

By: Senator(s) Dearing

To: Insurance; Judiciary

SENATE BILL NO. 2230

1 AN ACT TO LIMIT RECOVERY IN CERTAIN CIRCUMSTANCES BY
2 INDIVIDUALS WHO WERE NOT COVERED BY MOTOR VEHICLE LIABILITY
3 INSURANCE AT THE TIME OF AN ACCIDENT AS AGAINST INDIVIDUALS WHO
4 WERE COVERED BY MOTOR VEHICLE LIABILITY INSURANCE AT THE TIME OF
5 AN ACCIDENT; AND FOR RELATED PURPOSES.

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

7 SECTION 1. (1) Notwithstanding any provision of law to the
8 contrary, in any action in which damages are sought by a claimant,
9 who was not covered by liability insurance at the time of the
10 accident, against a defendant, who was covered by liability
11 insurance at the time of the accident, for any property damage or
12 bodily injury arising out of the claimant's and defendant's
13 operation of motor vehicles, the claimant's recovery shall be
14 limited to the reimbursement of the claimant's actual property
15 damage and bodily injury, including medical expense, and the
16 claimant shall not be awarded any punitive damages.

17 (2) For purposes of this section, the term "claimant" shall
18 include only those claimants which: (a) were not in compliance
19 with the Motor Vehicle Safety-Responsibility Law, Section 63-15-1
20 et seq., Mississippi Code of 1972, at the time of the accident;
21 and (b) were determined to be at fault for the damages incurred.

22 SECTION 2. This act shall take effect and be in force from
23 and after July 1, 1999.