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To: Insurance

SENATE BILL NO. 2039
(As Passed the Senate)

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

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

38 (c) Vehicles that are self-insured under Section
39 63-15-53, Mississippi Code of 1972;

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

43 (e) Implements of husbandry.

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

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

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

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

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

71 (5) Every peace officer, driver's license examiner or other
72 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

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

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

191 63-15-11. (1) If twenty (20) days after the receipt of a
192 report of a motor vehicle accident in this state which has
193 resulted in bodily injury or death, or damage to the property of
194 any one (1) person in excess of Two Hundred Fifty Dollars
195 (\$250.00), the department does not have on file evidence
196 satisfactory to it that the person who would otherwise be required
197 to file security under subsection (2) of this section has been
198 finally adjudicated not to be liable, or has executed a duly
199 acknowledged written agreement providing for the payment of an
200 agreed amount in installments with respect to all claims for
201 injuries or damages resulting from the accident, the department
202 shall determine the amount of security which shall be sufficient
203 in its judgment to satisfy any judgment or judgments for damages
204 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

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

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

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

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

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

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

279 63-15-13. The requirements as to security and suspension for
280 failure to deposit security in Section 63-15-11, Mississippi Code
281 of 1972, shall not apply: (1) to the operator or owner of a motor
282 vehicle, properly insured as required by this chapter, involved in
283 an accident wherein no injury or damage was caused to the person
284 or property of anyone other than such operator or owner; or (2)
285 if, prior to the date that the department would otherwise suspend
286 license and registration or nonresident's operating and use
287 privilege under Section 63-15-11, Mississippi Code of 1972, there
288 shall be filed with the department evidence satisfactory to it
289 that the person who would otherwise have to file security has been
290 finally adjudicated not to be liable or has executed a duly
291 acknowledged written agreement providing for the payment of an
292 agreed amount in installments, with respect to all claims for
293 injuries or damages resulting from the accident and that the
294 person was properly insured as otherwise required by this chapter.

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

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

301 63-15-29. * * * A license and nonresident's operating
302 privilege shall remain * * * suspended and shall not be renewed,
303 nor shall any such license be thereafter issued in the name of

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

309 * * *

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

312 63-15-31. Judgments referred to in this chapter shall, for
313 the purpose of this chapter only, be deemed satisfied:

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

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

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

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

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

334 63-15-37. Proof of financial responsibility when required
335 under this chapter with respect to a motor vehicle or with respect
336 to a person who is not the owner of a motor vehicle may be given

337 by filing:

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

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

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

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

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

353 63-15-39. **Certified motor vehicle liability insurance policy**
354 **as proof of financial responsibility; residents.**

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

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

370 63-15-41. Certified motor vehicle liability insurance policy
371 **as proof of financial responsibility; nonresidents.**

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

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

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

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

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

400 63-15-43. (1) A "certified motor vehicle liability policy"
401 as the term is used in Sections 63-15-39 and 63-15-41 means an
402 owner's or an operator's policy of liability insurance, certified

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

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

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

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

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

429 (4) Such certified motor vehicle liability policy shall
430 state the name and address of the named insured, the coverage
431 afforded by the policy, the premium charged therefor, the policy
432 period and the limits of liability, and shall contain an agreement
433 or be endorsed that insurance is * * * in accordance with the
434 coverage defined in this chapter as respects bodily injury and
435 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

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

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

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

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

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

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

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

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

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

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

510 63-15-51. (1) Proof of financial responsibility may be
511 evidenced by the certificate of the State Treasurer that the
512 person named therein has deposited with him * * * in cash, or
513 securities such as may legally be purchased by savings banks or
514 for trust funds in an amount required for proof of financial
515 responsibility. The State Treasurer shall not accept any such
516 deposit and issue a certificate therefor and the department shall
517 not accept such certificate unless accompanied by evidence that
518 there are no unsatisfied judgments of any character against the
519 depositor in the county where the depositor resides.

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

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

533 83-11-101. (1) No automobile liability insurance policy or
534 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.