1705 (3) **Game and Fish Law violations.** In addition to any
1706 monetary penalties and any other penalties imposed by law, there
1707 shall be imposed and collected the following state assessment from
1708 each person upon whom a court imposes a fine or other penalty for
1709 any violation of the game and fish statutes or regulations of this
1710 state:

1711	FUND	AMOUNT
1712	State Court Education Fund.....	[Deleted]
1713	State Prosecutor Education Fund.....	[Deleted]
1714	Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....	[Deleted]
1715	Law Enforcement Officers Training Fund.....	[Deleted]
1716	Hunter Education and Training Program Fund.....	[Deleted]
1717	Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....	[Deleted]
1718	Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....	[Deleted]
1719	State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....	[Deleted]
1720	Crisis Intervention Mental Health Fund.....	[Deleted]
1721	Intervention Court Fund.....	[Deleted]
1722	Capital Defense Counsel Fund.....	[Deleted]
1723	Indigent Appeals Fund.....	[Deleted]
1724		
1725		
1726		
1727		
1728		



1729 Capital Post-Conviction Counsel Fund.....[Deleted]
1730 Victims of Domestic Violence Fund.....[Deleted]
1731 Public Defenders Education Fund.....[Deleted]
1732 Domestic Violence Training Fund.....[Deleted]
1733 Attorney General's Cyber Crime Unit.....[Deleted]
1734 GENERAL FUND.....\$ 89.00
1735 (4) [Deleted]
1736 (5) **Speeding, reckless and careless driving violations.** In
1737 addition to any assessment imposed under subsection (1) or (2) of
1738 this section, there shall be imposed and collected the following
1739 state assessment from each person upon whom a court imposes a fine
1740 or other penalty for driving a vehicle on a road or highway:
1741 (a) At a speed that exceeds the posted speed limit by
1742 at least ten (10) miles per hour but not more than twenty (20)
1743 miles per hour.....\$10.00
1744 (b) At a speed that exceeds the posted speed limit by
1745 at least twenty (20) miles per hour but not more than thirty (30)
1746 miles per hour.....\$20.00
1747 (c) At a speed that exceeds the posted speed limit by
1748 thirty (30) miles per hour or more.....\$30.00
1749 (d) In violation of Section 63-3-1201, which is the
1750 offense of reckless driving.....\$10.00
1751 (e) In violation of Section 63-3-1213, which is the
1752 offense of careless driving.....\$10.00



1753 All assessments collected under this subsection shall be
1754 deposited into the State General Fund.

1755 (6) **Other misdemeanors.** In addition to any monetary
1756 penalties and any other penalties imposed by law, there shall be
1757 imposed and collected the following state assessment from each
1758 person upon whom a court imposes a fine or other penalty for any
1759 misdemeanor violation not specified in subsection (1), (2) or (3)
1760 of this section, except offenses relating to vehicular parking or
1761 registration:

1762	FUND	AMOUNT
1763	Crime Victims' Compensation Fund.....	[Deleted]
1764	State Court Education Fund.....	[Deleted]
1765	State Prosecutor Education Fund.....	[Deleted]
1766	Vulnerable Persons Training, Investigation	
1767	and Prosecution Trust Fund.....	[Deleted]
1768	Child Support Prosecution Trust Fund.....	[Deleted]
1769	Law Enforcement Officers Training Fund.....	[Deleted]
1770	Capital Defense Counsel Fund.....	[Deleted]
1771	Indigent Appeals Fund.....	[Deleted]
1772	Capital Post-Conviction Counsel Fund.....	[Deleted]
1773	Victims of Domestic Violence Fund.....	[Deleted]
1774	State Crime Stoppers Fund.....	[Deleted]
1775	Law Enforcement Officers and Fire Fighters	
1776	Death Benefits Trust Fund.....	[Deleted]
1777	Law Enforcement Officers and Fire Fighters	



1778 Disability Benefits Trust Fund.....[Deleted]
1779 State Prosecutor Compensation Fund for the purpose
1780 of providing additional compensation for
1781 district attorneys and their legal assistants.....[Deleted]
1782 Crisis Intervention Mental Health Fund.....[Deleted]
1783 Intervention Court Fund.....[Deleted]
1784 Judicial Performance Fund.....[Deleted]
1785 Statewide Victims' Information and
1786 Notification System Fund.....[Deleted]
1787 Public Defenders Education Fund.....[Deleted]
1788 Domestic Violence Training Fund.....[Deleted]
1789 Attorney General's Cyber Crime Unit.....[Deleted]
1790 Information Exchange Network Fund.....[Deleted]
1791 Motorcycle Officer Training Fund.....[Deleted]
1792 Civil Legal Assistance Fund.....[Deleted]
1793 Justice Court Collections Fund.....[Deleted]
1794 Municipal Court Collections Fund.....[Deleted]
1795 GENERAL FUND.....\$121.75

1796 (7) **Other felonies.** In addition to any monetary penalties
1797 and any other penalties imposed by law, there shall be imposed and
1798 collected the following state assessment from each person upon
1799 whom a court imposes a fine or other penalty for any felony
1800 violation not specified in subsection (1), (2) or (3) of this
1801 section:

1802 FUND AMOUNT



- 1803 Crime Victims' Compensation Fund..... [Deleted]
- 1804 State Court Education Fund..... [Deleted]
- 1805 State Prosecutor Education Fund..... [Deleted]
- 1806 Vulnerable Persons Training, Investigation
- 1807 and Prosecution Trust Fund..... [Deleted]
- 1808 Child Support Prosecution Trust Fund..... [Deleted]
- 1809 Law Enforcement Officers Training Fund..... [Deleted]
- 1810 Capital Defense Counsel Fund..... [Deleted]
- 1811 Indigent Appeals Fund..... [Deleted]
- 1812 Capital Post-Conviction Counsel Fund..... [Deleted]
- 1813 Victims of Domestic Violence Fund..... [Deleted]
- 1814 Criminal Justice Fund..... [Deleted]
- 1815 Law Enforcement Officers and Fire Fighters
- 1816 Death Benefits Trust Fund..... [Deleted]
- 1817 Law Enforcement Officers and Fire Fighters
- 1818 Disability Benefits Trust Fund..... [Deleted]
- 1819 State Prosecutor Compensation Fund for the purpose
- 1820 of providing additional compensation for
- 1821 district attorneys and their legal assistants..... [Deleted]
- 1822 Crisis Intervention Mental Health Fund..... [Deleted]
- 1823 Intervention Court Fund..... [Deleted]
- 1824 Statewide Victims' Information and
- 1825 Notification System Fund..... [Deleted]
- 1826 Public Defenders Education Fund..... [Deleted]
- 1827 Domestic Violence Training Fund..... [Deleted]



1828 Attorney General's Cyber Crime Unit.....[Deleted]
1829 Forensics Laboratory DNA Identification System Fund.....[Deleted]
1830 GENERAL FUND.....\$ 280.50

1831 (8) **Additional assessments on certain violations:**

1832 (a) **Railroad crossing violations.** In addition to any
1833 monetary penalties and any other penalties imposed by law, there
1834 shall be imposed and collected the following state assessment in
1835 addition to all other state assessments due under this section
1836 from each person upon whom a court imposes a fine or other penalty
1837 for any violation involving railroad crossings under Section
1838 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

1839 Operation Lifesaver Fund.....\$25.00

1840 (b) **Drug violations.** In addition to any monetary
1841 penalties and any other penalties imposed by law, there shall be
1842 imposed and collected the following state assessment in addition
1843 to all other state assessments due under this section from each
1844 person upon whom a court imposes a fine or other penalty for any
1845 violation of Section 41-29-139:

1846 Drug Evidence Disposition Fund.....\$25.00

1847 Mississippi Foster Care Fund.....\$2.00

1848 (c) **Motor vehicle liability insurance violations.** In
1849 addition to any monetary penalties and any other penalties imposed
1850 by law, there shall be imposed and collected the following state
1851 assessment in addition to all other state assessments due under
1852 this section from each person upon whom a court imposes a fine or



1853 other penalty for any violation of Section 63-15-4(4) or Section
1854 63-16-13(1):

1855 Uninsured Motorist Identification Fund:

1856 First offense.....\$200.00

1857 Second offense.....\$300.00

1858 Third or subsequent offense.....\$400.00

1859 (9) If a fine or other penalty imposed is suspended, in
1860 whole or in part, such suspension shall not affect the state
1861 assessment under this section. No state assessment imposed under
1862 the provisions of this section may be suspended or reduced by the
1863 court.

1864 (10) (a) After a determination by the court of the amount
1865 due, it shall be the duty of the clerk of the court to promptly
1866 collect all state assessments imposed under the provisions of this
1867 section. The state assessments imposed under the provisions of
1868 this section may not be paid by personal check.

1869 (b) It shall be the duty of the chancery clerk of each
1870 county to deposit all state assessments collected in the circuit,
1871 county and justice courts in the county on a monthly basis with
1872 the State Treasurer pursuant to appropriate procedures established
1873 by the State Auditor. The chancery clerk shall make a monthly
1874 lump-sum deposit of the total state assessments collected in the
1875 circuit, county and justice courts in the county under this
1876 section, and shall report to the Department of Finance and
1877 Administration the total number of violations under each



1878 subsection for which state assessments were collected in the
1879 circuit, county and justice courts in the county during that
1880 month.

1881 (c) It shall be the duty of the municipal clerk of each
1882 municipality to deposit all the state assessments collected in the
1883 municipal court in the municipality on a monthly basis with the
1884 State Treasurer pursuant to appropriate procedures established by
1885 the State Auditor. The municipal clerk shall make a monthly
1886 lump-sum deposit of the total state assessments collected in the
1887 municipal court in the municipality under this section, and shall
1888 report to the Department of Finance and Administration the total
1889 number of violations under each subsection for which state
1890 assessments were collected in the municipal court in the
1891 municipality during that month.

1892 (11) It shall be the duty of the Department of Finance and
1893 Administration to deposit on a monthly basis all state assessments
1894 into the State General Fund or proper special fund in the State
1895 Treasury. The Department of Finance and Administration shall
1896 issue regulations providing for the proper allocation of these
1897 funds.

1898 (12) The State Auditor shall establish by regulation
1899 procedures for refunds of state assessments, including refunds
1900 associated with assessments imposed before July 1, 1990, and
1901 refunds after appeals in which the defendant's conviction is
1902 reversed. The Auditor shall provide in the regulations for



1903 certification of eligibility for refunds and may require the
1904 defendant seeking a refund to submit a verified copy of a court
1905 order or abstract by which the defendant is entitled to a refund.
1906 All refunds of state assessments shall be made in accordance with
1907 the procedures established by the Auditor.

1908 **SECTION 37.** This act shall take effect and be in force from
1909 and after July 1, 2024.

