

By: Representative Howell

To: Judiciary A

HOUSE BILL NO. 714

1 AN ACT TO REQUIRE THE SUSPENSION OF CERTAIN STATE-ISSUED
 2 LICENSES, PERMITS OR REGISTRATIONS THAT ALLOW A PERSON TO OPERATE
 3 A MOTOR VEHICLE, SELL ALCOHOLIC BEVERAGES OR HUNT OR FISH FOR ANY
 4 PERSON CONVICTED OF A VIOLATION OF THE UNIFORM CONTROLLED
 5 SUBSTANCES LAW; TO AUTHORIZE THE LICENSEE TO APPEAL THE LICENSE
 6 SUSPENSION TO THE CHANCERY CLERK; TO AMEND SECTIONS 49-7-27,
 7 63-1-51, 63-1-57, 63-1-83, 67-1-37, 67-1-71 AND 67-3-29,
 8 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
 9 PURPOSES.

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

11 **SECTION 1.** In addition to other requirements necessary for
 12 holding a license, an individual who is convicted of a violation
 13 of the Uniform Controlled Substances Law also is subject to the
 14 provisions of Sections 1 through 5 of this act.

15 **SECTION 2.** As used in Sections 1 through 5 of this act, the
 16 following words and terms shall have the meanings ascribed herein:

17 (a) "Licensing entity" or "entity" includes the
 18 Mississippi Department of Public Safety with respect to driver's
 19 licenses, the Mississippi State Tax Commission with respect to
 20 licenses for the sale of alcoholic beverages and the Mississippi
 21 Department of Wildlife, Fisheries and Parks with respect to
 22 hunting and fishing licenses.

23 (b) "License" means a license, certificate, permit,
 24 credential, registration or any other authorization issued by a
 25 licensing entity that allows a person to operate a motor vehicle,
 26 to sell alcoholic beverages or to hunt and fish.

27 (c) "Licensee" means any person holding a license
 28 issued by a licensing entity.

29 **SECTION 3.** (1) The clerk of the court wherein the licensee
 30 is convicted of a violation of the Uniform Controlled Substances



31 Law shall notify the licensing entities of such conviction. The
32 licensing entity shall immediately suspend the licensee's license
33 for a period of six (6) months for a first conviction and for a
34 period of two (2) years for a second or subsequent conviction.
35 The licensing entity shall notify the licensee of such suspension
36 by certified mail, return receipt requested.

37 (2) Upon receiving the notice provided for in subsection (1)
38 of this section the licensee may request a review with the
39 licensing entity; however, the issue the licensee may raise at the
40 review is limited to whether the licensee is the person convicted
41 of a violation of the Uniform Controlled Substances Law.

42 (3) Within thirty (30) days after a licensing entity
43 suspends the licensee's license after notification by the clerk of
44 the court as provided under subsection (1) of this section, the
45 licensee may appeal the license suspension to the chancery court
46 of the county in which the licensee resides or to the Chancery
47 Court of the First Judicial District of Hinds County, Mississippi,
48 upon giving bond with sufficient sureties in the amount of Two
49 Hundred Dollars (\$200.00), approved by the clerk of the chancery
50 court and conditioned to pay any costs that may be adjudged
51 against the licensee. Notice of appeal shall be filed in the
52 office of the clerk of the chancery court. If there is an appeal,
53 the appeal may, in the discretion of and on motion to the chancery
54 court, act as a supersedeas of the license suspension. The
55 chancery court shall dispose of the appeal and enter its decision
56 within thirty (30) days of the filing of the appeal. The hearing
57 on the appeal may, in the discretion of the chancellor, be tried
58 in vacation. The decision of the chancery court may be appealed
59 to the Supreme Court in the manner provided by the rules of the
60 Supreme Court. In the discretion of and on motion to the chancery
61 court, no person shall be allowed to take any action under the
62 authority of any license the suspension of which has been affirmed



63 by the chancery court while an appeal to the Supreme Court from
64 the decision of the chancery court is pending.

65 (4) If a license is suspended under the provisions of this
66 section, the licensing entity is not required to refund any fees
67 paid by a licensee in connection with obtaining or renewing a
68 license.

69 (5) The requirement of a licensing entity to suspend a
70 license under this section does not affect the power of the
71 licensing entity to deny, suspend, revoke or terminate a license
72 for any other reason.

73 (6) The procedure for suspension of a license for being
74 convicted of a violation of the Uniform Controlled Substances Law
75 shall be governed by this section and not by the general licensing
76 and disciplinary provisions applicable to a licensing entity.
77 Actions taken by a licensing entity in suspending a license when
78 required by this section are not actions from which an appeal may
79 be taken under the general licensing and disciplinary provisions
80 applicable to the licensing entity. Any appeal of a license
81 suspension that is required by this section shall be taken in
82 accordance with the appeal procedure specified in subsection (3)
83 of this section rather than any procedure specified in the general
84 licensing and disciplinary provisions applicable to the licensing
85 entity. If there is any conflict between any provision of this
86 section and any provision of the general licensing and
87 disciplinary provisions applicable to a licensing entity, the
88 provisions of this section shall control.

89 **SECTION 4.** The licensing entities shall adopt regulations as
90 necessary to carry out the provisions of this act.

91 **SECTION 5.** If a license is suspended under this act, the
92 licensing entity may reinstate the license when the penalty period
93 has been met and any reinstatement fees have been paid or the
94 court may order the licensing entity to reinstate the license when



95 it is satisfied that the penalty period as provided in Section 3
96 of this act has been met.

97 **SECTION 6.** Section 49-7-27, Mississippi Code of 1972, is
98 amended as follows:

99 49-7-27. (1) The commission may revoke any hunting,
100 trapping, or fishing privileges, license or deny any person the
101 right to secure such license if the person has been convicted of
102 the violation of any of the provisions of this chapter or any
103 regulation thereunder. The revocation of the privilege, license
104 or refusal to grant license shall be for a period of one (1) year.
105 However, before the revocation of the privilege or license shall
106 become effective, the executive director shall send by registered
107 mail notice to the person or licensee, who shall have the right to
108 a hearing or representation before the commission at the next
109 regular meeting or a special meeting. The notice shall set out
110 fully the ground or complaint upon which revocation of, or refusal
111 to grant, the privilege or license is sought.

112 (2) Any person who is convicted for a second time during any
113 period of twelve (12) consecutive months for violation of any of
114 the laws with respect to game, fish or nongame fish or animals
115 shall forfeit his privilege and any license or licenses issued to
116 him by the commission and the commission shall not issue the
117 person any license for a period of one (1) year from the date of
118 forfeiture.

119 (3) Failure of any person to surrender his license or
120 licenses upon demand made by the commission or by its
121 representatives at the direction of the commission shall be a
122 misdemeanor and shall be punishable as such.

123 (4) Any violator whose privilege or license has been
124 revoked, who shall, during the period of revocation, be
125 apprehended for hunting or fishing, shall have imposed upon him a
126 mandatory jail term of not less than thirty (30) days nor more
127 than six (6) months.



128 (5) The commission is authorized to suspend any license
129 issued to any person under this chapter for being out of
130 compliance with an order for support, as defined in Section
131 93-11-153 or for being convicted for a violation of the Uniform
132 Controlled Substances Law as provided for in Sections 1 through 5
133 of House Bill No. , 2003 Regular Session. The procedure for
134 suspension of a license for being out of compliance with an order
135 for support, and the procedure for the reissuance or reinstatement
136 of a license suspended for that purpose, and the payment of any
137 fees for the reissuance or reinstatement of a license suspended
138 for that purpose, shall be governed by Section 93-11-157 or
139 93-11-163, as the case may be. If there is any conflict between
140 any provision of Section 93-11-157 or 93-11-163 and any provision
141 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
142 as the case may be, shall control.

143 (6) If a person is found guilty or pleads guilty or nolo
144 contendere to a violation of Section 49-7-95, and then appeals,
145 the commission shall suspend or revoke the hunting privileges of
146 that person pending the determination of his appeal.

147 (7) (a) If a person does not comply with a summons or a
148 citation or does not pay a fine, fee or assessment for violating a
149 wildlife law or regulation, the commission shall revoke the
150 fishing, hunting, or trapping privileges of that person. When a
151 person does not comply or fails to pay, the clerk of the court
152 shall notify the person in writing by first class mail that if the
153 person does not comply or pay within ten (10) days from the date
154 of mailing, the court will notify the commission and the
155 commission will revoke the fishing, hunting or trapping privileges
156 of that person. The cost of notice may be added to other court
157 costs. If the person does not comply or pay as required, the
158 court clerk shall immediately mail a copy of the court record and
159 a copy of the notice to the commission. After receiving notice



160 from the court, the commission shall revoke the fishing, hunting
161 or trapping privileges of that person.

162 (b) A person whose fishing, hunting or trapping
163 privileges have been revoked under this subsection shall remain
164 revoked until the person can show proof that all obligations of
165 the court have been met.

166 (c) A person shall pay a Twenty-five Dollar (\$25.00)
167 fee to have his privileges reinstated. The fee shall be paid to
168 the department.

169 **SECTION 7.** Section 63-1-51, Mississippi Code of 1972, is
170 amended as follows:

171 63-1-51. (1) It shall be the duty of the trial judge, upon
172 conviction of any person holding a license issued pursuant to this
173 article where the penalty for a traffic violation is as much as
174 Ten Dollars (\$10.00), to mail a copy of abstract of the court
175 record or provide an electronically or computer generated copy of
176 abstract of the court record immediately to the commissioner at
177 Jackson, Mississippi, showing the date of conviction, penalty,
178 etc., so that a record of same may be made by the Department of
179 Public Safety. The commissioner shall forthwith revoke the
180 license of any person for a period of one (1) year upon receiving
181 a duly certified record of each person's convictions of any of the
182 following offenses when such conviction has become final:

183 (a) Manslaughter or negligent homicide resulting from
184 the operation of a motor vehicle;

185 (b) Any felony in the commission of which a motor
186 vehicle is used;

187 (c) Failure to stop and render aid as required under
188 the laws of this state in event of a motor vehicle accident
189 resulting in the death or personal injury of another;

190 (d) Perjury or the willful making of a false affidavit
191 or statement under oath to the department under this article or



192 under any other law relating to the ownership or operation of
193 motor vehicles;

194 (e) Conviction, or forfeiture of bail not vacated, upon
195 three (3) charges of reckless driving committed within a period of
196 twelve (12) months;

197 (f) Contempt for failure to pay a fine or fee or to
198 respond to a summons or citation pursuant to a charge of a
199 violation of this title.

200 (2) The commissioner shall revoke the license issued
201 pursuant to this article of any person convicted of negligent
202 homicide, in addition to any penalty now provided by law.

203 (3) In addition to the reasons specified in this section,
204 the commissioner shall be authorized to suspend the license issued
205 to any person pursuant to this article for being out of compliance
206 with an order for support, as defined in Section 93-11-153 or for
207 conviction of a violation of the Uniform Controlled Substances Law
208 as provided in Sections 1 through 5 of House Bill No. _____, 2003
209 Regular Session. The procedure for suspension of a license for
210 being out of compliance with an order for support, and the
211 procedure for the reissuance or reinstatement of a license
212 suspended for that purpose, and the payment of any fees for the
213 reissuance or reinstatement of a license suspended for that
214 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
215 the case may be. If there is any conflict between any provision
216 of Section 93-11-157 or 93-11-163 and any provision of this
217 article, the provisions of Section 93-11-157 or 93-11-163, as the
218 case may be, shall control.

219 **SECTION 8.** Section 63-1-57, Mississippi Code of 1972, is
220 amended as follows:

221 63-1-57. Any person whose license issued pursuant to this
222 article or driving privilege as a nonresident has been canceled,
223 suspended or revoked as provided in this title or in Section
224 93-11-157 or 93-11-163 or in Sections 1 through 5 of House Bill



225 No. _____, 2003 Regular Session, as the case may be, and who drives
226 any motor vehicle upon the highways of this state while such
227 license or privilege is canceled, suspended or revoked, is guilty
228 of a misdemeanor and upon conviction shall be punished by
229 imprisonment for not less than two (2) days or more than six (6)
230 months. There may be imposed in addition thereto a fine of not
231 less than Two Hundred Dollars (\$200.00) nor more than Five Hundred
232 Dollars (\$500.00) for each offense.

233 **SECTION 9.** Section 63-1-83, Mississippi Code of 1972, is
234 amended as follows:

235 63-1-83. (1) From and after April 1, 1992, it shall be a
236 violation of this article and the Commissioner of Public Safety
237 shall suspend for a period of one (1) year the commercial driver's
238 license of any person whom he determines to have committed a first
239 violation of:

240 (a) Driving a commercial motor vehicle for which a
241 commercial driver instruction permit or commercial driver's
242 license is required under this article while under the influence
243 of alcohol or a controlled substance;

244 (b) Driving a commercial motor vehicle for which a
245 commercial driver instruction permit or commercial driver's
246 license is required under this article while the alcohol
247 concentration of the person's blood, breath or urine is four
248 one-hundredths percent (.04%) or more;

249 (c) Knowingly and willfully leaving the scene of an
250 accident involving a commercial motor vehicle for which a
251 commercial driver instruction permit or commercial driver's
252 license is required under this article, if the vehicle was driven
253 by such person;

254 (d) Using a commercial motor vehicle for which a
255 commercial driver instruction permit or commercial driver's
256 license is required under this article in the commission of any
257 felony as defined in this article; or



258 (e) Refusing to submit to a test to determine the
259 driver's alcohol concentration while driving a commercial motor
260 vehicle for which a commercial driver instruction permit or
261 commercial driver's license is required under this article.

262 If any of the violations in subsection (1) of this section
263 occurred while transporting hazardous materials required to be
264 placarded under the Hazardous Materials Transportation Act, the
265 commissioner shall suspend the commercial driver's license of such
266 person for a period of three (3) years.

267 (2) The Commissioner of Public Safety shall suspend the
268 commercial driver's license of a person for life, or such lesser
269 minimum period of time as shall be required under applicable
270 federal law or regulations, if a person is determined to have
271 committed two (2) or more of the violations specified in
272 subsection (1) of this section or any combination of such
273 violations arising from two (2) or more separate incidents. The
274 provisions of this subsection (2) shall apply only to violations
275 occurring on or after April 1, 1992.

276 (3) The Commissioner of Public Safety shall suspend for life
277 the commercial driver's license of any person who uses a
278 commercial motor vehicle for which a commercial driver instruction
279 permit or commercial driver's license is required under this
280 article in the commission of any felony involving the manufacture,
281 distribution or dispensing of a controlled substance, or
282 possession with intent to manufacture, distribute or dispense a
283 controlled substance. The provisions of this subsection (3) shall
284 apply only to violations occurring on or after April 1, 1992.

285 (4) The Commissioner of Public Safety shall suspend for a
286 period of sixty (60) days the commercial driver's license of any
287 person convicted of two (2) serious traffic violations, or one
288 hundred twenty (120) days if convicted of three (3) serious
289 traffic violations, committed in a commercial motor vehicle for
290 which a commercial driver instruction permit or commercial



291 driver's license is required under this article arising from
292 separate incidents occurring within a period of three (3) years.
293 The provisions of this subsection (4) shall apply only to
294 violations occurring on or after April 1, 1992.

295 (5) In addition to the reasons specified in this section for
296 suspension of the commercial driver's license, the Commissioner of
297 Public Safety shall be authorized to suspend the commercial
298 driver's license of any person for being out of compliance with an
299 order for support, as defined in Section 93-11-153 or for
300 conviction of a violation of the Uniform Controlled Substances
301 Law, as provided in Sections 1 through 5 of House Bill No. _____,
302 2003 Regular Session. The procedure for suspension of a
303 commercial driver's license for being out of compliance with an
304 order for support, and the procedure for the reissuance or
305 reinstatement of a commercial driver's license suspended for that
306 purpose, and the payment of any fees for the reissuance or
307 reinstatement of a commercial driver's license suspended for that
308 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
309 the case may be. If there is any conflict between any provision
310 of Section 93-11-157 or 93-11-163 and any provision of this
311 article, the provisions of Section 93-11-157 or 93-11-163, as the
312 case may be, shall control.

313 **SECTION 10.** Section 67-1-37, Mississippi Code of 1972, is
314 amended as follows:

315 67-1-37. The State Tax Commission, under its duties and
316 powers with respect to the Alcoholic Beverage Control Division
317 therein, shall have the following powers, functions and duties:

318 (a) To issue or refuse to issue any permit provided for
319 by this chapter, or to extend the permit or remit in whole or any
320 part of the permit monies when the permit cannot be used due to a
321 natural disaster or Act of God.

322 (b) To revoke, suspend or cancel, for violation of or
323 noncompliance with the provisions of this chapter, or the law



324 governing the production and sale of native wines, or any lawful
325 rules and regulations of the commission issued hereunder, or for
326 other sufficient cause, any permit issued by it under the
327 provisions of this chapter; however, no such permit shall be
328 revoked, suspended or cancelled except after a hearing of which
329 the permit holder shall have been given reasonable notice and an
330 opportunity to be heard. The board shall be authorized to suspend
331 the permit of any permit holder for being out of compliance with
332 an order for support, as defined in Section 93-11-153 or for
333 conviction of a violation of the Uniform Controlled Substances Law
334 as provided in Section 1 through 5 of House Bill No. _____, 2003
335 Regular Session. The procedure for suspension of a permit for
336 being out of compliance with an order for support, and the
337 procedure for the reissuance or reinstatement of a permit
338 suspended for that purpose, and the payment of any fees for the
339 reissuance or reinstatement of a permit suspended for that
340 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
341 the case may be. If there is any conflict between any provision
342 of Section 93-11-157 or 93-11-163 and any provision of this
343 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
344 case may be, shall control.

345 (c) To prescribe forms of permits and applications for
346 permits and of all reports which it deems necessary in
347 administering this chapter.

348 (d) To fix standards, not in conflict with those
349 prescribed by any law of this state or of the United States, to
350 secure the use of proper ingredients and methods of manufacture of
351 alcoholic beverages.

352 (e) To issue rules regulating the advertising of
353 alcoholic beverages in the state in any class of media and
354 permitting advertising of the retail price of alcoholic beverages.

355 (f) To issue reasonable rules and regulations, not
356 inconsistent with the federal laws or regulations, requiring



357 informative labeling of all alcoholic beverages offered for sale
358 within this state and providing for the standards of fill and
359 shapes of retail containers of alcoholic beverages; however, such
360 containers shall not contain less than fifty (50) milliliters by
361 liquid measure.

362 (g) Subject to the provisions of subsection (3) of
363 Section 67-1-51, to issue rules and regulations governing the
364 issuance of retail permits for premises located near or around
365 schools, colleges, universities, churches and other public
366 institutions, and specifying the distances therefrom within which
367 no such permit shall be issued. The Alcoholic Beverage Control
368 Division shall not allow the sale or consumption of alcoholic
369 beverages in or on the campus of any public school or college, and
370 no alcoholic beverage shall be for sale or consumed at any public
371 athletic event at any grammar or high school or any college.

372 (h) To adopt and promulgate, repeal and amend, such
373 rules, regulations, standards, requirements and orders, not
374 inconsistent with this chapter or any law of this state or of the
375 United States, as it deems necessary to control the manufacture,
376 importation, transportation, distribution and sale of alcoholic
377 liquor, whether intended for beverage or nonbeverage use in a
378 manner not inconsistent with the provisions of this chapter or any
379 other statute, including the native wine laws.

380 (i) To call upon other administrative departments of
381 the state, county and municipal governments, county and city
382 police departments and upon prosecuting officers for such
383 information and assistance as it may deem necessary in the
384 performance of its duties.

385 (j) To prepare and submit to the Governor during the
386 month of January of each year a detailed report of its official
387 acts during the preceding fiscal year ending June 30, including
388 such recommendations as it may see fit to make, and to transmit a



389 like report to each member of the Legislature of this state upon
390 the convening thereof at its next regular session.

391 (k) To inspect, or cause to be inspected, any premises
392 where alcoholic liquors intended for sale are manufactured,
393 stored, distributed or sold, and to examine or cause to be
394 examined all books and records pertaining to the business
395 conducted therein.

396 (l) In the conduct of any hearing authorized to be held
397 by the commission, to hear testimony and take proof material for
398 its information in the discharge of its duties under this chapter;
399 to issue subpoenas, which shall be effective in any part of this
400 state, requiring the attendance of witnesses and the production of
401 books and records; to administer or cause to be administered
402 oaths; and to examine or cause to be examined any witness under
403 oath. Any court of record, or any judge thereof, may by order
404 duly entered require the attendance of witnesses and the
405 production of relevant books subpoenaed by the commission, and
406 such court or judge may compel obedience to its or his order by
407 proceedings for contempt.

408 (m) To investigate the administration of laws in
409 relation to alcoholic liquors in this and other states and any
410 foreign countries, and to recommend from time to time to the
411 Governor and through him to the Legislature of this state such
412 amendments to this chapter, if any, as it may think desirable.

413 (n) To designate hours and days when alcoholic
414 beverages may be sold in different localities in the state which
415 permit such sale.

416 (o) To assign employees to posts of duty at locations
417 where they will be most beneficial for the control of alcoholic
418 beverages, to remove, to dismiss, to suspend without pay, to act
419 as a trial board in hearings based upon charges against employees.
420 After twelve (12) months' service, no employee shall be removed,
421 dismissed, demoted or suspended without just cause and only after



422 being furnished with reasons for such removal, dismissal, demotion
423 or suspension, and upon request given a hearing in his own
424 defense.

425 (p) All hearings conducted by the commission shall be
426 open to the public, and, when deemed necessary, a written
427 transcript shall be made of the testimony introduced thereat.

428 (q) To adopt and promulgate rules and regulations for
429 suspension or revocation of identification cards of employees of
430 permittees for violations of the alcoholic beverage control laws,
431 rules or regulations.

432 **SECTION 11.** Section 67-1-71, Mississippi Code of 1972, is
433 amended as follows:

434 67-1-71. The commission may revoke or suspend any permit
435 issued by it for a violation by the permittee of any of the
436 provisions of this chapter or of the regulations promulgated under
437 it by the commission.

438 Permits must be revoked or suspended for the following
439 causes:

440 (a) Conviction of the permittee for the violation of
441 any of the provisions of this chapter;

442 (b) Willful failure or refusal by any permittee to
443 comply with any of the provisions of this chapter or of any rule
444 or regulation adopted pursuant thereto;

445 (c) The making of any materially false statement in any
446 application for a permit;

447 (d) Conviction of one or more of the clerks, agents or
448 employees of the permittee, of any violation of this chapter upon
449 the premises covered by such permit within a period of time as
450 designated by the rules or regulations of the commission;

451 (e) The possession on the premises of any retail
452 permittee of any alcoholic beverages upon which the tax has not
453 been paid;



454 (f) The willful failure of any permittee to keep the
455 records or make the reports required by this chapter, or to allow
456 an inspection of such records by any duly authorized person;

457 (g) The suspension or revocation of a permit issued to
458 the permittee by the federal government, or conviction of
459 violating any federal law relating to alcoholic beverages;

460 (h) The failure to furnish any bond required by this
461 chapter within fifteen (15) days after notice from the commission;
462 and

463 (i) The conducting of any form of illegal gambling on
464 the premises of any permittee or on any premises connected
465 therewith or the presence on any such premises of any gambling
466 device with the knowledge of the permittee.

467 The provisions of paragraph (i) of this section shall not
468 apply to gambling or the presence of any gambling devices, with
469 knowledge of the permittee, on board a cruise vessel in the waters
470 within the State of Mississippi, which lie adjacent to the State
471 of Mississippi south of the three (3) most southern counties in
472 the State of Mississippi, or on any vessel as defined in Section
473 27-109-1 whenever such vessel is on the Mississippi River or
474 navigable waters within any county bordering on the Mississippi
475 River. The commission may, in its discretion, issue on-premises
476 retailer's permits to a common carrier of the nature described in
477 this paragraph.

478 No permit shall be revoked except after a hearing by the
479 commission with reasonable notice to the permittee and an
480 opportunity for him to appear and defend.

481 In addition to the causes specified in this section and other
482 provisions of this chapter, the commission shall be authorized to
483 suspend the permit of any permit holder for being out of
484 compliance with an order for support, as defined in Section
485 93-11-153 or for conviction of a violation of the Uniform
486 Controlled Substances Law, as provided in Sections 1 through 5 of



487 House Bill No. _____, 2003 Regular Session. The procedure for
488 suspension of a permit for being out of compliance with an order
489 for support, and the procedure for the reissuance or reinstatement
490 of a permit suspended for that purpose, and the payment of any
491 fees for the reissuance or reinstatement of a permit suspended for
492 that purpose, shall be governed by Section 93-11-157 or 93-11-163,
493 as the case may be. If there is any conflict between any
494 provision of Section 93-11-157 or 93-11-163 and any provision of
495 this chapter, the provisions of Section 93-11-157 or 93-11-163, as
496 the case may be, shall control.

497 **SECTION 12.** Section 67-3-29, Mississippi Code of 1972, is
498 amended as follows:

499 67-3-29. (1) The commissioner shall revoke any permit
500 granted by authority of this chapter to any person who shall
501 violate any of the provisions of this chapter or the revenue laws
502 of this state relating to engaging in transporting, storing,
503 selling, distributing, possessing, receiving or manufacturing of
504 wines or beers, or any person who shall hereafter be convicted of
505 the unlawful sale of intoxicating liquor, or any person who shall
506 allow or permit any form of illegal gambling or immorality on the
507 premises described in such permit. The commissioner shall not
508 revoke or suspend a permit of a retailer for the sale of light
509 wine or beer to a person under the age of twenty-one (21) years
510 until there has been a conviction of the permit holder or an
511 employee of the permit holder for such violation.

512 (2) If any person exercising any privilege taxable under the
513 provisions of Chapter 71 of Title 27, Mississippi Code of 1972,
514 shall willfully neglect or refuse to comply with the provisions of
515 such chapter, or any rules or regulations promulgated by the
516 commissioner under authority of such chapter, or the provisions of
517 this chapter, the commissioner shall be authorized to revoke the
518 permit theretofore issued to such person, after giving to such
519 person ten (10) days notice of the intention of the commissioner



520 to revoke such permit. The commissioner may, however, suspend
521 such permit instead of revoking same if, in his opinion,
522 sufficient cause is shown for a suspension rather than revocation.
523 Any person whose permit shall have been revoked by the
524 commissioner shall be thereafter prohibited from exercising any
525 privilege under the provisions of Chapter 71 of Title 27,
526 Mississippi Code of 1972, for a period of two (2) years from the
527 date of such revocation. The commissioner may, however, for good
528 cause shown, grant a new permit upon such conditions as the
529 commissioner may prescribe. Any person whose permit shall have
530 been suspended by the commissioner shall be prohibited from
531 exercising any privilege under the provisions of Chapter 71 of
532 Title 27, Mississippi Code of 1972, during the period of such
533 suspension. Failure of such person to comply with the terms of
534 the suspension shall be cause for revocation of his permit, in
535 addition to the other penalties provided by law.

536 (3) In addition to the reasons specified in this section and
537 other provisions of this chapter, the commissioner shall be
538 authorized to suspend the permit of any permit holder for being
539 out of compliance with an order for support, as defined in Section
540 93-11-153 or for conviction of a violation of the Uniform
541 Controlled Substances Law, as provided in Sections 1 through 5 of
542 House Bill No. _____, 2003 Regular Session. The procedure for
543 suspension of a permit for being out of compliance with an order
544 for support, and the procedure for the reissuance or reinstatement
545 of a permit suspended for that purpose, and the payment of any
546 fees for the reissuance or reinstatement of a permit suspended for
547 that purpose, shall be governed by Section 93-11-157 or Section
548 93-11-163, as the case may be. If there is any conflict between
549 any provision of Section 93-11-157 or Section 93-11-163 and any
550 provision of this chapter, the provisions of Section 93-11-157 or
551 93-11-163, as the case may be, shall control.



552 **SECTION 13.** This act shall take effect and be in force from
553 and after July 1, 2003.

