

By: Senator(s) Nunnelee

To: Insurance

SENATE BILL NO. 2387

1 AN ACT TO STRENGTHEN THE MISSISSIPPI MOTOR VEHICLE
2 SAFETY-RESPONSIBILITY LAW BY CREATING A NEW CODE SECTION TO BE
3 CODIFIED AS SECTION 63-15-8, MISSISSIPPI CODE OF 1972, TO REQUIRE
4 EVIDENCE OF FINANCIAL RESPONSIBILITY; TO REQUIRE TAX COLLECTORS TO
5 PROVIDE DOCUMENTS REGARDING EVIDENCE OF FINANCIAL RESPONSIBILITY;
6 TO REQUIRE THE COMMISSIONER OF INSURANCE TO PRESCRIBE DOCUMENTS OF
7 FINANCIAL RESPONSIBILITY AND PROVIDE FOR THE DISTRIBUTION OF SUCH
8 DOCUMENTS; TO AMEND SECTION 63-15-7, MISSISSIPPI CODE OF 1972, TO
9 REQUIRE CERTAIN LAW ENFORCEMENT OFFICERS TO ASSIST IN THE
10 ENFORCEMENT OF THIS ACT; TO AMEND SECTIONS 63-15-9 AND 63-15-11,
11 MISSISSIPPI CODE OF 1972, TO REVISE THE ACCIDENT THRESHOLD
12 REPORTING AMOUNT; TO AMEND SECTION 63-15-3, MISSISSIPPI CODE OF
13 1972, TO DEFINE EVIDENCE OF FINANCIAL RESPONSIBILITY; TO AMEND
14 SECTIONS 63-15-43 AND 63-15-51, MISSISSIPPI CODE OF 1972, TO
15 CONFORM; TO AMEND SECTIONS 63-15-3, 63-15-31, 63-15-43, 63-15-51
16 AND 27-19-59, MISSISSIPPI CODE OF 1972, TO INCREASE THE MINIMUM
17 FOR PROOF OF FINANCIAL RESPONSIBILITY; TO AMEND SECTION 63-3-411,
18 MISSISSIPPI CODE OF 1972, TO REVISE THE ACCIDENT THRESHOLD
19 REPORTING AMOUNT; TO PROVIDE A PENALTY FOR ANY LAW ENFORCEMENT
20 AGENCY THAT FAILS TO SUBMIT AN ACCIDENT REPORT REQUIRED BY LAW; TO
21 REVISE REPORTING DATE REQUIREMENTS; TO PROVIDE A PENALTY FOR
22 FAILURE TO FILE REPORTS; TO AMEND SECTION 63-15-71, MISSISSIPPI
23 CODE OF 1972, TO PROVIDE THAT A VIOLATION OF THIS ACT SHALL NOT BE
24 A PART OF THE OPERATING RECORD OF A PERSON AND SHALL NOT BE
25 FURNISHED TO OTHERS; TO PROHIBIT INSURERS FROM CONSIDERING AN
26 APPLICANT'S LACK OF MOTOR VEHICLE INSURANCE IN ESTABLISHING HIS
27 RATES; TO PROHIBIT INSURERS FROM RAISING AN INSURED'S MOTOR
28 VEHICLE INSURANCE BASED ON THE INSURED'S INVOLVEMENT IN AN
29 ACCIDENT WHEN THE INSURED IS NOT AT FAULT; AND FOR RELATED
30 PURPOSES.

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

32 SECTION 1. The following shall be codified as Section
33 63-15-8, Mississippi Code of 1972:

34 63-15-8. (1) As a condition of operating a motor vehicle in
35 this state, the operator shall furnish evidence of financial
36 responsibility upon the request of a law enforcement officer in
37 accordance with Section 63-15-7, Mississippi Code of 1972. The
38 evidence of financial responsibility shall be kept in the motor
39 vehicle. If the evidence of financial responsibility is insurance
40 coverage, the Commissioner of Insurance shall require an insurer

41 to provide the insured with the document indicating compliance
42 with this section.

43 (2) The Commissioner of Insurance shall prescribe the
44 documents used to show evidence of financial responsibility and
45 shall prescribe a document for each type of financial
46 responsibility provided by this chapter. If the evidence of
47 financial responsibility is insurance coverage, the insurer shall
48 also provide a document, which includes the name of the insurance
49 company, the name of the insured, the policy number or certificate
50 number, the effective dates of coverage and information from which
51 it may be determined that the insured's policy or binder provides
52 at least the minimum amount of coverage required by this chapter
53 for evidence of financial responsibility.

54 (3) The State Tax Commission shall place the following
55 warning in bold print or contrasting color on the annual privilege
56 license application:

57 "Warning:

58 It is against the law to drive a motor vehicle in
59 this state without being financially responsible. You
60 may be asked to show evidence of financial
61 responsibility by a law enforcement officer when you are
62 stopped for a violation. Failure to show such evidence
63 may subject you to a fine of \$500.00. If you have a
64 motor vehicle accident, failure to be financially
65 responsible may result in a fine of \$1,000.00 and the
66 suspension of driving privilege or registration.

67 You must sign this form. Failure to sign this form
68 will prevent you from receiving your motor vehicle
69 license tag or decal.

70 _____
71 Signature Date"

72 (4) (a) A person shall not provide false information or
73 documents or make fraudulent representations regarding evidence of
74 financial responsibility. A person shall not alter or counterfeit
75 any document used to show evidence of financial responsibility. A
76 person who violates this subsection shall be fined Five Hundred
77 Dollars (\$500.00) and may be imprisoned for a term not to exceed

one (1) year or both. A person convicted under this subsection shall pay all costs of prosecution and all court costs.

(b) A person convicted of a fraudulent act shall have his driver's license suspended and the license tag and registration certificates of the offender's vehicle shall be revoked.

(c) The procedure for suspension of licenses provided in Section 63-15-11, Mississippi Code of 1972, and for appeals in Section 63-15-7, Mississippi Code of 1972, shall be the procedure used for violations of this subsection.

(5) (a) An operator who fails or refuses to furnish, upon request of a law enforcement officer, evidence of financial responsibility is presumed to have operated a motor vehicle in violation of this section.

(b) The penalty for a violation of this subsection shall be a fine of Five Hundred Dollars (\$500.00). The penalty shall be waived if the offender certifies to the court that he had evidence of financial responsibility as provided by this chapter in effect at the time of the violation.

Until January 1, 2000, the penalty for failure to be financially responsible shall be waived if the person certifies to the court that he has obtained insurance required under this section before his court date. After January 1, 2000, the penalty for failing to be financially responsible shall not be waived.

(6) A violation of this section shall not be considered a moving violation and shall not be entered on the driving record of an individual.

(7) Section 63-15-43, Mississippi Code of 1972, which restricts, limits and defines provisions of a motor vehicle liability policy provided as proof of financial responsibility following an accident, does not apply to a motor vehicle liability policy provided as evidence of financial responsibility under this section. The liability of the insurance company with respect to a

motor vehicle liability policy provided as evidence of financial responsibility under this section shall be subject to the conditions, exclusions, terms and provisions contained in the policy.

(8) The Mississippi Department of Public Safety shall design and furnish to the tax assessor of each county brochures explaining the Mississippi Motor Vehicle Safety-Responsibility Law. The tax assessor of each county shall mail or deliver such brochure to each applicant for a motor vehicle license tag or decal.

SECTION 2. Section 63-15-7, Mississippi Code of 1972, is amended as follows:

63-15-7. (1) (a) The department shall administer and enforce * * * this chapter and may make rules and regulations necessary for its administration, and shall provide for hearings upon request of persons aggrieved by orders or acts of the department under * * * this chapter.

(b) Law enforcement officers of sheriff departments and municipal police departments shall assist the department in the enforcement of this chapter. These officers shall require evidence of financial responsibility when stopping a motorist for a violation.

(c) The department may require evidence of financial responsibility from any person who has received a citation on record with the department.

(2) Any order or act of the department under * * * this chapter may be subject to review within ten (10) days after notice thereof, by appeal to the county court at the instance of any party in interest and in the county wherein the person aggrieved by the order or act resides, or if there is no county court * * *, then * * * jurisdiction shall be in the circuit court of that county, and * * * court is hereby vested with jurisdiction. The court shall determine whether the filing of the appeal shall

operate as a stay of any such order or decision of the department.
The court may, in disposing of the issue before it, modify,
affirm or reverse the order or decision of the department in whole
or in part.

(3) Trial in the court shall be de novo, with the burden of
proof upon the department. The same shall be tried without regard
to any prior holding of fact or law by the department, and
judgment entered only upon the evidence offered at the trial by
the court. A trial by jury may be had under the rules of the
court.

SECTION 3. Section 63-15-9, Mississippi Code of 1972, is
amended as follows:

63-15-9. An operator * * * involved in an accident * * *, in
which a person is killed or injured or in which * * * the property
of another person * * * is damaged, shall within fifteen (15)
working days after the accident report the matter in writing to
the department, in accordance with the laws of this state. The
report, the form of which shall be prescribed by the department,
shall contain information to enable the department to determine
whether the requirements for the deposit of security under Section
63-15-11 are inapplicable by reason of the existence of insurance
or other exceptions specified in this chapter. The reports
required herein shall be furnished to each of the drivers involved
in an accident as provided in Section 63-3-411. The report shall
contain, but not be limited to, the following notification and
request for information:

"You must complete and mail the SR-1 (short form) motor
vehicle accident report to the Department of Public Safety, Safety
Responsibility Branch, within fifteen (15) working days of the
date of this accident.

Failure to file the report within fifteen (15) working days
of receipt of this form shall subject you to a fine of Two Hundred
Dollars (\$200.00) and the immediate suspension of your driving

privilege or registration, or both. Upon payment of the fine and completion of the report, your driving privilege or registration, or both, may be reinstated, unless otherwise provided by law.

If you did not have motor vehicle liability insurance or cannot otherwise show financial responsibility on the date of this accident up to the liability limits set by law, you may be subject to the suspension of your driving privilege or registration, or both, and a One Thousand Dollar (\$1,000.00) fine.

On the day of the accident was the vehicle involved covered by motor vehicle liability insurance? Yes _____ No _____

Name of insurance company: _____

Insurance policy number: _____

Name of insurance agency: _____

Was anyone seriously injured? Yes _____ No _____

Approximate cost to repair your vehicle: _____

Name of driver: _____

Driver's license number: _____

*Address of driver: _____

Name of person completing report: _____

Date: _____

Signature of investigating officer

certifying that all drivers received

the SR-1 motor vehicle accident

report

*All drivers shall report a change of address to the Department of Public Safety within ten (10) working days of any change."

Any written report of an accident in accordance with Article 9 of Chapter 3 of this title shall be sufficient, provided it also contains the information required herein. The department may rely upon the accuracy of the information unless and until it has reason to believe that the information is erroneous. If the

210 operator is physically incapable of making the report, an occupant
211 in the motor vehicle at the time of the accident or the owner of
212 the motor vehicle shall make the report. The operator, occupant
213 or the owner shall furnish such additional relevant information as
214 the department shall require.

215 SECTION 4. Section 63-15-11, Mississippi Code of 1972, is
216 amended as follows:

217 63-15-11. (1) If twenty (20) working days after the receipt
218 of an accident report required under Section 63-15-9, the
219 department does not have on file evidence satisfactory to it that
220 the person who would otherwise be required to file security under
221 subsection (2) of this section has been finally adjudicated not to
222 be liable, or has executed a duly acknowledged written agreement
223 providing for the payment of an agreed amount in installments with
224 respect to all claims for injuries or damages resulting from the
225 accident, the department shall determine the amount of security
226 which shall be sufficient in its judgment to satisfy any judgment
227 or judgments for damages resulting from such accident as may be
228 recovered against each operator or owner.

229 (2) The department * * *, after all provisions of Sections
230 63-3-411 and 63-15-9 have been complied with by the proper
231 authorities, shall levy a fine of One Thousand Dollars (\$1,000.00)
232 upon each owner and suspend the license of each operator and all
233 registrations of each owner of a motor vehicle in any manner
234 involved in such accident, and if the operator or owner is a
235 nonresident the nonresident operating privilege * * *, unless such
236 operator or owner or both shall deposit security in the sum so
237 determined by the department and shall also furnish proof of
238 financial responsibility. Notice of such suspension and fine
239 shall be sent by the department to such operator and owner not
240 less than ten (10) working days before the effective date of such
241 suspension and fine and shall state the amount required as
242 security. Until January 1, 2000, the fine shall be reduced to One

Hundred Dollars (\$100.00) if the person obtains a motor vehicle liability insurance policy certified as proof of financial responsibility within thirty (30) working days of notification of the suspension and fine. After January 1, 2000, the fine shall not be reduced. If erroneous information is given the department with respect to the matters set forth in paragraphs (a), (b) and (c) of subsection (4) of this section, it shall take appropriate action * * * after receipt * * * of the correct information * * *.

(3) Any person so notified of suspension and fine, in accordance with notification requirements in Section 63-1-52, may, within ten (10) working days after receipt of such notification, make a written request to the department for a hearing, and such request shall operate as a stay of any suspension and fine pending the outcome of such hearing. For the purposes of this section, the scope of such hearing shall cover the issues of whether there is a reasonable probability of a judgment being rendered against such person in a lawsuit arising out of the accident and whether such person is exempt from the requirement of depositing security under subsection (4) of this section. At such hearing the department may also consider the amount of security required to be deposited, if any. The hearing shall be in accordance with rules and regulations which shall be adopted by the department and furnished to the operator or owner with the notice of suspension and fine. 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, provided that the owner or operator, in his request to the department for a hearing, has expressly consented to such type hearing and that the department has consented thereto.

Any person whose suspension and fine has been sustained shall have the right to appeal as provided in Section 63-15-7. However, such suspension shall not be stayed by the department or any court

276 while such appeal is pending.

277 (4) Subsections (1) and (2) of this section shall not apply:
278 (a) to such operator or owner if such owner had in effect at the
279 time of such accident a liability policy with respect to the motor
280 vehicle involved in such accident; (b) to such operator, if not
281 the owner of such motor vehicle, if there was in effect at the
282 time of such accident a liability policy with respect to his
283 operation of motor vehicles not owned by him; (c) to such operator
284 or owner if the liability of such operator or owner for damages
285 resulting from such accident is, in the judgment of the
286 department, covered by any other form of liability insurance
287 policy or bond of a surety company authorized to do business in
288 this state; (d) to any person qualifying as a self-insurer under
289 Section 63-15-53, or to any person operating a motor vehicle for
290 such self-insurer; (e) to the operator or the owner of a motor
291 vehicle legally parked at the time of the accident; (f) to the
292 owner of a motor vehicle if at the time of the accident the
293 vehicle was stolen; or (g) to any person for whom the department
294 has found in the hearing provided for in subsection (3) of this
295 section, that there is not a reasonable probability of a judgment
296 being rendered against such person in a lawsuit arising out of the
297 accident. Any person who is covered under any exception listed in
298 this subsection who has a driver's license wrongly suspended shall
299 not be required to pay any reinstatement fees.

300 No such policy shall be effective under this section unless
301 issued by an insurance company or surety company authorized to
302 write motor vehicle liability insurance in this state, except that
303 if such motor vehicle was not registered in this state, or was a
304 motor vehicle which was registered elsewhere than in this state at
305 the effective date of the policy or the most recent renewal
306 thereof, such policy shall not be effective under this section
307 unless the insurance company or surety company if not authorized
308 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, the policy shall be subject, if the accident has resulted in bodily injury or death, or property damage to at least the minimum limits, exclusive of interest and cost, * * * required for proof of financial responsibility.
Section 63-15-43 does not apply to this section.

SECTION 5. Section 63-15-3, Mississippi Code of 1972, is amended as follows:

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

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

(b) "Evidence of financial responsibility" means a document used to show that a person has the ability to pay damages in at least the amounts required for proof of financial responsibility as a condition for operating a motor vehicle in this state.

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

(d) "Judgment" means any judgment which is final by expiration, without appeal, of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the

ownership, maintenance or use of any motor vehicle, 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, or upon a cause of action on an agreement of settlement for such damages.

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

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

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

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

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

(i) "Operator" means any person who is in actual physical control of a motor vehicle.

(j) "Owner" means a person who holds the legal title of a motor vehicle; if a motor vehicle is the subject of an agreement for the conditional sale or lease * * * with the right of purchase upon performance of the conditions stated in the agreement and

with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor is the owner for the purpose of this chapter.

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

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

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

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

SECTION 6. Section 63-15-43, Mississippi Code of 1972, is amended as follows:

63-15-43. (1) This section applies only to an owner's or an operator's policy of motor vehicle liability insurance issued after an accident and certified as * * * proof of financial responsibility * * * under Section 63-15-39 or Section 63-15-41 * * * . This section does not apply to a motor vehicle liability policy issued as evidence of financial responsibility under Section 63-15-8.

408 (2) An owner's policy of liability insurance:

409 (a) Shall designate by explicit description or by
410 appropriate reference all motor vehicles for which coverage
411 is * * * granted.

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

420 (3) An operator's policy of liability insurance shall pay on
421 behalf of the named insured * * * all sums which the insured shall
422 become legally obligated to pay as damages arising out of his
423 use * * * of any motor vehicle not owned by him, within the same
424 territorial limits and subject to the same limits of liability
425 required for an owner's policy of liability insurance in
426 subsection (1).

427 (4) The motor vehicle liability policy shall state the name
428 and address of the named insured, the coverage afforded by the
429 policy, the premium charged * * *, the policy period and the
430 limits of liability, and shall contain an agreement or endorsement
431 that insurance is provided * * * in accordance with the coverage
432 defined in this section for bodily injury and death and property
433 damage, * * * and is subject to all the provisions of this
434 section.

435 (5) The motor vehicle liability policy shall not insure:

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

439 (b) Any liability on account of bodily injury to or
440 death of any employee of the insured while engaged in the

employment, other than domestic, of the insured, or in domestic employment if benefits * * * are either payable or required to be provided under any workers' compensation law; or

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

(6) The motor vehicle liability policy is subject to the following provisions which need not be contained therein:

(a) The liability of the insurance company for the insurance required by this section shall become absolute whenever injury or damage covered by the motor vehicle liability policy occurs; the policy may not be cancelled or annulled as to the liability by any agreement between the insurance company and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of the policy shall defeat or void the policy;

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

(c) The insurance company shall have the right to settle any claim covered by the policy, and if the 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 policy, the written application * * *, if any, and any rider or endorsement which does not conflict with this * * * section shall constitute the entire contract between the parties.

(7) The policy * * * may also grant any lawful coverage in excess of or in addition to the required coverage * * * and the excess or additional coverage shall not be subject to * * * this section. If a policy * * * grants * * * excess or additional

coverage, * * * this section applies only to that part of the coverage * * * required by this section.

(8) The 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 policy except for the provisions of this section.

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

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

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

SECTION 7. 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 * * * has deposited with him * * * in cash, or securities * * * as may legally be purchased by savings banks or for trust in the amount required for proof of financial responsibility. The State Treasurer shall not accept any * * * deposit and issue a certificate therefor and the department shall not accept the 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) The deposit shall be held by the State Treasurer to satisfy, in accordance with * * * this section, any execution on a judgment issued against the 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 * * *.

SECTION 8. 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 9. Section 27-19-59, Mississippi Code of 1972, is amended as follows:

27-19-59. Any person required under * * * this article to register and pay a privilege license tax on any vehicle shall apply on forms to be prescribed by the commission, and the forms shall require information as the commission may deem necessary.

540 All motor vehicles owned by the State of Mississippi or any
541 agency, department or political subdivision thereof, when such
542 agency or department is supported wholly or in part by
543 appropriations from public funds, when used in the transportation
544 of passengers, shall have painted on both sides, and, if
545 practical, on the rear of each such vehicle the name of the state
546 agency or department, in letters at least three (3) inches in
547 height in a color which is in contrast with the color of the
548 vehicle, and no privilege license tag and decals shall be issued
549 for the vehicle until the name has been painted thereon as
550 required by this section. * * * This paragraph shall not apply to
551 vehicles used by the Chief Executive of the State of Mississippi.

552 The tax collector, or the commission, as the case may be,
553 shall attach to or write upon the application the number of the
554 license tag and decals issued to the owner, and any other
555 information as may be deemed necessary. The tax collector and his
556 deputies, and all representatives and employees of the commission,
557 who are authorized to issue privilege licenses, and all other
558 persons authorized by law to issue privilege licenses, shall have
559 the power to administer oaths and take acknowledgements of
560 signatures, without cost to the applicant. All applications for
561 licenses, or a microfilm copy or a computer-generated microfilm
562 copy of every * * * application, shall be preserved as a public
563 record for a period of not less than three (3) years from the date
564 thereof.

565 Each person who applies to the commission for the
566 registration of and a privilege license for a common or contract
567 carrier of passengers which is not required by law to qualify with
568 and obtain a certificate or permit from the Mississippi Public
569 Service Commission shall, before being issued a license, present
570 with his application * * * satisfactory proof that the person has
571 in force covering the vehicle a policy or policies of insurance
572 conditioned to pay any final judgment against the carrier for

personal injuries and property damage arising or resulting from the use, maintenance or operation of the vehicles of the carrier, the policy or policies of insurance to be in an amount of not less than the minimum limits required for proof of financial responsibility under Section 63-15-3. Unless * * * proof that the insurance policy or policies are in force is presented, no license tag shall be issued to the carrier. If any person shall operate a motor vehicle * * * without having in force this insurance and without having obtained the proper license tag and decals from the commission, that person shall * * * be liable for the full privilege license tax and the penalty * * * as is otherwise provided by this article and the commission shall collect the tax and penalty from the person. The commission shall not, however, issue a license tag and decals for a vehicle unless the owner or operator * * * shall * * * furnish proof that the insurance is in force, at which time the proper license tag and decals shall be issued. If, after a license tag and decals * * * have been issued for any vehicle * * *, the commission * * * receives notice or otherwise acquires knowledge that the policy or policies of insurance have been cancelled, have lapsed, or are no longer in force for any reason, then the commission may require and compel the surrender of the license tag and decals and * * * retain them until presented with proof that the policy or policies of insurance required by this section are again in force, at which time the license tag and decals shall be returned to such taxpayer. None of the provisions of this paragraph shall apply, however, to private carriers of passengers.

SECTION 10. Section 63-3-411, Mississippi Code of 1972, is amended as follows:

63-3-411. (1) The driver of a vehicle involved in an accident resulting in injury to or death of any person or * * * damage to the property of another person shall immediately, by the quickest means of communication, give notice of the collision to

the municipal police department if the collision occurs within an incorporated municipality, or if the collision occurs outside of an incorporated municipality to the nearest sheriff's office or highway patrol station.

(2) (a) The driver * * * shall also forward within fifteen (15) working days after such accident, a written report of such accident to the department. The investigating officer shall furnish all drivers an accident report form as provided in Section 63-15-9 and shall also provide instructions as to how and when the report must be completed and submitted to the department.

(b) The department shall administer a fine of Two Hundred Dollars (\$200.00) upon the person failing to make a report.

(3) The department may require any driver * * * filing a report * * * to file supplemental reports whenever the original report is insufficient in the opinion of the department. Additionally, the department may require witnesses of accidents to file reports to the department.

(4) It shall be the duty of the highway patrol or the sheriff's office to investigate all accidents required to be reported by this section when the accident occurs outside the corporate limits of a municipality, and it shall be the duty of the police department of each municipality to investigate all accidents required to be reported by this section when the accidents occur within the corporate limits of the municipality.

Every law enforcement officer who investigates an accident as required by this subsection, whether the investigation is made at the scene of the accident or by subsequent investigation and interviews, shall forward within ten (10) working days after * * * the date of the accident a written report of the accident to the department if the accident occurred outside the corporate limits of a municipality, or to the police department of the municipality if the accident occurred within the corporate limits of such

municipality. Police departments shall forward such reports to the department within ten (10) working days of the date of the accident. Failure of the appropriate law enforcement agency to submit the reports as required by this subsection or to furnish the accident report forms to the drivers as required in subsection (2) of this section shall subject the agency to an administrative fine by the department of Two Hundred Dollars (\$200.00). Any agency so fined may make a written request to the department for a hearing. The hearing shall be held in accordance with rules and regulations that are adopted by the department and that are in compliance with due process of law. The funds from the fines collected by the Department of Public Safety shall be deposited in the General Fund in the State Treasury and shall be subject to the annual legislative appropriation process.

(5) The Department of Public Safety shall develop procedures to ensure that the reports required by this section are made a part of the files of the department.

(6) Whenever an engineer of a railroad locomotive, or other person in charge of a train, is required to show proof of his identity under the provisions of this article, in connection with operation of such locomotive, to any law enforcement officer, such person shall not be required to display his operator's or chauffeur's license but shall display his railroad employee number.

(7) In addition to the information required on the "statewide uniform traffic accident report" forms provided by Section 63-3-415, the department shall require the parties involved in an accident and the witnesses of such accident to furnish their phone numbers in order to assist the investigation by law enforcement officers.

SECTION 11. Section 63-15-71, Mississippi Code of 1972, is amended as follows:

63-15-71. (1) The department shall, upon request and

672 receipt of proper fees, furnish any person a certified abstract of
673 the operating record of any person subject to * * * this chapter,
674 and the abstract shall also fully designate the motor vehicles, if
675 any, registered in the name of such person. If there is no record
676 of any conviction of such person of violating any law relating to
677 the operation of a motor vehicle or of any injury or damage caused
678 by such person, the department shall so certify.

679 (2) A violation of Section 63-15-8 shall not be a part of
680 the operating record of a person and shall not be furnished to any
681 person.

682 SECTION 12. This section shall be codified as Section
683 63-15-77, Mississippi Code of 1972:

684 63-15-77. Sections 63-15-3, 63-15-7, 63-15-9, 63-15-11,
685 63-15-31, 63-15-43 and 63-15-51, Mississippi Code of 1972, and
686 Section 3 of this act, shall stand repealed on July 1, 2001.

687 SECTION 13. In determining rates for motor vehicle liability
688 insurance, an insurer shall not consider the fact that an
689 applicant does not have motor vehicle insurance covering the
690 applicant's motor vehicle at the time of his application for
691 insurance, unless the insurer has an actuarial justification. An
692 insurer may consider any relevant factor contributing to the
693 cancellation, refusal to renew, or other involuntary termination
694 of motor vehicle insurance coverage previously maintained by the
695 applicant.

696 SECTION 14. No insurer shall cancel, nonrenew or increase
697 the premium of a motor vehicle insurance policy based on the
698 insured's involvement in a motor vehicle accident when the
699 insured's action is not a proximate cause of any loss, damage,
700 injury or death arising out of the accident.

701 SECTION 15. This act shall take effect and be in force from
702 and after July 1, 1999.