

By: Senator(s) Smith

To: Insurance; Judiciary

SENATE BILL NO. 2662

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

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

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

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

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

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

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

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

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

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

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

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

123 63-15-7. (1) (a) The department shall administer and
124 enforce * * * this chapter and may make rules and regulations
125 necessary for its administration, and shall provide for hearings
126 upon request of persons aggrieved by orders or acts of the
127 department under * * * this chapter.

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

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

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

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

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

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

156 63-15-9. An operator * * * involved in an accident * * *, in
157 which a person is killed or injured or in which * * * the property
158 of another person * * * is damaged, shall within fifteen (15)
159 working days after the accident report the matter in writing to
160 the department, in accordance with the laws of this state. The
161 report, the form of which shall be prescribed by the department,
162 shall contain information to enable the department to determine
163 whether the requirements for the deposit of security under Section
164 63-15-11 are inapplicable by reason of the existence of insurance
165 or other exceptions specified in this chapter. The reports
166 required herein shall be furnished to each of the drivers involved
167 in an accident as provided in Section 63-3-411. The report shall
168 contain, but not be limited to, the following notification and
169 request for information:

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

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

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

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

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

187 Name of insurance company: _____

188 Insurance policy number: _____

189 Name of insurance agency: _____

190 Was anyone seriously injured? Yes _____ No _____

191 Approximate cost to repair your vehicle: _____

192 Name of driver: _____

193 Driver's license number: _____

194 *Address of driver: _____

195 Name of person completing report: _____

196 Date: _____

197 _____

198 Signature of investigating officer

199 certifying that all drivers received

200 the SR-1 motor vehicle accident

201 report

202 *All drivers shall report a change of address to the

203 Department of Public Safety within ten (10) working days of any

204 change."

205 Any written report of an accident in accordance with Article
206 9 of Chapter 3 of this title shall be sufficient, provided it also
207 contains the information required herein. The department may rely
208 upon the accuracy of the information unless and until it has
209 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

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

251 (3) Any person so notified of suspension and fine, in
252 accordance with notification requirements in Section 63-1-52, may,
253 within ten (10) working days after receipt of such notification,
254 make a written request to the department for a hearing, and such
255 request shall operate as a stay of any suspension and fine pending
256 the outcome of such hearing. For the purposes of this section,
257 the scope of such hearing shall cover the issues of whether there
258 is a reasonable probability of a judgment being rendered against
259 such person in a lawsuit arising out of the accident and whether
260 such person is exempt from the requirement of depositing security
261 under subsection (4) of this section. At such hearing the
262 department may also consider the amount of security required to be
263 deposited, if any. The hearing shall be in accordance with rules
264 and regulations which shall be adopted by the department and
265 furnished to the operator or owner with the notice of suspension
266 and fine. For the purposes of this section, a "hearing" may
267 consist of a determination of such issues by the department based
268 solely on written reports submitted by the operator or owner and
269 by investigatory officers, provided that the owner or operator, in
270 his request to the department for a hearing, has expressly
271 consented to such type hearing and that the department has
272 consented thereto.

273 Any person whose suspension and fine has been sustained shall
274 have the right to appeal as provided in Section 63-15-7. However,
275 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

309 authorizing the department to accept service on its behalf of
310 notice or process in any action upon such policy arising out of
311 such accident. However, the policy shall be subject, if the
312 accident has resulted in bodily injury or death, or property
313 damage to at least the minimum limits, exclusive of interest and
314 cost, * * * required for proof of financial responsibility.
315 Section 63-15-43 does not apply to this section.

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

318 63-15-3. The following words and phrases, when used in this
319 chapter, shall, for the purposes of this chapter, have the
320 meanings respectively ascribed to them in this section, except in
321 those instances where the context clearly indicates a different
322 meaning:

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

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

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

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

342 ownership, maintenance or use of any motor vehicle, for damages,
343 including damages for care and loss of services, because of bodily
344 injury to or death of any person, or for damages because of injury
345 to or destruction of property, including the loss of use thereof,
346 or upon a cause of action on an agreement of settlement for such
347 damages.

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

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

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

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

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

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

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

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

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

381 (l) "Proof of financial responsibility" means proof of
382 ability to respond in damages for liability, on account of
383 accidents occurring subsequent to the effective date of the proof,
384 arising out of the ownership, maintenance or use of a motor
385 vehicle, in the amount of Twenty-five Thousand Dollars
386 (\$25,000.00) because of bodily injury to or death of one (1)
387 person in any one (1) accident, and subject to the limit for one
388 (1) person, in the amount of Fifty Thousand Dollars (\$50,000.00)
389 because of bodily injury to or death of two (2) or more persons in
390 any one (1) accident, and in the amount of Twenty-five Thousand
391 Dollars (\$25,000.00) because of injury to or destruction of
392 property of others in any one (1) accident.

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

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

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

401 63-15-43. (1) This section applies only to an owner's or an
402 operator's policy of motor vehicle liability insurance issued
403 after an accident and certified as * * * proof of financial
404 responsibility * * * under Section 63-15-39 or Section
405 63-15-41 * * *. This section does not apply to a motor vehicle
406 liability policy issued as evidence of financial responsibility
407 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

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

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

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

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

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

461 (c) The insurance company shall have the right to
462 settle any claim covered by the policy, and if the settlement is
463 made in good faith, the amount * * * shall be deductible from the
464 limits of liability specified in paragraph (b) of subsection (2)
465 of this section; or

466 (d) The policy, the written application * * *, if any,
467 and any rider or endorsement which does not conflict with
468 this * * * section shall constitute the entire contract between
469 the parties.

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

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

476 (8) The motor vehicle liability policy may provide that the
477 insured shall reimburse the insurance company for any payment the
478 insurance company would not have been obligated to make under the
479 terms of the policy except for the provisions of this section.

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

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

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

489 SECTION 7. Section 63-15-51, Mississippi Code of 1972, is
490 amended as follows:

491 63-15-51. (1) Proof of financial responsibility may be
492 evidenced by the certificate of the State Treasurer that the
493 person named * * * has deposited with him * * * in cash, or
494 securities * * * as may legally be purchased by savings banks or
495 for trust in the amount required for proof of financial
496 responsibility. The State Treasurer shall not accept any * * *
497 deposit and issue a certificate therefor and the department shall
498 not accept the certificate unless accompanied by evidence that
499 there are no unsatisfied judgments of any character against the
500 depositor in the county where the depositor resides.

501 (2) The deposit shall be held by the State Treasurer to
502 satisfy, in accordance with * * * this section, any execution on a
503 judgment issued against the person making the deposit, for
504 damages, including damages for care and loss of services, because
505 of bodily injury to or death of any person, or for damages because
506 of injury to or destruction of property, including the loss of use

507 thereof, resulting from the ownership, maintenance, use or
508 operation of a motor vehicle after such deposit was made. Money
509 or securities so deposited shall not be subject to attachment or
510 execution unless such attachment or execution shall arise out of a
511 suit for damages * * *.

512 SECTION 8. Section 63-15-31, Mississippi Code of 1972, is
513 amended as follows:

514 63-15-31. Judgments referred to in this chapter shall, for
515 the purpose of this chapter only, be deemed satisfied:

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

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

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

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

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

536 27-19-59. Any person required under * * * this article to
537 register and pay a privilege license tax on any vehicle shall
538 apply on forms to be prescribed by the commission, and the forms
539 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

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

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

602 63-3-411. (1) The driver of a vehicle involved in an
603 accident resulting in injury to or death of any person or * * *
604 damage to the property of another person shall immediately, by the
605 quickest means of communication, give notice of the collision to

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

610 (2) (a) The driver * * * shall also forward within fifteen
611 (15) working days after such accident, a written report of such
612 accident to the department. The investigating officer shall
613 furnish all drivers an accident report form as provided in Section
614 63-15-9 and shall also provide instructions as to how and when the
615 report must be completed and submitted to the department.

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

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

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

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

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

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

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

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

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

671 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.