

By: Representative Davis

To: Judiciary A

HOUSE BILL NO. 401

1 AN ACT TO AMEND SECTION 63-11-30, MISSISSIPPI CODE OF 1972,  
 2 TO PROVIDE THAT A PERSON CONVICTED FOR A THIRD OR SUBSEQUENT  
 3 OFFENSE OF DRIVING UNDER THE INFLUENCE SHALL BE REQUIRED TO OBTAIN  
 4 A DISTINCTIVE LICENSE TAG WHICH CLEARLY IDENTIFIES SUCH PERSON TO  
 5 LAW ENFORCEMENT OFFICERS AND SHALL BE REQUIRED TO DISPLAY SUCH TAG  
 6 FOR A PERIOD OF THREE YEARS ON EACH MOTOR VEHICLE REGISTERED IN  
 7 HIS NAME; TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION  
 8 27-19-56.72, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE  
 9 TAX COMMISSION SHALL DESIGN AND ISSUE THROUGH THE COUNTY TAX  
 10 COLLECTORS THE DISTINCTIVE TAGS REQUIRED BY THIS ACT, AND TO  
 11 PRESCRIBE THE MANNER AND PROCEDURE BY WHICH SUCH TAGS SHALL BE  
 12 ISSUED; TO AMEND SECTION 27-19-44, MISSISSIPPI CODE OF 1972, IN  
 13 CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED  
 14 PURPOSES.

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

16 **SECTION 1.** Section 63-11-30, Mississippi Code of 1972, is  
 17 amended as follows:

18 63-11-30. (1) It is unlawful for any person to drive or  
 19 otherwise operate a vehicle within this state who (a) is under the  
 20 influence of intoxicating liquor; (b) is under the influence of  
 21 any other substance which has impaired such person's ability to  
 22 operate a motor vehicle; (c) has an alcohol concentration of eight  
 23 one-hundredths percent (.08%) or more for persons who are above  
 24 the legal age to purchase alcoholic beverages under state law, or  
 25 two one-hundredths percent (.02%) or more for persons who are  
 26 below the legal age to purchase alcoholic beverages under state  
 27 law, in the person's blood based upon grams of alcohol per one  
 28 hundred (100) milliliters of blood or grams of alcohol per two  
 29 hundred ten (210) liters of breath as shown by a chemical analysis  
 30 of such person's breath, blood or urine administered as authorized  
 31 by this chapter; (d) is under the influence of any drug or  
 32 controlled substance, the possession of which is unlawful under  
 33 the Mississippi Controlled Substances Law; or (e) has an alcohol



34 concentration of four one-hundredths percent (.04%) or more in the  
35 person's blood, based upon grams of alcohol per one hundred (100)  
36 milliliters of blood or grams of alcohol per two hundred ten (210)  
37 liters of breath as shown by a chemical analysis of such person's  
38 blood, breath or urine, administered as authorized by this chapter  
39 for persons operating a commercial motor vehicle.

40 (2) (a) Except as otherwise provided in subsection (3),  
41 upon conviction of any person for the first offense of violating  
42 subsection (1) of this section where chemical tests provided for  
43 under Section 63-11-5 were given, or where chemical test results  
44 are not available, such person shall be fined not less than Two  
45 Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars  
46 (\$1,000.00), or imprisoned for not more than forty-eight (48)  
47 hours in jail or both; and the court shall order such person to  
48 attend and complete an alcohol safety education program as  
49 provided in Section 63-11-32. The court may substitute attendance  
50 at a victim impact panel instead of forty-eight (48) hours in  
51 jail. In addition, the Department of Public Safety, the  
52 Commissioner of Public Safety or his duly authorized agent shall,  
53 after conviction and upon receipt of the court abstract, suspend  
54 the driver's license and driving privileges of such person for a  
55 period of not less than ninety (90) days and until such person  
56 attends and successfully completes an alcohol safety education  
57 program as herein provided; provided, however, in no event shall  
58 such period of suspension exceed one (1) year. Commercial driving  
59 privileges shall be suspended as provided in Section 63-1-83.

60 The circuit court having jurisdiction in the county in which  
61 the conviction was had or the circuit court of the person's county  
62 of residence may reduce the suspension of driving privileges under  
63 Section 63-11-30(2) (a) if the denial of which would constitute a  
64 hardship on the offender, except that no court may issue such an  
65 order reducing the suspension of driving privileges under this  
66 subsection until thirty (30) days have elapsed from the effective



67 date of the suspension. Hardships shall only apply to first  
68 offenses under Section 63-11-30(1), and shall not apply to second,  
69 third or subsequent convictions of any person violating subsection  
70 (1) of this section. A reduction of suspension on the basis of  
71 hardship shall not be available to any person who refused to  
72 submit to a chemical test upon the request of a law enforcement  
73 officer as provided in Section 63-11-5. When the petition is  
74 filed, such person shall pay to the circuit clerk of the court  
75 where the petition is filed a fee of Fifty Dollars (\$50.00), which  
76 shall be deposited into the State General Fund to the credit of a  
77 special fund hereby created in the State Treasury to be used for  
78 alcohol or drug abuse treatment and education, upon appropriation  
79 by the Legislature. This fee shall be in addition to any other  
80 court costs or fees required for the filing of petitions.

81 The petition filed under the provisions of this subsection  
82 shall contain the specific facts which the petitioner alleges to  
83 constitute a hardship and the driver's license number of the  
84 petitioner. A hearing may be held on any petition filed under  
85 this subsection only after ten (10) days' prior written notice to  
86 the Commissioner of Public Safety, or his designated agent, or the  
87 attorney designated to represent the state. At such hearing, the  
88 court may enter an order reducing the period of suspension.

89 The order entered under the provisions of this subsection  
90 shall contain the specific grounds upon which hardship was  
91 determined, and shall order the petitioner to attend and complete  
92 an alcohol safety education program as provided in Section  
93 63-11-32. A certified copy of such order shall be delivered to  
94 the Commissioner of Public Safety by the clerk of the court within  
95 five (5) days of the entry of the order. The certified copy of  
96 such order shall contain information which will identify the  
97 petitioner, including, but not limited to, the name, mailing  
98 address, street address, social security number and driver's  
99 license number of the petitioner.



100 At any time following at least thirty (30) days of suspension  
101 for a first offense violation of this section, the court may grant  
102 the person hardship driving privileges upon written petition of  
103 the defendant, if it finds reasonable cause to believe that  
104 revocation would hinder the person's ability to:

105 (i) Continue his employment;

106 (ii) Continue attending school or an educational  
107 institution; or

108 (iii) Obtain necessary medical care.

109 Proof of the hardship shall be established by clear and  
110 convincing evidence which shall be supported by independent  
111 documentation.

112 (b) Except as otherwise provided in subsection (3),  
113 upon any second conviction of any person violating subsection (1)  
114 of this section, the offenses being committed within a period of  
115 five (5) years, such person shall be fined not less than Six  
116 Hundred Dollars (\$600.00) nor more than One Thousand Five Hundred  
117 Dollars (\$1,500.00), shall be imprisoned not less than five (5)  
118 days nor more than one (1) year and sentenced to community service  
119 work for not less than ten (10) days nor more than one (1) year.  
120 The minimum penalties shall not be suspended or reduced by the  
121 court and no prosecutor shall offer any suspension or sentence  
122 reduction as part of a plea bargain. Except as may otherwise be  
123 provided by paragraph (d) of this subsection, the Commissioner of  
124 Public Safety shall suspend the driver's license of such person  
125 for two (2) years. Suspension of a commercial driver's license  
126 shall be governed by Section 63-1-83. Upon any second conviction  
127 as described in this paragraph, the court shall ascertain whether  
128 the defendant is married, and if the defendant is married shall  
129 obtain the name and address of the defendant's spouse; the clerk  
130 of the court shall submit this information to the Department of  
131 Public Safety. Further, the commissioner shall notify in writing,  
132 by certified mail, return receipt requested, the owner of the



133 vehicle and the spouse, if any, of the person convicted of the  
134 second violation of the possibility of forfeiture of the vehicle  
135 if such person is convicted of a third violation of subsection (1)  
136 of this section. The owner of the vehicle and the spouse shall be  
137 considered notified under this paragraph if the notice is  
138 deposited in the United States mail and any claim that the notice  
139 was not in fact received by the addressee shall not affect a  
140 subsequent forfeiture proceeding.

141 For any second or subsequent conviction of any person under  
142 this section, the person shall also be subject to the penalties  
143 set forth in Section 63-11-31.

144 (c) (i) Except as otherwise provided in subsection  
145 (3), for any third or subsequent conviction of any person  
146 violating subsection (1) of this section, the offenses being  
147 committed within a period of five (5) years, such person shall be  
148 guilty of a felony and fined not less than Two Thousand Dollars  
149 (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00), shall  
150 be imprisoned not less than one (1) year nor more than five (5)  
151 years in the State Penitentiary. The minimum penalties shall not  
152 be suspended or reduced by the court and no prosecutor shall offer  
153 any suspension or sentence reduction as part of a plea bargain.  
154 The law enforcement agency shall seize the vehicle operated by any  
155 person charged with a third or subsequent violation of subsection  
156 (1) of this section, if such convicted person was driving the  
157 vehicle at the time the offense was committed. Such vehicle may  
158 be forfeited in the manner provided by Sections 63-11-49 through  
159 63-11-53. Except as may otherwise be provided by paragraph (e) of  
160 this subsection, the Commissioner of Public Safety shall suspend  
161 the driver's license of such person for five (5) years. The  
162 suspension of a commercial driver's license shall be governed by  
163 Section 63-1-83.

164 (ii) In addition to any other penalties imposed  
165 under the provisions of this section, any person convicted of



166 violating subsection (1) of this section and sentenced under the  
167 provisions of subparagraph (2)(c)(i) of this section shall be  
168 ordered by the sentencing court to obtain a distinctive license  
169 tag under the provisions of Section 27-19-56.72. The court shall  
170 order such person to display such tag, in the manner as required  
171 by law, on each private carrier of passengers, each pickup truck  
172 and all other noncommercial motor vehicles registered in his name,  
173 for a period of three (3) years from the date the tag is  
174 purchased. A person has seven (7) days from the date of entry of  
175 the order of the court, exclusive of Sundays and holidays, to  
176 obtain the distinctive license tag. Any person who violates such  
177 order of the court, upon conviction, is guilty of a misdemeanor  
178 and shall be punished by a fine of not less than One Hundred  
179 Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or  
180 by imprisonment in the county jail for not more than six (6)  
181 months, or by both such fine and imprisonment. The court may not  
182 suspend or suspend the execution of, in whole or in part, the  
183 penalties required by this subparagraph (ii).

184           (d) Except as otherwise provided in subsection (3), any  
185 person convicted of a second violation of subsection (1) of this  
186 section shall receive an in-depth diagnostic assessment, and if as  
187 a result of such assessment is determined to be in need of  
188 treatment of his alcohol and/or drug abuse problem, such person  
189 shall successfully complete treatment of his alcohol and/or drug  
190 abuse problem at a program site certified by the Department of  
191 Mental Health. Such person shall be eligible for reinstatement of  
192 his driving privileges upon the successful completion of such  
193 treatment after a period of one (1) year after such person's  
194 driver's license is suspended. Each person who receives a  
195 diagnostic assessment shall pay a fee representing the cost of  
196 such assessment. Each person who participates in a treatment  
197 program shall pay a fee representing the cost of such treatment.



198           (e) Except as otherwise provided in subsection (3), any  
199 person convicted of a third or subsequent violation of subsection  
200 (1) of this section shall receive an in-depth diagnostic  
201 assessment, and if as a result of such assessment is determined to  
202 be in need of treatment of his alcohol and/or drug abuse problem,  
203 such person shall enter an alcohol and/or drug abuse program  
204 approved by the Department of Mental Health for treatment of such  
205 person's alcohol and/or drug abuse problem. If such person  
206 successfully completes such treatment, such person shall be  
207 eligible for reinstatement of his driving privileges after a  
208 period of three (3) years after such person's driver's license is  
209 suspended.

210           (f) The Department of Public Safety shall promulgate  
211 rules and regulations for the use of interlock ignition devices as  
212 provided in Section 63-11-31 and consistent with the provisions  
213 therein. Such rules and regulations shall provide for the  
214 calibration of such devices and shall provide that the cost of the  
215 use of such systems shall be borne by the offender. The  
216 Department of Public Safety shall approve which vendors of such  
217 devices shall be used to furnish such systems.

218           (3) (a) This subsection shall be known and may be cited as  
219 Zero Tolerance for Minors. The provisions of this subsection  
220 shall apply only when a person under the age of twenty-one (21)  
221 years has a blood alcohol concentration two one-hundredths percent  
222 (.02%) or more, but lower than eight one-hundredths percent  
223 (.08%). If such person's blood alcohol concentration is eight  
224 one-hundredths percent (.08%) or more, the provisions of  
225 subsection (2) shall apply.

226           (b) Upon conviction of any person under the age of  
227 twenty-one (21) years for the first offense of violating  
228 subsection (1) of this section where chemical tests provided for  
229 under Section 63-11-5 were given, or where chemical test results  
230 are not available, such person shall have his driver's license



231 suspended for ninety (90) days and shall be fined Two Hundred  
232 Fifty Dollars (\$250.00); and the court shall order such person to  
233 attend and complete an alcohol safety education program as  
234 provided in Section 63-11-32. The court may also require  
235 attendance at a victim impact panel.

236 The circuit court having jurisdiction in the county in which  
237 the conviction was had or the circuit court of the person's county  
238 of residence may reduce the suspension of driving privileges under  
239 Section 63-11-30(2)(a) if the denial of which would constitute a  
240 hardship on the offender, except that no court may issue such an  
241 order reducing the suspension of driving privileges under this  
242 subsection until thirty (30) days have elapsed from the effective  
243 date of the suspension. Hardships shall only apply to first  
244 offenses under Section 63-11-30(1), and shall not apply to second,  
245 third or subsequent convictions of any person violating subsection  
246 (1) of this section. A reduction of suspension on the basis of  
247 hardship shall not be available to any person who refused to  
248 submit to a chemical test upon the request of a law enforcement  
249 officer as provided in Section 63-11-5. When the petition is  
250 filed, such person shall pay to the circuit clerk of the court  
251 where the petition is filed a fee of Fifty Dollars (\$50.00), which  
252 shall be deposited into the State General Fund to the credit of a  
253 special fund hereby created in the State Treasury to be used for  
254 alcohol or drug abuse treatment and education, upon appropriation  
255 by the Legislature. This fee shall be in addition to any other  
256 court costs or fees required for the filing of petitions.

257 The petition filed under the provisions of this subsection  
258 shall contain the specific facts which the petitioner alleges to  
259 constitute a hardship and the driver's license number of the  
260 petitioner. A hearing may be held on any petition filed under  
261 this subsection only after ten (10) days' prior written notice to  
262 the Commissioner of Public Safety, or his designated agent, or the





263 attorney designated to represent the state. At such hearing, the  
264 court may enter an order reducing the period of suspension.

265 The order entered under the provisions of this subsection  
266 shall contain the specific grounds upon which hardship was  
267 determined, and shall order the petitioner to attend and complete  
268 an alcohol safety education program as provided in Section  
269 63-11-32. A certified copy of such order shall be delivered to  
270 the Commissioner of Public Safety by the clerk of the court within  
271 five (5) days of the entry of the order. The certified copy of  
272 such order shall contain information which will identify the  
273 petitioner, including, but not limited to, the name, mailing  
274 address, street address, social security number and driver's  
275 license number of the petitioner.

276 At any time following at least thirty (30) days of suspension  
277 for a first offense violation of this section, the court may grant  
278 the person hardship driving privileges upon written petition of  
279 the defendant, if it finds reasonable cause to believe that  
280 revocation would hinder the person's ability to:

- 281 (i) Continue his employment;
- 282 (ii) Continue attending school or an educational  
283 institution; or
- 284 (iii) Obtain necessary medical care.

285 Proof of the hardship shall be established by clear and  
286 convincing evidence which shall be supported by independent  
287 documentation.

288 (c) Upon any second conviction of any person under the  
289 age of twenty-one (21) years violating subsection (1) of this  
290 section, the offenses being committed within a period of five (5)  
291 years, such person shall be fined not more than Five Hundred  
292 Dollars (\$500.00) and shall have his driver's license suspended  
293 for one (1) year.

294 (d) For any third or subsequent conviction of any  
295 person under the age of twenty-one (21) years violating subsection



296 (1) of this section, the offenses being committed within a period  
297 of five (5) years, such person shall be fined not more than One  
298 Thousand Dollars (\$1,000.00) and shall have his driver's license  
299 suspended until he reaches the age of twenty-one (21) or for two  
300 (2) years, whichever is longer.

301 (e) Any person under the age of twenty-one (21) years  
302 convicted of a second violation of subsection (1) of this section,  
303 may have the period that his driver's license is suspended reduced  
304 if such person receives an in-depth diagnostic assessment, and as  
305 a result of such assessment is determined to be in need of  
306 treatment of his alcohol and/or drug abuse problem and  
307 successfully completes treatment of his alcohol and/or drug abuse  
308 problem at a program site certified by the Department of Mental  
309 Health. Such person shall be eligible for reinstatement of his  
310 driving privileges upon the successful completion of such  
311 treatment after a period of six (6) months after such person's  
312 driver's license is suspended. Each person who receives a  
313 diagnostic assessment shall pay a fee representing the cost of  
314 such assessment. Each person who participates in a treatment  
315 program shall pay a fee representing the cost of such treatment.

316 (f) Any person under the age of twenty-one (21) years  
317 convicted of a third or subsequent violation of subsection (1) of  
318 this section shall complete treatment of an alcohol and/or drug  
319 abuse program at a site certified by the Department of Mental  
320 Health.

321 (g) The court shall have the discretion to rule that a  
322 first offense of this subsection by a person under the age of  
323 twenty-one (21) years shall be nonadjudicated. Such person shall  
324 be eligible for nonadjudication only once. The Department of  
325 Public Safety shall maintain a confidential registry of all cases  
326 which are nonadjudicated as provided in this paragraph. A judge  
327 who rules that a case is nonadjudicated shall forward such ruling  
328 to the Department of Public Safety. Judges and prosecutors



329 involved in implied consent violations shall have access to the  
330 confidential registry for the purpose of determining  
331 nonadjudication eligibility. A record of a person who has been  
332 nonadjudicated shall be maintained for five (5) years or until  
333 such person reaches the age of twenty-one (21) years. Any person  
334 whose confidential record has been disclosed in violation of this  
335 paragraph shall have a civil cause of action against the person  
336 and/or agency responsible for such disclosure.

337 (4) In addition to the other penalties provided in this  
338 section, every person refusing a law enforcement officer's request  
339 to submit to a chemical test of his breath as provided in this  
340 chapter, or who was unconscious at the time of a chemical test and  
341 refused to consent to the introduction of the results of such test  
342 in any prosecution, shall suffer an additional suspension of  
343 driving privileges as follows:

344 The Commissioner of Public Safety or his authorized agent  
345 shall suspend the driver's license or permit to drive or deny the  
346 issuance of a license or permit to such person as provided for  
347 first, second and third or subsequent offenders in subsection (2)  
348 of this section. Such suspension shall be in addition to any  
349 suspension imposed pursuant to subsection (1) of Section 63-11-23.  
350 The minimum suspension imposed under this subsection shall not be  
351 reduced and no prosecutor is authorized to offer a reduction of  
352 such suspension as part of a plea bargain.

353 (5) Every person who operates any motor vehicle in violation  
354 of the provisions of subsection (1) of this section and who in a  
355 negligent manner causes the death of another or mutilates,  
356 disfigures, permanently disables or destroys the tongue, eye, lip,  
357 nose or any other limb, organ or member of another shall, upon  
358 conviction, be guilty of a felony and shall be committed to the  
359 custody of the State Department of Corrections for a period of  
360 time of not less than five (5) years and not to exceed twenty-five  
361 (25) years.



362           (6) Upon conviction of any violation of subsection (1) of  
363 this section, the trial judge shall sign in the place provided on  
364 the traffic ticket, citation or affidavit stating that the person  
365 arrested either employed an attorney or waived his right to an  
366 attorney after having been properly advised. If the person  
367 arrested employed an attorney, the name, address and telephone  
368 number of the attorney shall be written on the ticket, citation or  
369 affidavit. The judge shall cause a copy of the traffic ticket,  
370 citation or affidavit, and any other pertinent documents  
371 concerning the conviction, to be sent to the Commissioner of  
372 Public Safety. A copy of the traffic ticket, citation or  
373 affidavit and any other pertinent documents, having been attested  
374 as true and correct by the Commissioner of Public Safety, or his  
375 designee, shall be sufficient proof of the conviction for purposes  
376 of determining the enhanced penalty for any subsequent convictions  
377 of violations of subsection (1) of this section.

378           (7) Convictions in other states of violations for driving or  
379 operating a vehicle while under the influence of an intoxicating  
380 liquor or while under the influence of any other substance that  
381 has impaired the person's ability to operate a motor vehicle  
382 occurring after July 1, 1992, shall be counted for the purposes of  
383 determining if a violation of subsection (1) of this section is a  
384 first, second, third or subsequent offense and the penalty that  
385 shall be imposed upon conviction for a violation of subsection (1)  
386 of this section.

387           (8) For the purposes of determining how to impose the  
388 sentence for a second, third or subsequent conviction under this  
389 section, the indictment shall not be required to enumerate  
390 previous convictions. It shall only be necessary that the  
391 indictment state the number of times that the defendant has been  
392 convicted and sentenced within the past five (5) years under this  
393 section to determine if an enhanced penalty shall be imposed. The  
394 amount of fine and imprisonment imposed in previous convictions



395 shall not be considered in calculating offenses to determine a  
396 second, third or subsequent offense of this section.

397 (9) Any person under the legal age to obtain a license to  
398 operate a motor vehicle convicted under this section shall not be  
399 eligible to receive such license until the person reaches the age  
400 of eighteen (18) years.

401 (10) Suspension of driving privileges for any person  
402 convicted of violations of Section 63-11-30(1) shall run  
403 consecutively.

404 (11) The court may order the use of any ignition interlock  
405 device as provided in Section 63-11-31.

406 **SECTION 2.** The following shall be codified as Section  
407 27-19-56.72, Mississippi Code of 1972:

408 27-19-56.72. (1) The State Tax Commission, in cooperation  
409 with the License Tag Commission, shall design and issue through  
410 the offices of the county tax collectors distinctive motor vehicle  
411 license tags for display upon motor vehicles registered in the  
412 names of persons who have been ordered by a court to obtain and  
413 display the tags provided for under Section 63-11-30(2)(c)(ii).  
414 Each tag shall contain a distinctive letter or number preceding  
415 all other letters and numbers for the purpose of providing clear  
416 recognition to law enforcement officers that the vehicle is  
417 registered in the name of a person who has been convicted and  
418 sentenced as a third or subsequent offender under the Implied  
419 Consent Law.

420 (2) The distinctive license tags described in subsection (1)  
421 of this section shall be issued annually to the persons who are  
422 required to obtain such license tags and such persons shall be  
423 required to pay the road and bridge privilege taxes, ad valorem  
424 taxes and registration fees as otherwise prescribed by law for  
425 each vehicle upon which the license tag is to be displayed.  
426 However, if a vehicle for which a person applies for such  
427 distinctive license tag is currently registered in the person's



428 name and the tag issued for such vehicle has not expired, then  
429 such person shall be required only to pay the fees required under  
430 the provisions of Section 27-19-37 in order to be issued a  
431 distinctive license tag under the provisions of this section, and  
432 such distinctive license tag shall remain valid until the  
433 expiration date of the tag replaced by the distinctive tag.

434 **SECTION 3.** Section 27-19-44, Mississippi Code of 1972, is  
435 amended as follows:

436 27-19-44. (1) For any distinctive license tag or plate  
437 authorized by the Legislature from and after July 1, 2000, through  
438 June 30, 2002, the requirements of this subsection must be met  
439 before the State Tax Commission may prepare or issue any such  
440 license tag or plate. The organization or other entity for which  
441 the Legislature authorized the distinctive license tag or plate  
442 must submit proof satisfactory to the State Tax Commission that at  
443 least one hundred (100) of such license tags or plates will be  
444 purchased and must deposit with the commission an amount necessary  
445 to purchase one hundred (100) of such license tags or plates. The  
446 organization or other entity for which the Legislature authorized  
447 the distinctive license tag or plate must satisfy the requirements  
448 of this subsection (1) within two (2) years after the effective  
449 date of the law authorizing the license tag or plate in order to  
450 permit the license tag or plate to be prepared and issued.

451 (2) For any distinctive license tag or plate authorized by  
452 the Legislature from and after July 1, 2002, the requirements of  
453 this subsection must be met before the State Tax Commission may  
454 prepare or issue any such license tag or plate. The organization  
455 or other entity for which the Legislature authorized the  
456 distinctive license tag or plate must submit proof satisfactory to  
457 the State Tax Commission that at least two hundred (200) of such  
458 license tags or plates will be purchased and must deposit with the  
459 commission an amount necessary to purchase two hundred (200) of  
460 such license tags or plates. The organization or other entity for



461 which the Legislature authorized the distinctive license tag or  
462 plate must satisfy the requirements of this subsection (2) within  
463 three (3) years after the effective date of the law authorizing  
464 the license tag or plate in order to permit the license tag or  
465 plate to be prepared and issued.

466 (3) If the organization or other entity for which the  
467 Legislature authorized the distinctive license tag or plate meets  
468 the requirements of subsection (1) or (2) of this section, the  
469 State Tax Commission shall prepare and issue the distinctive  
470 license tag or plate.

471 (4) The State Tax Commission shall review the number of  
472 distinctive or special license tags or plates issued pursuant to  
473 this chapter during the period for the license tag or plate  
474 series. If the number of any distinctive or special license tag  
475 or plate issued pursuant to this chapter falls below one hundred  
476 (100) in the last year of the license tag or plate series, the  
477 distinctive or special license tag or plate shall be discontinued  
478 at the end of the period for the license tag or plate series.

479 (5) If a distinctive or special license tag or plate is  
480 discontinued under subsection (4) of this section, the  
481 organization or other entity for which the license tag or plate  
482 was discontinued may prepare a distinctive or special license tag  
483 or plate decal. The distinctive or special license tag or plate  
484 decal shall be of such size, color and design as may be agreed  
485 upon by the organization or other entity and the State Tax  
486 Commission. However, the State Tax Commission shall have final  
487 approval of the size, color and design of the decal. The  
488 distinctive or special license tag or plate decals shall be  
489 prepared and sold by the organization or other entity, and the  
490 proceeds derived from the sale of such decals shall be retained by  
491 the organization or other entity for any use deemed appropriate by  
492 the organization or other entity.



493           (6) The provisions of this section shall not apply to  
494 distinctive or special license tags or plates:

495                   (a) Which are issued under Section 27-19-45, 27-19-46,  
496 27-19-47.1, 27-19-47.2, 27-19-48, 27-19-49, 27-19-53, 27-19-55,  
497 27-19-56, 27-19-56.1, 27-19-56.2, 27-19-56.3, 27-19-56.5,  
498 27-19-56.6, 27-19-56.9, 27-19-56.11, 27-19-56.12, 27-19-56.13,  
499 27-19-56.72 or under Sections 27-19-56.62 and 27-19-56.69; or

500                   (b) For which no additional fee is required to be paid.

501           **SECTION 4.** This act shall take effect and be in force from  
502 and after July 1, 2003.

