

By: Representative Carpenter

To: Public Health and Human Services; Appropriations A

HOUSE BILL NO. 1628

1 AN ACT TO AMEND SECTION 41-59-75, MISSISSIPPI CODE OF 1972,  
 2 TO INCREASE THE AMOUNT COLLECTED FROM ASSESSMENTS TO FUND THE  
 3 MISSISSIPPI TRAUMA CARE SYSTEM; TO AMEND SECTION 99-19-73,  
 4 MISSISSIPPI CODE OF 1972, TO REINSTATE AND INCREASE THE AMOUNT OF  
 5 ASSESSMENTS COLLECTED TO FUND MISSISSIPPI TRAUMA CARE SYSTEM; TO  
 6 AMEND SECTION 27-19-43, MISSISSIPPI CODE OF 1972, TO INCREASE THE  
 7 AMOUNT OF THE FEE ON LICENSE TAGS AND DECALS TO BE DEPOSITED INTO  
 8 THE MISSISSIPPI TRAUMA CARE SYSTEMS FUND; TO AMEND SECTION  
 9 63-17-171, MISSISSIPPI CODE OF 1972, TO INCREASE THE AMOUNT OF THE  
 10 FEE ON RETAIL SALES OF ALL-TERRAIN VEHICLES AND MOTORCYCLES TO BE  
 11 DEPOSITED INTO THE MISSISSIPPI TRAUMA CARE SYSTEMS FUND; AND FOR  
 12 RELATED PURPOSES.

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

14 **SECTION 1.** Section 41-59-75, Mississippi Code of 1972, is  
 15 amended as follows:

16 41-59-75. (1) The Mississippi Trauma Care Systems Fund is  
 17 established. \* \* \* Twenty Dollars (\$20.00) collected from each  
 18 assessment of \* \* \* Twenty-five Dollars (\$25.00) under subsection  
 19 (1) of Section 99-19-73 and \* \* \* Thirty-five Dollars (\$35.00)  
 20 collected from each assessment of \* \* \* Fifty Dollars (\$50.00)  
 21 under subsection (2) of Section 99-19-73, as provided in Section  
 22 41-59-61, and any other funds made available for funding the  
 23 trauma care system, shall be deposited into the fund. Funds



24 appropriated from the Mississippi Trauma Care Systems Fund to the  
25 State Board of Health shall be made available for department  
26 administration and implementation of the comprehensive state  
27 trauma care plan for distribution by the department to designated  
28 trauma care regions for regional administration, for the  
29 department's trauma specific public information and education  
30 plan, and to provide hospital and physician indigent trauma care  
31 block grant funding to trauma centers designated by the  
32 department. All designated trauma care hospitals are eligible to  
33 contract with the department for these funds.

34 (2) The Mississippi Trauma Care Escrow Fund is created as a  
35 special fund in the State Treasury. Whenever the amount in the  
36 Mississippi Trauma Care Systems Fund exceeds Twenty-five Million  
37 Dollars (\$25,000,000.00) in any fiscal year, the State Fiscal  
38 Officer shall transfer the amount above Twenty-five Million  
39 Dollars (\$25,000,000.00) to the Trauma Care Escrow Fund. Monies  
40 in the Trauma Care Escrow Fund shall not lapse into the State  
41 General Fund at the end of the fiscal year, and all interest and  
42 other earnings on the monies in the Trauma Care Escrow Fund shall  
43 be deposited to the credit of the Trauma Care Escrow Fund.

44 **SECTION 2.** Section 99-19-73, Mississippi Code of 1972, is  
45 amended as follows:

46 99-19-73. (1) **Traffic violations.** In addition to any  
47 monetary penalties and any other penalties imposed by law, there  
48 shall be imposed and collected the following state assessment from



49 each person upon whom a court imposes a fine or other penalty for  
50 any violation in Title 63, Mississippi Code of 1972, except  
51 offenses relating to the Mississippi Implied Consent Law (Section  
52 63-11-1 et seq.) and offenses relating to vehicular parking or  
53 registration:

54	FUND	AMOUNT
55	State Court Education Fund.....	[Deleted]
56	State Prosecutor Education Fund.....	[Deleted]
57	Vulnerable Persons Training, 58 Investigation and Prosecution Trust Fund.....	[Deleted]
59	Child Support Prosecution Trust Fund.....	[Deleted]
60	Driver Training Penalty Assessment Fund.....	[Deleted]
61	Law Enforcement Officers Training Fund.....	[Deleted]
62	Spinal Cord and Head Injury Trust Fund 63 (for all moving violations).....	[Deleted]
64	Emergency Medical Services Operating Fund.....	* * * <u>\$25.00</u>
65	Mississippi Leadership Council on Aging Fund.....	[Deleted]
66	Law Enforcement Officers and Fire Fighters 67 Death Benefits Trust Fund.....	[Deleted]
68	Law Enforcement Officers and Fire Fighters 69 Disability Benefits Trust Fund.....	[Deleted]
70	State Prosecutor Compensation Fund for the purpose 71 of providing additional compensation for 72 district attorneys and their legal assistants.....	[Deleted]
73	Crisis Intervention Mental Health Fund.....	[Deleted]



74	Intervention Court Fund.....	[Deleted]
75	Judicial Performance Fund.....	[Deleted]
76	Capital Defense Counsel Fund.....	[Deleted]
77	Indigent Appeals Fund.....	[Deleted]
78	Capital Post-Conviction Counsel Fund.....	[Deleted]
79	Victims of Domestic Violence Fund.....	[Deleted]
80	Public Defenders Education Fund.....	[Deleted]
81	Domestic Violence Training Fund.....	[Deleted]
82	Attorney General's Cyber Crime Unit.....	[Deleted]
83	Children's Safe Center Fund.....	[Deleted]
84	DuBard School for Language Disorders Fund.....	[Deleted]
85	Children's Advocacy Centers Fund.....	[Deleted]
86	Judicial System Operation Fund.....	[Deleted]
87	* * * <u>State General Fund</u> .....	\$ * * * <u>65.70</u>
88	<u>TOTAL STATE ASSESSMENT</u> .....	\$ <u>95.50</u>

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

FUND	AMOUNT	
96	Crime Victims' Compensation Fund.....	[Deleted]
97	State Court Education Fund.....	[Deleted]
98	State Prosecutor Education Fund.....	[Deleted]



99 Vulnerable Persons Training,  
100 Investigation and Prosecution Trust Fund.....[Deleted]  
101 Child Support Prosecution Trust Fund.....[Deleted]  
102 Driver Training Penalty Assessment Fund.....[Deleted]  
103 Law Enforcement Officers Training Fund.....[Deleted]  
104 Emergency Medical Services Operating Fund..... \* \* \*\$50.00  
105 Mississippi Alcohol Safety Education Program Fund.....[Deleted]  
106 Federal-State Alcohol Program Fund.....[Deleted]  
107 Mississippi Forensics Laboratory  
108 Implied Consent Law Fund.....[Deleted]  
109 Spinal Cord and Head Injury Trust Fund.....[Deleted]  
110 Capital Defense Counsel Fund.....[Deleted]  
111 Indigent Appeals Fund.....[Deleted]  
112 Capital Post-Conviction Counsel Fund.....[Deleted]  
113 Victims of Domestic Violence Fund.....[Deleted]  
114 Law Enforcement Officers and Fire Fighters  
115 Death Benefits Trust Fund.....[Deleted]  
116 Law Enforcement Officers and Fire Fighters  
117 Disability Benefits Trust Fund.....[Deleted]  
118 State Prosecutor Compensation Fund for the purpose  
119 of providing additional compensation for  
120 district attorneys and their legal assistants.....[Deleted]  
121 Crisis Intervention Mental Health Fund.....[Deleted]  
122 Intervention Court Fund.....[Deleted]  
123 Statewide Victims' Information and



124 Notification System Fund.....[Deleted]  
 125 Public Defenders Education Fund.....[Deleted]  
 126 Domestic Violence Training Fund.....[Deleted]  
 127 Attorney General's Cyber Crime Unit.....[Deleted]  
 128 \* \* \*State General Fund.....\$ \* \* \*193.50  
 129 TOTAL STATE ASSESSMENT.....\$ 258.50

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

136 FUND	AMOUNT
137 State Court Education Fund.....	[Deleted]
138 State Prosecutor Education Fund.....	[Deleted]
139 Vulnerable Persons Training, 140 Investigation and Prosecution Trust Fund.....	[Deleted]
141 Law Enforcement Officers Training Fund.....	[Deleted]
142 Hunter Education and Training Program Fund.....	[Deleted]
143 Law Enforcement Officers and Fire Fighters 144 Death Benefits Trust Fund.....	[Deleted]
145 Law Enforcement Officers and Fire Fighters 146 Disability Benefits Trust Fund.....	[Deleted]
147 State Prosecutor Compensation Fund for the purpose 148 of providing additional compensation for district	



149 attorneys and their legal assistants.....[Deleted]  
 150 Crisis Intervention Mental Health Fund.....[Deleted]  
 151 Intervention Court Fund.....[Deleted]  
 152 Capital Defense Counsel Fund.....[Deleted]  
 153 Indigent Appeals Fund.....[Deleted]  
 154 Capital Post-Conviction Counsel Fund.....[Deleted]  
 155 Victims of Domestic Violence Fund.....[Deleted]  
 156 Public Defenders Education Fund.....[Deleted]  
 157 Domestic Violence Training Fund.....[Deleted]  
 158 Attorney General's Cyber Crime Unit.....[Deleted]

159 GENERAL FUND.....\$ 89.00

160 (4) [Deleted]

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

166 (a) At a speed that exceeds the posted speed limit by  
 167 at least ten (10) miles per hour but not more than twenty (20)  
 168 miles per hour.....\$10.00

169 (b) At a speed that exceeds the posted speed limit by  
 170 at least twenty (20) miles per hour but not more than thirty (30)  
 171 miles per hour.....\$20.00

172 (c) At a speed that exceeds the posted speed limit by  
 173 thirty (30) miles per hour or more.....\$30.00



174 (d) In violation of Section 63-3-1201, which is the  
175 offense of reckless driving.....\$10.00

176 (e) In violation of Section 63-3-1213, which is the  
177 offense of careless driving.....\$10.00

178 All assessments collected under this subsection shall be  
179 deposited into the \* \* \* Mississippi Trauma Care Systems Fund.

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

187 FUND	AMOUNT
188 Crime Victims' Compensation Fund.....	[Deleted]
189 State Court Education Fund.....	[Deleted]
190 State Prosecutor Education Fund.....	[Deleted]
191 Vulnerable Persons Training, Investigation 192 and Prosecution Trust Fund.....	[Deleted]
193 Child Support Prosecution Trust Fund.....	[Deleted]
194 Law Enforcement Officers Training Fund.....	[Deleted]
195 Capital Defense Counsel Fund.....	[Deleted]
196 Indigent Appeals Fund.....	[Deleted]
197 Capital Post-Conviction Counsel Fund.....	[Deleted]
198 Victims of Domestic Violence Fund.....	[Deleted]





199 State Crime Stoppers Fund.....[Deleted]  
200 Law Enforcement Officers and Fire Fighters  
201       Death Benefits Trust Fund.....[Deleted]  
202 Law Enforcement Officers and Fire Fighters  
203       Disability Benefits Trust Fund.....[Deleted]  
204 State Prosecutor Compensation Fund for the purpose  
205       of providing additional compensation for  
206       district attorneys and their legal assistants.....[Deleted]  
207 Crisis Intervention Mental Health Fund.....[Deleted]  
208 Intervention Court Fund.....[Deleted]  
209 Judicial Performance Fund.....[Deleted]  
210 Statewide Victims' Information and  
211       Notification System Fund.....[Deleted]  
212 Public Defenders Education Fund.....[Deleted]  
213 Domestic Violence Training Fund.....[Deleted]  
214 Attorney General's Cyber Crime Unit.....[Deleted]  
215 Information Exchange Network Fund.....[Deleted]  
216 Motorcycle Officer Training Fund.....[Deleted]  
217 Civil Legal Assistance Fund.....[Deleted]  
218 Justice Court Collections Fund.....[Deleted]  
219 Municipal Court Collections Fund.....[Deleted]  
220       GENERAL FUND.....\$121.75  
221       (7) **Other felonies.** In addition to any monetary penalties  
222 and any other penalties imposed by law, there shall be imposed and  
223 collected the following state assessment from each person upon



224 whom a court imposes a fine or other penalty for any felony  
225 violation not specified in subsection (1), (2) or (3) of this  
226 section:

227	FUND	AMOUNT
228	Crime Victims' Compensation Fund.....	[Deleted]
229	State Court Education Fund.....	[Deleted]
230	State Prosecutor Education Fund.....	[Deleted]
231	Vulnerable Persons Training, Investigation	
232	and Prosecution Trust Fund.....	[Deleted]
233	Child Support Prosecution Trust Fund.....	[Deleted]
234	Law Enforcement Officers Training Fund.....	[Deleted]
235	Capital Defense Counsel Fund.....	[Deleted]
236	Indigent Appeals Fund.....	[Deleted]
237	Capital Post-Conviction Counsel Fund.....	[Deleted]
238	Victims of Domestic Violence Fund.....	[Deleted]
239	Criminal Justice Fund.....	[Deleted]
240	Law Enforcement Officers and Fire Fighters	
241	Death Benefits Trust Fund.....	[Deleted]
242	Law Enforcement Officers and Fire Fighters	
243	Disability Benefits Trust Fund.....	[Deleted]
244	State Prosecutor Compensation Fund for the purpose	
245	of providing additional compensation for	
246	district attorneys and their legal assistants.....	[Deleted]
247	Crisis Intervention Mental Health Fund.....	[Deleted]
248	Intervention Court Fund.....	[Deleted]



249 Statewide Victims' Information and  
 250 Notification System Fund.....[Deleted]  
 251 Public Defenders Education Fund.....[Deleted]  
 252 Domestic Violence Training Fund.....[Deleted]  
 253 Attorney General's Cyber Crime Unit.....[Deleted]  
 254 Forensics Laboratory DNA Identification System Fund.....[Deleted]  
 255 GENERAL FUND.....\$ 280.50

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

257 (a) **Railroad crossing violations.** In addition to any  
 258 monetary penalties and any other penalties imposed by law, there  
 259 shall be imposed and collected the following state assessment in  
 260 addition to all other state assessments due under this section  
 261 from each person upon whom a court imposes a fine or other penalty  
 262 for any violation involving railroad crossings under Section  
 263 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

264 Operation Lifesaver Fund.....\$25.00

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

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

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



273 (c) **Motor vehicle liability insurance violations.** In  
274 addition to any monetary penalties and any other penalties imposed  
275 by law, there shall be imposed and collected the following state  
276 assessment in addition to all other state assessments due under  
277 this section from each person upon whom a court imposes a fine or  
278 other penalty for any violation of Section 63-15-4(4) or Section  
279 63-16-13(1):

280 Uninsured Motorist Identification Fund:

281 First offense.....\$200.00

282 Second offense.....\$300.00

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

284 (9) If a fine or other penalty imposed is suspended, in  
285 whole or in part, such suspension shall not affect the state  
286 assessment under this section. No state assessment imposed under  
287 the provisions of this section may be suspended or reduced by the  
288 court.

289 (10) (a) After a determination by the court of the amount  
290 due, it shall be the duty of the clerk of the court to promptly  
291 collect all state assessments imposed under the provisions of this  
292 section. The state assessments imposed under the provisions of  
293 this section may not be paid by personal check.

294 (b) It shall be the duty of the chancery clerk of each  
295 county to deposit all state assessments collected in the circuit,  
296 county and justice courts in the county on a monthly basis with  
297 the State Treasurer pursuant to appropriate procedures established



298 by the State Auditor. The chancery clerk shall make a monthly  
299 lump-sum deposit of the total state assessments collected in the  
300 circuit, county and justice courts in the county under this  
301 section, and shall report to the Department of Finance and  
302 Administration the total number of violations under each  
303 subsection for which state assessments were collected in the  
304 circuit, county and justice courts in the county during that  
305 month.

306 (c) It shall be the duty of the municipal clerk of each  
307 municipality to deposit all the state assessments collected in the  
308 municipal court in the municipality on a monthly basis with the  
309 State Treasurer pursuant to appropriate procedures established by  
310 the State Auditor. The municipal clerk shall make a monthly  
311 lump-sum deposit of the total state assessments collected in the  
312 municipal court in the municipality under this section, and shall  
313 report to the Department of Finance and Administration the total  
314 number of violations under each subsection for which state  
315 assessments were collected in the municipal court in the  
316 municipality during that month.

317 (11) It shall be the duty of the Department of Finance and  
318 Administration to deposit on a monthly basis all state assessments  
319 into the State General Fund or proper special fund in the State  
320 Treasury. The Department of Finance and Administration shall  
321 issue regulations providing for the proper allocation of these  
322 funds.



323 (12) The State Auditor shall establish by regulation  
324 procedures for refunds of state assessments, including refunds  
325 associated with assessments imposed before July 1, 1990, and  
326 refunds after appeals in which the defendant's conviction is  
327 reversed. The Auditor shall provide in the regulations for  
328 certification of eligibility for refunds and may require the  
329 defendant seeking a refund to submit a verified copy of a court  
330 order or abstract by which the defendant is entitled to a refund.  
331 All refunds of state assessments shall be made in accordance with  
332 the procedures established by the Auditor.

333 **SECTION 3.** Section 27-19-43, Mississippi Code of 1972, is  
334 amended as follows:

335 27-19-43. (1) License tags, substitute tags and decals for  
336 individual fleets and for private carriers of passengers, school  
337 buses (excluding school buses owned by a school district in the  
338 state), church buses, taxicabs, ambulances, hearses, motorcycles  
339 and private carriers of property, and private commercial carriers  
340 of property of a gross weight of ten thousand (10,000) pounds and  
341 less, shall be sold and issued by the tax collectors of the  
342 several counties.

343 (2) Applications for license tags for motor vehicles in a  
344 corporate fleet registered under Section 27-19-66 and trailers in  
345 a fleet registered under Section 27-19-66.1, and applications for  
346 all other license tags, substitute tags and decals shall be filed  
347 with the department or the local tax collector of the respective



348 counties and forwarded to the department for issuance to the  
349 applicant. All tags and decals for vehicles owned by the state or  
350 any agency or instrumentality thereof, and vehicles owned by a  
351 fire protection district, school district or a county or  
352 municipality, and all vehicles owned by a road, drainage or levee  
353 district shall be issued by the department.

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

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

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

360 (c) Additionally, the tax collector or the department,  
361 as the case may be, shall assess and collect a fee of \* \* \* Nine  
362 Dollars (\$9.00) upon each set of license tags and two (2) decals  
363 issued, or upon each set of two (2) decals issued, and that sum  
364 shall be deposited in the Mississippi Trauma Care Systems Fund  
365 established in Section 41-59-75, to be used for the purposes set  
366 out in that section.

367 No tag or decal shall be issued either by a tax collector or  
368 by the department without the collection of such registration fee  
369 except substitute tags and decals and license tags for vehicles  
370 owned by the State of Mississippi.

371 Beginning July 1, 1987, and until the date specified in  
372 Section 65-39-35, there shall be levied a registration fee of Five



373 Dollars (\$5.00) in addition to the regular registration fee  
374 imposed in paragraphs (a) and (b) of this subsection. Such  
375 additional registration fee shall be levied in the same manner as  
376 the regular registration fee.

377 **SECTION 4.** Section 63-17-171, Mississippi Code of 1972, is  
378 amended as follows:

379 63-17-171. (1) (a) There is levied a point-of-sale fee  
380 of \* \* \* Sixty Dollars (\$60.00) on the retail sales of all-terrain  
381 vehicles and motorcycles as defined in Section 63-21-5. The  
382 seller of an all-terrain vehicle or a motorcycle shall collect the  
383 fee from the purchaser at the time of sale and remit the fee to  
384 the Department of Revenue, which shall deposit the proceeds of the  
385 fees into the Mississippi Trauma Care Systems Fund created in  
386 Section 41-59-75.

387 (b) The seller of an all-terrain vehicle or a  
388 motorcycle shall provide a written statement to the purchaser,  
389 which may be printed on the sales receipt, that reads as follows:  
390 " \* \* \* \$60.00 of the amount that you paid for this vehicle will  
391 be used to fund the Mississippi Trauma Care System."

392 (2) (a) There is levied a fee of \* \* \* Sixty Dollars  
393 (\$60.00) on a resident of this state who purchases a new and not  
394 previously registered motorcycle in another state and brings the  
395 motorcycle into this state. The person shall pay the fee to the  
396 tax collector at the time of registering the motorcycle and  
397 applying for a license tag. The tax collector shall remit the fee





398 to the Department of Revenue, which shall deposit the proceeds of  
399 the fee into the Mississippi Trauma Care Systems Fund created in  
400 Section 41-59-75.

401 (b) There is levied a fee of \* \* \* Sixty Dollars  
402 (\$60.00) on a resident of this state who purchases a new  
403 all-terrain vehicle in another state and brings the vehicle into  
404 this state. The person shall pay the fee to the Department of  
405 Revenue, which shall deposit the proceeds of the fee into the  
406 Mississippi Trauma Care Systems Fund created in Section 41-59-75.

407 (3) As used in this section, the term "all-terrain vehicle"  
408 shall not include vehicles designed for use as golf carts.

409 (4) All administrative provisions of the Mississippi Sales  
410 Tax Law, including those which fix damages, penalties and interest  
411 for nonpayment of taxes and for noncompliance with the provisions  
412 of such law, and all other requirements and duties imposed upon  
413 taxpayers, shall apply to all persons liable for the fees imposed  
414 by this section, and the Commissioner of Revenue shall exercise  
415 all the power and authority and perform all the duties with  
416 respect to this section as are provided in the Sales Tax Law  
417 except where there is a conflict, then the provisions of this  
418 section prevail.

419 **SECTION 5.** This act shall take effect and be in force from  
420 and after July 1, 2024.

