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To: Insurance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2039

1 AN ACT TO AMEND THE MISSISSIPPI MOTOR VEHICLE SAFETY
2 RESPONSIBILITY LAW BY CREATING A NEW SECTION TO BE CODIFIED AS
3 SECTION 63-15-4, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
4 COMPULSORY MOTOR VEHICLE LIABILITY INSURANCE; TO PROVIDE THAT
5 CERTAIN VEHICLES SHALL BE EXEMPT FROM THE REQUIREMENT OF
6 MAINTAINING MOTOR VEHICLE LIABILITY INSURANCE; TO PROVIDE THAT THE
7 PERSONS INSURED UNDER LIABILITY INSURANCE SHALL BE RESPONSIBLE FOR
8 MAINTAINING AN INSURANCE CARD IN EACH INSURED MOTOR VEHICLE AS
9 EVIDENCE OF COVERAGE; TO PROVIDE FOR THE DESIGN OF SUCH CARD BY
10 THE DEPARTMENT OF PUBLIC SAFETY AND FOR THE FURNISHING OF SUCH
11 CARD BY THE INSURANCE COMPANY; TO PRESCRIBE PENALTIES FOR
12 VIOLATIONS OF THE PROVISIONS OF THIS ACT; TO AMEND SECTIONS
13 63-15-3 AND 63-15-11, MISSISSIPPI CODE OF 1972, TO INCREASE
14 FINANCIAL RESPONSIBILITY REQUIREMENTS; TO AMEND SECTION 63-15-29,
15 MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT A
16 DISCHARGE IN BANKRUPTCY DOES NOT RELIEVE THE JUDGMENT DEBTOR OF
17 OBLIGATIONS UNDER THIS CHAPTER; TO AMEND SECTIONS 63-15-13,
18 63-15-31, 63-15-37, 63-15-39, 63-15-41, 63-15-43, 63-15-51 AND
19 83-11-101, MISSISSIPPI CODE OF 1972, TO CONFORM THERETO; AND FOR
20 RELATED PURPOSES.

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

22 SECTION 1. The following shall be codified as Section
23 63-15-4, Mississippi Code of 1972:

24 63-15-4. (1) It is unlawful to operate a motor vehicle in
25 this state unless a policy of motor vehicle liability insurance in
26 at least the minimum amounts required for proof of financial
27 responsibility under Section 63-15-3, Mississippi Code of 1972, is
28 in effect to insure against losses which may arise out of the
29 operation of such vehicle.

30 (2) The following vehicles are exempt from the requirement
31 of subsection (1) of this section:

32 (a) Vehicles exempt by Section 63-15-5, Mississippi
33 Code of 1972;

34 (b) Vehicles for which a bond or a certificate of
35 deposit of money or securities in at least the minimum amounts

required for proof of financial responsibility is on file with the department;

(c) Vehicles that are self-insured under Section 63-15-53, Mississippi Code of 1972;

(d) Vehicles that are both registered to and operated by nonresidents, except for those vehicles that are primarily operated in this state; and

(e) Implements of husbandry.

(3) (a) Every motor vehicle operated in this state and required by this section to be insured under a motor vehicle liability insurance policy shall have an insurance card maintained in the vehicle as evidence of insurance. The insured parties shall be responsible for maintaining the insurance card in each vehicle.

(b) The department shall design the insurance card to be maintained in the vehicle.

(c) (i) An insurance company issuing a policy of motor vehicle liability insurance as required by this section shall furnish to the insured an insurance card of the design adopted by the department, and shall furnish an insurance card for each vehicle at the time the insurance policy becomes effective.

(ii) One (1) insurance card must be furnished for each motor vehicle insured by the policy, and must have an expiration date clearly designated thereon to correspond with the expiration date of the policy of motor vehicle liability insurance. Upon renewal of the policy, the insurance company shall furnish to the insured parties a replacement insurance card with the expiration date of the renewal policy for each insured motor vehicle.

(4) The issuance of a policy, or an insurance card as required in this section, is not a warranty or a guarantee by an insurance company or agent that the policy will remain in force and effect and shall not create liability on the part of the insurance company or agent for any policy that has been terminated or canceled.

(5) Every peace officer, driver's license examiner or other authorized agent or officer of the department, and other law

73 enforcement officers authorized to inspect drivers' licenses or
74 investigate motor vehicle accidents may inspect the insurance card
75 required under this section or investigate the reason for the lack
76 of such insurance card in any motor vehicle traveling on a public
77 road or highway.

78 (6) Failure to maintain a policy of motor vehicle liability
79 insurance as required under this section or fraudulent use of an
80 insurance card is a misdemeanor punishable by a fine of One
81 Hundred Dollars (\$100.00). A second or subsequent offense within
82 a period of two (2) years from a prior offense is a misdemeanor
83 punishable by a fine of Five Hundred Dollars (\$500.00).

84 (7) The requirements of this section and the penalties
85 provided herein are in addition to and not in lieu of the
86 requirements and penalties as otherwise provided by this chapter.

87 SECTION 2. Section 63-15-3, Mississippi Code of 1972, is
88 amended as follows:

89 63-15-3. The following words and phrases, when used in this
90 chapter, shall, for the purposes of this chapter, have the
91 meanings respectively ascribed to them in this section, except in
92 those instances where the context clearly indicates a different
93 meaning:

94 (a) "Department" means the Department of Public
95 Safety * * *, acting directly or through its authorized officers
96 and agents * * *.

97 (b) "Insurance card" means a card or like document
98 designed by the department as required pursuant to Section
99 63-15-4, Mississippi Code of 1972.

100 (c) "Highway" means the entire width between property
101 lines of any road, street, way, thoroughfare, or bridge in the
102 State of Mississippi not privately owned or controlled, when any
103 part * * * is open to the public for vehicular traffic and over
104 which the state has legislative jurisdiction under its police
105 power.

106 (d) "Judgment" means any judgment which is final by
107 expiration, without appeal, of the time within which an appeal
108 might have been perfected, or by final affirmation on appeal,
109 rendered by a court of competent jurisdiction of any state or of
110 the United States, upon a cause of action arising out of the
111 ownership, maintenance or use of any motor vehicle, for damages,
112 including damages for care and loss of services, because of bodily
113 injury to or death of any person, or for damages because of injury
114 to or destruction of property, including the loss of use thereof,
115 or upon a cause of action on an agreement of settlement for such
116 damages.

117 (e) "License" means any driver's, operator's,
118 commercial operator's, or chauffeur's license, temporary
119 instruction permit or temporary license, or restricted license,
120 issued under the laws of the State of Mississippi pertaining to
121 the licensing of persons to operate motor vehicles.

122 (f) "Motor vehicle" means every self-propelled vehicle
123 (other than traction engines, road rollers and graders, tractor
124 cranes, power shovels, well drillers and implements of husbandry)
125 which is designed for use upon a highway, including trailers and
126 semitrailers designed for use with such vehicles, and every
127 vehicle which is propelled by electric power obtained from
128 overhead wires but not operated upon rails.

129 For purposes of this definition, "implements of husbandry"
130 shall not include trucks, pickup trucks, trailers and semitrailers
131 designed for use with such trucks and pickup trucks.

132 (g) "Nonresident" means any person who is not a
133 resident of the State of Mississippi.

134 (h) "Nonresident's operating privilege" means the
135 privilege conferred upon a nonresident by the laws of Mississippi
136 pertaining to the operation by him of a motor vehicle, or the use
137 of a motor vehicle owned by him, in the State of Mississippi.

138 (i) "Operator" means any person who is in actual

139 physical control of a motor vehicle.

140 (j) "Owner" means a person who holds the legal title of
141 a motor vehicle; if a motor vehicle is the subject of an agreement
142 for the conditional sale or lease * * * with the right of purchase
143 upon performance of the conditions stated in the agreement and
144 with an immediate right of possession vested in the conditional
145 vendee or lessee or if a mortgagor of a vehicle is entitled to
146 possession, then such conditional vendee or lessee or mortgagor is
147 the owner for the purpose of this chapter.

148 (k) "Person" means a * * * person, firm, copartnership,
149 association or corporation.

150 (l) "Proof of financial responsibility" means proof of
151 ability to respond in damages for liability, on account of
152 accidents occurring subsequent to the effective date of said
153 proof, arising out of the ownership, maintenance or use of a motor
154 vehicle, in the amount of Twenty-five Thousand Dollars
155 (\$25,000.00) because of bodily injury to or death of one (1)
156 person in any one (1) accident, and subject to the limit for one
157 (1) person, in the amount of Fifty Thousand Dollars (\$50,000.00)
158 because of bodily injury to or death of two (2) or more persons in
159 any one (1) accident, and in the amount of Twenty-five Thousand
160 Dollars (\$25,000.00) because of injury to or destruction of
161 property of others in any one (1) accident.

162 (m) "Registration" means a certificate or certificates
163 and registration plates issued under the laws of this state
164 pertaining to the registration of motor vehicles.

165 (n) "State" means any state, territory or possession of
166 the United States, the District of Columbia, or any province of
167 the Dominion of Canada.

168 (o) "Policy of motor vehicle liability insurance" as
169 used in this chapter, except for Section 63-15-37 through
170 63-15-43, means an owner's or an operator's policy of motor
171 vehicle liability insurance that provides liability coverage as

stated therein for liability arising out of the ownership,
maintenance or use of designated or described motor vehicles,
subject to all of the terms, conditions, exclusions and
endorsements contained in the policy, issued by an insurance
company duly authorized to write motor vehicle liability
insurance. Such policy is not subject to the provisions and
limitations applicable to a "certified motor vehicle liability
policy" contained in Section 63-15-43. Section 63-15-43, which
restricts, limits and defines provisions of a "certified motor
vehicle liability policy" provided as proof of financial
responsibility following an accident, shall not apply to a policy
of motor vehicle liability insurance provided in compliance with
Section 63-15-4(1). The liability of the insurance company with
respect to a policy of motor vehicle liability insurance provided
in compliance with Section 63-15-4(1) shall be subject to the
conditions, exclusions, terms and provisions contained in such
policy.

SECTION 3. Section 63-15-11, Mississippi Code of 1972, is amended as follows:

63-15-11. (1) If twenty (20) days after the receipt of a report of a motor vehicle accident in this state which has resulted in bodily injury or death, or damage to the property of any one (1) person in excess of Two Hundred Fifty Dollars (\$250.00), the department does not have on file evidence satisfactory to it that the person who would otherwise be required to file security under subsection (2) of this section has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the department shall determine the amount of security which shall be sufficient in its judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each

205 operator or owner.

206 (2) The department shall, within sixty (60) days after the
207 receipt of such report of a motor vehicle accident, suspend the
208 license of each operator and all registrations of each owner of a
209 motor vehicle in any manner involved in such accident, and if such
210 operator is a nonresident the privilege of operating a motor
211 vehicle within this state, and if such owner is a nonresident the
212 privilege of the use within this state of any motor vehicle owned
213 by him, unless such operator or owner or both shall deposit
214 security in the sum so determined by the department and shall also
215 furnish proof of financial responsibility. Notice of such
216 suspension shall be sent by the department to such operator and
217 owner not less than ten (10) days prior to the effective date of
218 such suspension and shall state the amount required as security.
219 If erroneous information is given the department with respect to
220 the matters set forth in paragraphs (a), (b) and (c) of subsection
221 (4) of this section, the department shall take appropriate action
222 as hereinbefore provided, within sixty (60) days after it receives
223 the correct information * * *.

224 (3) Any person so notified of suspension may, within ten
225 (10) days after receipt of such notification, make a written
226 request to the department for a hearing, and such request shall
227 operate as a stay of any suspension pending the outcome of such
228 hearing. For the purposes of this section, the scope of such
229 hearing shall cover the issues of whether there is a reasonable
230 probability of a judgment being rendered against such person in a
231 lawsuit arising out of the accident and whether such person is
232 exempt from the requirement of depositing security under
233 subsection (4) of this section. At such hearing the department
234 may also consider the amount of security required to be deposited,
235 if any. The hearing shall be in accordance with rules and
236 regulations * * * adopted by the department and furnished to the
237 operator or owner with the notice of suspension. For the purposes

of this section, a "hearing" may consist of a determination of such issues by the department based solely on written reports submitted by the operator or owner and by investigatory officers, if the owner or operator, in his written request to the department for a hearing, has expressly consented to such * * * hearing and that the department has consented thereto.

Any person whose suspension has been sustained may appeal as provided in Section 63-15-7, Mississippi Code of 1972. However, the suspension shall not be stayed by the department or any court while such appeal is pending.

(4) Subsections (1) and (2) of this section do not apply: (a) to the operator or owner if the owner had in effect at the time of such accident a liability policy with respect to the motor vehicle involved in such accident; (b) to the operator, if not the owner of the motor vehicle, if there was in effect at the time of such accident a liability policy with respect to his operation of motor vehicles not owned by him; (c) to the operator or owner if the liability of the operator or owner for damages resulting from such accident is, in the judgment of the department, covered by any other form of liability insurance policy or bond of a surety company authorized to do business in this state; or (d) to any person qualifying as a self-insurer under Section 63-15-53, Mississippi Code of 1972, or to any person operating a motor vehicle for such self-insurer * * *.

No such policy shall be effective under this section unless issued by an insurance company or surety company authorized to write motor vehicle liability insurance in this state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or the most recent renewal thereof, such policy shall not be effective under this section unless the insurance company or surety company if not authorized to do business in this state shall execute a power of attorney

authorizing the department to accept service on its behalf of notice or process in any action upon such policy arising out of such accident. However, every such policy shall be subject, if the accident has resulted in bodily injury or death, to a minimum limit, exclusive of interest and cost, of an amount required for proof of financial responsibility * * *.

SECTION 4. Section 63-15-13, Mississippi Code of 1972, is amended as follows:

63-15-13. The requirements as to security and suspension for failure to deposit security in Section 63-15-11, Mississippi Code of 1972, shall not apply: (1) to the operator or owner of a motor vehicle, properly insured as required by this chapter, involved in an accident wherein no injury or damage was caused to the person or property of anyone other than such operator or owner; or (2) if, prior to the date that the department would otherwise suspend license and registration or nonresident's operating and use privilege under Section 63-15-11, Mississippi Code of 1972, there shall be filed with the department evidence satisfactory to it that the person who would otherwise have to file security has been finally adjudicated not to be liable or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident and that the person was properly insured as otherwise required by this chapter.

Nevertheless, the requirements as to furnishing proof of financial responsibility and suspension for failure to furnish same in Section 63-15-11, Mississippi Code of 1972, shall apply notwithstanding any provision of this section.

SECTION 5. Section 63-15-29, Mississippi Code of 1972, is amended as follows:

63-15-29. * * * A license and nonresident's operating privilege shall remain * * * suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of

such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent required and until the * * * person gives proof of financial responsibility subject to the exemptions stated in Sections 63-15-27 and 63-15-33, Mississippi Code of 1972.

* * *

SECTION 6. Section 63-15-31, Mississippi Code of 1972, is amended as follows:

63-15-31. Judgments referred to in this chapter shall, for the purpose of this chapter only, be deemed satisfied:

(a) When Twenty-five Thousand Dollars (\$25,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one (1) person as the result of any one (1) accident; or

(b) When, subject to such limit of Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one (1) person, the sum of Fifty Thousand Dollars (\$50,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two (2) or more persons as the result of any one (1) accident; or

(c) When Twenty-five Thousand Dollars (\$25,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one (1) accident.

However, payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

SECTION 7. Section 63-15-37, Mississippi Code of 1972, is amended as follows:

63-15-37. Proof of financial responsibility when required under this chapter with respect to a motor vehicle or with respect to a person who is not the owner of a motor vehicle may be given

by filing:

1. A written confirmation from the insurer of a certified motor vehicle liability insurance policy as provided in Section 63-15-39 or Section 63-15-41; or

2. A bond as provided in Section 63-15-49; or

3. A certificate of deposit of money or securities as provided in Section 63-15-51; or

4. A certificate of self-insurance as provided in Section 63-15-53, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same judgments and in the same amounts that an insurer would have been obligated to pay under an owner's motor vehicle liability policy if it had issued such a policy to said self-insurer.

SECTION 8. Section 63-15-39, Mississippi Code of 1972, is amended as follows:

63-15-39. **Certified motor vehicle liability insurance policy as proof of financial responsibility; residents.**

Proof of financial responsibility may be furnished by filing with the department the written confirmation of any insurance company duly authorized to write motor vehicle liability insurance in this state certifying that there is in effect a certified motor vehicle liability insurance policy for the benefit of the person required to furnish proof of financial responsibility that complies with the requirements of Section 63-15-43. Such confirmation shall give the effective date of such certified motor vehicle liability policy, which date shall be the same as the effective date of the confirmation, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the certified policy is issued to a person who is not the owner of a motor vehicle.

SECTION 9. Section 63-15-41, Mississippi Code of 1972, is amended as follows:

63-15-41. Certified motor vehicle liability insurance policy
as proof of financial responsibility; nonresidents.

(1) The nonresident owner of a motor vehicle, the owner or operator of which is not licensed in this state, may give proof of financial responsibility by filing with the department * * * written confirmation of an insurance company authorized to transact business in the state in which the motor vehicle or motor vehicles described in such confirmation are registered, or if such nonresident does not own a motor vehicle, then in the state in which the insured resides, provided such confirmation otherwise conforms to the provisions of this chapter. The department shall accept the same upon condition that said insurance company complies with the following provisions with respect to the certified policies so confirmed:

(a) Said insurance company shall execute a power of attorney authorizing the department to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state;

(b) Said insurance company shall agree in writing that such certified policies shall be deemed to conform with the laws of this state relating to the terms of certified motor vehicle liability policies issued herein.

(2) If any insurance company not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the department shall not thereafter accept as proof any confirmation of said company whether theretofore filed or thereafter tendered as proof, so long as such default continues.

SECTION 10. Section 63-15-43, Mississippi Code of 1972, is amended as follows:

63-15-43. (1) A "certified motor vehicle liability policy" as the term is used in Sections 63-15-39 and 63-15-41 means an owner's or an operator's policy of liability insurance, certified

as provided in Section 63-15-39 or Section 63-15-41, as proof of financial responsibility, and issued, except as otherwise provided in Section 63-15-41, by an insurance company duly authorized to write motor vehicle liability insurance in this state, to or for the benefit of the * * * insured.

(2) Such owner's certified motor vehicle liability insurance policy:

(a) Shall designate by explicit description or by appropriate reference all motor vehicles * * * to which coverage is extended.

(b) Shall pay on behalf of the insured * * * and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, all sums which the insured shall become legally obligated to pay as damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, required for proof of financial responsibility for each * * * motor vehicle * * *.

(3) Such certified motor vehicle liability insurance policy shall pay on behalf of the insured named therein all sums which the insured shall become legally obligated to pay as damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(4) Such certified motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is * * * in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the

436 provisions of this chapter.

437 (5) Such certified motor vehicle liability policy shall not
438 insure:

439 (a) Any obligation for which the insured or any company
440 as his insurer may be held liable under any workers' compensation
441 law;

442 (b) Any liability on account of bodily injury to or
443 death of any employee of the insured while engaged in the
444 employment, other than domestic, of the insured, or in domestic
445 employment if benefits * * * are either payable or required to be
446 provided under any workers' compensation law; or

447 (c) Any liability because of injury to or destruction
448 of property owned by, rented to, in charge of or transported by
449 the insured.

450 (6) Every certified motor vehicle liability policy shall be
451 subject to the following provisions which need not be contained
452 therein:

453 (a) The liability of the insurance company for the
454 insurance required by this chapter shall become absolute whenever
455 injury or damage covered by the certified motor vehicle liability
456 policy occurs; the certified policy may not be cancelled or
457 annulled as to such liability by any agreement between the
458 insurance company and the insured after the occurrence of the
459 injury or damage; no statement made by the insured or on his
460 behalf and no violation of the certified policy shall defeat or
461 void the certified policy;

462 (b) The satisfaction by the insured of a judgment for
463 such injury or damage shall not be a condition precedent to the
464 right or duty of the insurance company to make payment on account
465 of such injury or damage;

466 (c) The insurance company shall have the right to
467 settle any claim covered by the certified policy, and if such
468 settlement is made in good faith, the amount * * * shall be

deductible from the limits of liability specified in paragraph (b) of subsection (2) of this section; or

(d) The certified policy, the written application therefor, if any, and any rider or endorsement which does not conflict with this chapter shall constitute the entire contract between the parties.

(7) Any certified policy which grants the coverage required for a certified motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a certified motor vehicle liability policy, and such excess or additional coverage shall not be subject to * * * this chapter. If a certified policy * * * grants such excess or additional coverage, the term "certified motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

(8) Any certified motor vehicle liability policy may provide that the insured shall reimburse the insurance company for any payment the insurance company would not have been obligated to make under the terms of the certified policy except for the provisions of this chapter.

(9) Any certified motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(10) The requirements for a certified motor vehicle liability policy may be fulfilled by the policies of one or more insurance companies which policies together meet such requirements.

(11) Any binder issued pending the issuance of a certified motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

(12) This section as it defines, restricts and limits the provisions of a "certified motor vehicle liability policy," applies only to policies issued and certified as proof of

financial responsibility following an accident as required by
Section 63-15-11(2) and Section 63-15-15, and as provided in
Section 63-15-37, Section 63-15-39 or Section 63-15-41. This
section shall not apply to a policy of motor vehicle liability
insurance issued as proof of financial responsibility in
compliance with Section 63-15-4.

SECTION 11. Section 63-15-51, Mississippi Code of 1972, is amended as follows:

63-15-51. (1) Proof of financial responsibility may be evidenced by the certificate of the State Treasurer that the person named therein has deposited with him * * * in cash, or securities such as may legally be purchased by savings banks or for trust funds in an amount required for proof of financial responsibility. The State Treasurer shall not accept any such deposit and issue a certificate therefor and the department shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

(2) Such deposit shall be held by the State Treasurer to satisfy, in accordance with * * * this chapter, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid.

SECTION 12. Section 83-11-101, Mississippi Code of 1972, is amended as follows:

83-11-101. (1) No automobile liability insurance policy or contract shall be issued or delivered after January 1, 1967,

535 unless it contains an endorsement or provisions undertaking to pay
536 the insured all sums which he shall be legally entitled to recover
537 as damages for bodily injury or death from the owner or operator
538 of an uninsured motor vehicle, within limits which shall be no
539 less than those set forth in Section 63-15-3(1), under provisions
540 approved by the Commissioner of Insurance; however, at the option
541 of the insured, the uninsured motorist limits may be increased to
542 limits not to exceed those provided in the policy of bodily injury
543 liability insurance of the insured or such lesser limits as the
544 insured elects to carry over the minimum requirement set forth by
545 this section. The coverage herein required shall not be
546 applicable where any insured named in the policy shall reject the
547 coverage in writing and provided further, that unless the named
548 insured requests such coverage in writing, such coverage need not
549 be provided in any renewal policy where the named insured had
550 rejected the coverage in connection with a policy previously
551 issued to him by the same insurer.

552 (2) No automobile liability insurance policy or contract
553 shall be issued or delivered after January 1, 1980, unless it
554 contains an endorsement or provisions undertaking to pay the
555 insured all sums which he shall be legally entitled to recover as
556 damages for property damage from the owner or operator of an
557 uninsured motor vehicle, within limits which shall be no less than
558 those set forth in Section 63-15-3(1), under provisions approved
559 by the Commissioner of Insurance; however, at the option of the
560 insured, the uninsured motorist limits may be increased to limits
561 not to exceed those provided in the policy of property damage
562 liability insurance of the insured or such lesser limits as the
563 insured elects to carry over the minimum requirement set forth by
564 this section. The coverage herein required shall not be
565 applicable where any insured named in the policy shall reject the
566 coverage in writing and provided further, that unless the named
567 insured requests such coverage in writing, such coverage need not

568 be provided in any renewal policy where the named insured had
569 rejected the coverage in connection with a policy previously
570 issued to him by the same insurer.

571 The property damage provision may provide an exclusion for
572 the first Two Hundred Dollars (\$200.00) of such property damage;
573 however, the uninsured motorist provision need not insure any
574 liability for property damage, for which loss the policyholder has
575 been compensated by insurance or otherwise.

576 (3) The insured may reject the property damage liability
577 insurance coverage required by subsection (2) and retain the
578 bodily injury liability insurance coverage required by subsection
579 (1), but if the insured rejects the bodily injury liability
580 coverage he may not retain the property damage liability coverage.

581 No insured may have property damage liability insurance coverage
582 under this section unless he also has bodily injury liability
583 insurance coverage under this section.

584 SECTION 13. This act shall take effect and be in force from
585 and after January 1, 2000.