

By: Ellzey

To: Insurance

HOUSE BILL NO. 404

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 is in effect to insure
28 against losses which may arise out of the operation of such
29 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.

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. However, the suspension shall not be
246 stayed by the department or any court while such appeal is
247 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, or to
260 any person operating a motor vehicle for such self-insurer * * *.

261 No such policy shall be effective under this section unless
262 issued by an insurance company or surety company authorized to
263 write motor vehicle liability insurance in this state, except that
264 if such motor vehicle was not registered in this state, or was a
265 motor vehicle which was registered elsewhere than in this state at
266 the effective date of the policy or the most recent renewal
267 thereof, such policy shall not be effective under this section
268 unless the insurance company or surety company if not authorized
269 to do business in this state shall execute a power of attorney
270 authorizing the department to accept service on its behalf of
271 notice or process in any action upon such policy arising out of
272 such accident. However, every such policy shall be subject, if
273 the accident has resulted in bodily injury or death, to a minimum
274 limit, exclusive of interest and cost, of an amount required for
275 proof of financial responsibility * * *.

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

278 63-15-13. The requirements as to security and suspension for
279 failure to deposit security in Section 63-15-11 shall not apply:

280 (1) to the operator or owner of a motor vehicle, properly insured
281 as required by this chapter, involved in an accident wherein no
282 injury or damage was caused to the person or property of anyone
283 other than such operator or owner; or (2) if, prior to the date
284 that the department would otherwise suspend license and
285 registration or nonresident's operating and use privilege under

286 Section 63-15-11, Mississippi Code of 1972, there shall be filed
287 with the department evidence satisfactory to it that the person
288 who would otherwise have to file security has been finally
289 adjudicated not to be liable or has executed a duly acknowledged
290 written agreement providing for the payment of an agreed amount in
291 installments, with respect to all claims for injuries or damages
292 resulting from the accident and that the person was properly
293 insured as otherwise required by this chapter.

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

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

300 63-15-29. * * * A license and nonresident's operating
301 privilege shall remain * * * suspended and shall not be renewed,
302 nor shall any such license be thereafter issued in the name of
303 such person, including any such person not previously licensed,
304 unless and until every such judgment is stayed, satisfied in full
305 or to the extent required and until the * * * person gives proof
306 of financial responsibility subject to the exemptions stated in
307 Sections 63-15-27 and 63-15-33.

308 * * *

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

311 63-15-31. Judgments referred to in this chapter shall, for
312 the purpose of this chapter only, be deemed satisfied:

313 (a) When Twenty-five Thousand Dollars (\$25,000.00) has

314 been credited upon any judgment or judgments rendered in excess of
315 that amount because of bodily injury to or death of one (1) person
316 as the result of any one (1) accident; or

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

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

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

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

333 63-15-37. Proof of financial responsibility when required
334 under this chapter with respect to a motor vehicle or with respect
335 to a person who is not the owner of a motor vehicle may be given
336 by filing:

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

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

341 3. A certificate of deposit of money or securities as

342 provided in Section 63-15-51; or

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

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

352 63-15-39. Proof of financial responsibility may be furnished
353 by filing with the department the written confirmation of any
354 insurance company duly authorized to write motor vehicle liability
355 insurance in this state certifying that there is in effect a
356 certified motor vehicle liability insurance policy for the benefit
357 of the person required to furnish proof of financial
358 responsibility that complies with the requirements of Section
359 63-15-43. Such confirmation shall give the effective date of such
360 certified motor vehicle liability policy, which date shall be the
361 same as the effective date of the confirmation, and shall
362 designate by explicit description or by appropriate reference all
363 motor vehicles covered thereby, unless the certified policy is
364 issued to a person who is not the owner of a motor vehicle.

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

367 63-15-41. (1) The nonresident owner of a motor vehicle, the
368 owner or operator of which is not licensed in this state, may give
369 proof of financial responsibility by filing with the

370 department * * * written confirmation of an insurance company
371 authorized to transact business in the state in which the motor
372 vehicle or motor vehicles described in such confirmation are
373 registered, or if such nonresident does not own a motor vehicle,
374 then in the state in which the insured resides, provided such
375 confirmation otherwise conforms to the provisions of this chapter.

376 The department shall accept the same upon condition that said
377 insurance company complies with the following provisions with
378 respect to the certified policies so confirmed:

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

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

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

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

395 63-15-43. (1) A "certified motor vehicle liability policy"
396 as the term is used in Sections 63-15-39 and 63-15-41 means an
397 owner's or an operator's policy of liability insurance, certified

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

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

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

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

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

424 (4) Such certified motor vehicle liability policy shall
425 state the name and address of the named insured, the coverage

426 afforded by the policy, the premium charged therefor, the policy
427 period and the limits of liability, and shall contain an agreement
428 or be endorsed that insurance is * * * in accordance with the
429 coverage defined in this chapter as respects bodily injury and
430 death or property damage, or both, and is subject to all the
431 provisions of this chapter.

432 (5) Such certified motor vehicle liability policy shall not
433 insure:

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

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

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

445 (6) Every certified motor vehicle liability policy shall be
446 subject to the following provisions which need not be contained
447 therein:

448 (a) The liability of the insurance company for the
449 insurance required by this chapter shall become absolute whenever
450 injury or damage covered by the certified motor vehicle liability
451 policy occurs; the certified policy may not be cancelled or
452 annulled as to such liability by any agreement between the
453 insurance company and the insured after the occurrence of the

454 injury or damage; no statement made by the insured or on his
455 behalf and no violation of the certified policy shall defeat or
456 void the certified policy;

457 (b) The satisfaction by the insured of a judgment for
458 such 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 such injury or damage;

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

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

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

479 (8) Any certified motor vehicle liability policy may provide
480 that the insured shall reimburse the insurance company for any
481 payment the insurance company would not have been obligated to

482 make under the terms of the certified policy except for the
483 provisions of this chapter.

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

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

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

494 (12) This section as it defines, restricts and limits the
495 provisions of a "certified motor vehicle liability policy,"
496 applies only to policies issued and certified as proof of
497 financial responsibility following an accident as required by
498 Section 63-15-11(2) and Section 63-15-15, and as provided in
499 Section 63-15-37, Section 63-15-39 or Section 63-15-41. This
500 section shall not apply to a policy of motor vehicle liability
501 insurance issued as proof of financial responsibility in
502 compliance with Section 63-15-4.

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

505 63-15-51. (1) Proof of financial responsibility may be
506 evidenced by the certificate of the State Treasurer that the
507 person named therein has deposited with him * * * in cash, or
508 securities such as may legally be purchased by savings banks or
509 for trust funds in an amount required for proof of financial

510 responsibility. The State Treasurer shall not accept any such
511 deposit and issue a certificate therefor and the department shall
512 not accept such certificate unless accompanied by evidence that
513 there are no unsatisfied judgments of any character against the
514 depositor in the county where the depositor resides.

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

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

528 83-11-101. (1) No automobile liability insurance policy or
529 contract shall be issued or delivered after January 1, 1967,
530 unless it contains an endorsement or provisions undertaking to pay
531 the insured all sums which he shall be legally entitled to recover
532 as damages for bodily injury or death from the owner or operator
533 of an uninsured motor vehicle, within limits which shall be no
534 less than those set forth in Section 63-15-3(1), under provisions
535 approved by the Commissioner of Insurance; however, at the option
536 of the insured, the uninsured motorist limits may be increased to
537 limits not to exceed those provided in the policy of bodily injury

538 liability insurance of the insured or such lesser limits as the
539 insured elects to carry over the minimum requirement set forth by
540 this section. The coverage herein required shall not be
541 applicable where any insured named in the policy shall reject the
542 coverage in writing and provided further, that unless the named
543 insured requests such coverage in writing, such coverage need not
544 be provided in any renewal policy where the named insured had
545 rejected the coverage in connection with a policy previously
546 issued to him by the same insurer.

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

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

571 (3) The insured may reject the property damage liability
572 insurance coverage required by subsection (2) and retain the
573 bodily injury liability insurance coverage required by subsection
574 (1), but if the insured rejects the bodily injury liability
575 coverage he may not retain the property damage liability coverage.
576 No insured may have property damage liability insurance coverage
577 under this section unless he also has bodily injury liability
578 insurance coverage under this section.

579 SECTION 13. This act shall take effect and be in force from
580 and after January 1, 2001.