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(65th), Dedeaux, Formby, Montgomery (74th),
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HOUSE BILL NO. 620

1 AN ACT TO STRENGTHEN THE ENFORCEMENT OF THE MISSISSIPPI MOTOR
2 VEHICLE SAFETY RESPONSIBILITY LAW; TO AMEND SECTION 63-15-1,
3 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THIS CHAPTER SHALL BE
4 KNOWN AS THE "MISSISSIPPI MOTOR VEHICLE COMPULSORY
5 SAFETY-RESPONSIBILITY LAW"; TO AMEND SECTION 63-3-411, MISSISSIPPI
6 CODE OF 1972, TO REQUIRE THAT INVESTIGATING LAW ENFORCEMENT
7 OFFICERS SHALL FURNISH ALL DRIVERS INVOLVED IN CERTAIN ACCIDENTS
8 WITH ACCIDENT REPORT FORMS; TO REQUIRE THE INVESTIGATING OFFICERS
9 TO SUBMIT THEIR WRITTEN REPORTS TO THE DEPARTMENT OF PUBLIC SAFETY
10 WITHIN TEN WORKING DAYS AFTER THE DATE OF THE ACCIDENT; TO PROVIDE
11 FOR AN ADMINISTRATIVE FINE ON THE APPROPRIATE LAW ENFORCEMENT
12 AGENCY THAT DOES NOT COMPLY; TO AMEND SECTION 63-15-9, MISSISSIPPI
13 CODE OF 1972, TO REVISE THE MOTOR VEHICLE ACCIDENT REPORT FORM TO
14 NOTIFY CERTAIN DRIVERS THAT FAILURE TO FILE THE REPORT OR FAILURE
15 TO HAVE MOTOR VEHICLE LIABILITY INSURANCE OR OTHERWISE SHOW
16 FINANCIAL RESPONSIBILITY UP TO THE LIABILITY LIMITS SET BY LAW MAY
17 SUBJECT THEM TO A FINE IN ADDITION TO LICENSE SUSPENSION; TO AMEND
18 SECTION 63-15-11, MISSISSIPPI CODE OF 1972, TO INCREASE THE AMOUNT
19 OF DAMAGES BEFORE REQUIRING FINANCIAL RESPONSIBILITY; TO PROVIDE
20 FOR CERTAIN FINES FOR FAILURE TO SHOW FINANCIAL RESPONSIBILITY; TO
21 PROVIDE FOR A REDUCTION IN FINES UPON PROOF OF PURCHASE OF MOTOR
22 VEHICLE LIABILITY INSURANCE; TO AMEND SECTION 63-15-69,
23 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR CERTAIN FINES ON PERSONS
24 FAILING TO FILE REPORTS OF ACCIDENTS; TO AMEND SECTIONS 45-1-5,
25 63-1-52 AND 83-11-101, MISSISSIPPI CODE OF 1972, IN CONFORMITY
26 THERETO; AND FOR RELATED PURPOSES.

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

28 SECTION 1. Section 63-15-1, Mississippi Code of 1972, is
29 amended as follows:[BD1]

30 63-15-1. This chapter shall be known and may be cited as the
31 "Mississippi Motor Vehicle Compulsory Safety-Responsibility Law."

32 SECTION 2. Section 63-3-411, Mississippi Code of 1972, is
33 amended as follows:

34 63-3-411. (1) The driver of a vehicle involved in an
35 accident resulting in injury to or death of any person or total
36 property damage to an apparent extent of Five Hundred Dollars
37 (\$500.00) or more shall immediately, by the quickest means of
38 communication, give notice of the collision to the local police
39 department if the collision occurs within an incorporated
40 municipality, or if the collision occurs outside of an
41 incorporated municipality to the nearest sheriff's office or
42 highway patrol station.

43 (2) All drivers of vehicles involved in an accident
44 resulting in injury to or death of any person or total property
45 damage to an apparent extent of One Thousand Dollars (\$1,000.00)
46 or more shall forward within fifteen (15) working days after such
47 accident, a written report of such accident to the department.
48 The investigating officer shall furnish all drivers an accident
49 report form as provided in Section 63-15-9 and shall provide to
50 such drivers instructions as to when such report must be completed
51 and submitted to the department.

52 (3) The department may require any driver of a vehicle
53 involved in an accident, of which report must be made as provided
54 in this section, to file supplemental reports whenever the
55 original report is insufficient in the opinion of the department.
56 Additionally, the department may require witnesses of accidents to
57 render reports to the department.

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

65 Every law enforcement officer who investigates an accident as
66 required by this subsection, whether the investigation is made at
67 the scene of the accident or by subsequent investigation and
68 interviews, shall forward within ten (10) working days after the
69 date of the accident a written report of the accident to the
70 department if the accident occurred outside the corporate limits
71 of a municipality, or to the police department of the municipality
72 if the accident occurred within the corporate limits of such
73 municipality. Police departments shall forward such reports to
74 the department within ten (10) working days of the date of the
75 accident. If the appropriate law enforcement agency fails to
76 submit the reports as required by this subsection or to furnish
77 the accident report forms to the drivers as required in subsection
78 (2) of this section, then the department shall assess the agency
79 with an administrative fine of not less than Two Hundred Dollars
80 (\$200.00) nor more than Five Hundred Dollars (\$500.00). Any
81 agency so fined may make a written request to the department for a
82 hearing. Such hearing shall be held in accordance with rules and
83 regulations that are adopted by the department and that are in
84 compliance with due process of law. The funds from such fines
85 collected by the Department of Public Safety shall be deposited in
86 the State General Fund in the State Treasury and shall be subject
87 to the annual legislative appropriation process.

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

91 (6) Whenever an engineer of a railroad locomotive, or other
92 person in charge of a train, is required to show proof of his

93 identity under the provisions of this article, in connection with
94 operation of such locomotive, to any law enforcement officer, such
95 person shall not be required to display his operator's or
96 chauffeur's license but shall display his railroad employee
97 number.

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

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

106 63-15-9. The operator of every motor vehicle which is in any
107 manner involved in an accident within this state, in which any
108 person is killed or injured or in which damage to the property of
109 any one (1) person, other than himself, in excess of One Thousand
110 Dollars (\$1,000.00) is sustained, shall within fifteen (15)
111 working days after such accident report the matter in writing to
112 the department, in accordance with the laws of this state. Such
113 report, the form of which shall be prescribed by the department,
114 shall contain information to enable the department to determine
115 whether the requirements for the deposit of security under Section
116 63-15-11 are inapplicable by reason of the existence of insurance
117 or other exceptions specified in this chapter. The reports
118 required herein shall be furnished to each of the drivers involved
119 in an accident as provided in Section 63-3-411. Such report shall
120 contain, but not be limited to, the following notification and

121 request for information:

122 "It is compulsory that you complete and mail the SR-1 (short
123 form) motor vehicle accident report to the Department of Public
124 Safety, Safety Responsibility Branch, within fifteen (15) working
125 days of the date of this accident.

126 Failure to file the report within fifteen (15) working days
127 of receipt of this form shall subject you to a fine of not less
128 than Two Hundred Dollars (\$200.00) nor more than Five Hundred
129 Dollars (\$500.00) and the immediate suspension of your driving
130 privilege or registration, or both. Upon payment of the fine and
131 completion of the report, your driving privilege or registration,
132 or both, may be reinstated, unless otherwise provided by law.

133 If you did not have motor vehicle liability insurance or
134 cannot otherwise show financial responsibility on the date of this
135 accident up to the liability limits set by law, you may be subject
136 to the suspension of your driving privilege or registration, or
137 both, and a One Thousand Dollar (\$1,000.00) fine. Such fine may
138 be reduced to One Hundred Dollars (\$100.00) and driving privilege
139 or registration, or both, reinstated if, within thirty (30)
140 working days, you show certified proof of purchase of motor
141 vehicle liability insurance in accordance with the requirements of
142 the department.

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

145 Name of insurance company: _____

146 Insurance policy number: _____

147 Name of insurance agency: _____

148 Was anyone seriously injured? Yes _____ No _____

149 Approximate cost to repair your vehicle: _____

150 Name of driver: _____

151 Driver's license number: _____

152 *Address of driver: _____

153 Name of person completing report: _____

154 Date: _____

155 _____

156 Signature of investigating officer

157 certifying that all drivers received

158 the SR-1 motor vehicle accident

159 report

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

161 Department of Public Safety within five (5) working days of such

162 change."

163 Any written report of an accident in accordance with Article
164 9 of Chapter 3 of this title shall be sufficient, provided it also
165 contains the information required herein. The department may rely
166 upon the accuracy of the information unless and until it has
167 reason to believe that the information is erroneous. If such
168 operator be physically incapable of making such report, an
169 occupant in the motor vehicle at the time of the accident or the
170 owner of the motor vehicle shall make such report. The operator,
171 occupant or the owner shall furnish such additional relevant
172 information as the department shall require.

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

175 63-15-11. (1) If twenty (20) working days after the receipt
176 of a report of a motor vehicle accident in this state which has

177 resulted in bodily injury or death, or damage to the property of
178 any one (1) person in excess of One Thousand Dollars (\$1,000.00),
179 the department does not have on file evidence satisfactory to it
180 that the person who would otherwise be required to file security
181 under subsection (2) of this section has been finally adjudicated
182 not to be liable, or has executed a duly acknowledged written
183 agreement providing for the payment of an agreed amount in
184 installments with respect to all claims for injuries or damages
185 resulting from the accident, the department shall determine the
186 amount of security which shall be sufficient in its judgment to
187 satisfy any judgment or judgments for damages resulting from such
188 accident as may be recovered against each operator or owner.

189 (2) The department, after all provisions of Sections
190 63-3-411 and 63-15-9 have been complied with by the proper
191 authorities, shall levy a fine of One Thousand Dollars (\$1,000.00)
192 upon each owner and suspend the license of each operator and all
193 registrations of each owner of a motor vehicle in any manner
194 involved in such accident, and if such operator is a nonresident
195 the privilege of operating a motor vehicle within this state, and
196 if such owner is a nonresident the privilege of the use within
197 this state of any motor vehicle owned by him, unless such operator
198 or owner or both shall deposit security in the sum so determined
199 by the department and shall also furnish proof of financial
200 responsibility. Notice of such suspension and fine shall be sent
201 by the department to such operator and owner not less than ten
202 (10) working days before the effective date of such suspension and
203 fine and shall state the amount required as security. If such
204 operator, within thirty (30) working days of such notification,

205 shows certified proof of purchase of motor vehicle liability
206 insurance in the manner and the amounts required by law, his
207 driving privilege may be reinstated. If such owner, within thirty
208 (30) working days of such notification, shows certified proof of
209 purchase of motor vehicle liability insurance in the manner and
210 the amounts required by law, his fine shall be reduced to One
211 Hundred Dollars (\$100.00) and his registration may be reinstated.

212 Where erroneous information is given the department with respect
213 to the matters set forth in subdivisions (1), (2) and (3) of
214 subsection (4) of this section, it shall take appropriate action
215 as hereinbefore provided after receipt by it of correct
216 information with respect to such matters.

217 (3) Any person so notified of suspension and fine, in
218 accordance with notification requirements in Section 63-1-52, may,
219 within ten (10) working days after receipt of such notification,
220 make a written request to the department for a hearing, and such
221 request shall operate as a stay of any suspension and fine pending
222 the outcome of such hearing. For the purposes of this section,
223 the scope of such hearing shall cover the issues of whether there
224 is a reasonable probability of a judgment being rendered against
225 such person in a lawsuit arising out of the accident and whether
226 such person is exempt from the requirement of depositing security
227 under subsection (4) of this section. At such hearing the
228 department may also consider the amount of security required to be
229 deposited, if any. The hearing shall be in accordance with rules
230 and regulations which shall be adopted by the department and
231 furnished to the operator or owner with the notice of suspension
232 and fine. For the purposes of this section, a "hearing" may

233 consist of a determination of such issues by the department based
234 solely on written reports submitted by the operator or owner and
235 by investigatory officers, provided that the owner or operator, in
236 his request to the department for a hearing, has expressly
237 consented to such type hearing and that the department has
238 consented thereto.

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

243 (4) Subsections (1) and (2) of this section shall not apply:
244 (1) to such operator or owner if such owner had in effect at the
245 time of such accident a liability policy with respect to the motor
246 vehicle involved in such accident; (2) to such operator, if not
247 the owner of such motor vehicle, if there was in effect at the
248 time of such accident a liability policy with respect to his
249 operation of motor vehicles not owned by him; (3) to such operator
250 or owner if the liability of such operator or owner for damages
251 resulting from such accident is, in the judgment of the
252 department, covered by any other form of liability insurance
253 policy or bond of a surety company authorized to do business in
254 this state; (4) to any person qualifying as a self-insurer under
255 Section 63-15-53, or to any person operating a motor vehicle for
256 such self-insurer; (5) to the operator or the owner of a motor
257 vehicle legally parked at the time of the accident; (6) to the
258 owner of a motor vehicle if at the time of the accident the
259 vehicle was stolen; or (7) to any person for whom the department
260 has found in the hearing provided for in subsection (3) of this

261 section, that there is not a reasonable probability of a judgment
262 being rendered against such person in a lawsuit arising out of the
263 accident.

264 No such policy shall be effective under this section unless
265 issued by an insurance company or surety company authorized to
266 write motor vehicle liability insurance in this state, except that
267 if such motor vehicle was not registered in this state, or was a
268 motor vehicle which was registered elsewhere than in this state at
269 the effective date of the policy or the most recent renewal
270 thereof, such policy shall not be effective under this section
271 unless the insurance company or surety company if not authorized
272 to do business in this state shall execute a power of attorney
273 authorizing the department to accept service on its behalf of
274 notice or process in any action upon such policy arising out of
275 such accident. However, every such policy shall be subject to the
276 limits provided in Section 63-15-3.

277 SECTION 5. Section 63-15-69, Mississippi Code of 1972, is
278 amended as follows:

279 63-15-69. (1) Where any person fails to report an accident
280 as required in Section 63-15-9, in addition to any other penalties
281 prescribed by law, the department shall administer a fine of not
282 less than Two Hundred Dollars (\$200.00) nor more than Five Hundred
283 Dollars (\$500.00) upon and suspend the license of the person
284 failing to make such report, or the nonresident's operating
285 privilege of such person, until such report has been filed and the
286 fine and any reinstatement fees paid. The funds from any fines
287 collected by the Department of Public Safety under this subsection
288 shall be deposited in the State General Fund in the State

289 Treasury.

290 (2) Any person who gives information required in a report or
291 otherwise as provided for in Section 63-15-9, knowing or having
292 reason to believe that such information is false, or who shall
293 forge, or without authority, sign any evidence of proof of
294 financial responsibility, or who files or offers for filing any
295 such evidence of proof, knowing or having reason to believe that
296 it is forged or signed without authority, shall be fined not more
297 than One Thousand Dollars (\$1,000.00) or imprisoned for not more
298 than one (1) year, or both, except where the statement may be made
299 under oath, in which case the person making the false statement
300 under oath shall, upon conviction, be subject to the penalties for
301 perjury.

302 (3) Any person whose license or nonresident's operating
303 privilege has been suspended or revoked under this chapter, and
304 who, during such suspension or revocation drives any motor vehicle
305 upon any highway or knowingly permits any motor vehicle owned by
306 such person to be operated by another upon any highway, except as
307 permitted under this chapter, shall be fined not more than Five
308 Hundred Dollars (\$500.00) or imprisoned not exceeding six (6)
309 months, or both.

310 (4) Any person wilfully failing to return his license as
311 required in Section 63-15-67, shall be fined not more than Five
312 Hundred Dollars (\$500.00) or imprisoned not to exceed thirty (30)
313 days, or both.

314 (5) Any person who shall violate any provision of this
315 chapter for which no penalty is otherwise provided shall be fined
316 not more than Five Hundred Dollars (\$500.00) or imprisoned not

317 more than six (6) months, or both.

318 SECTION 6. Section 45-1-5, Mississippi Code of 1972, is
319 amended as follows:

320 45-1-5. The Commissioner of Public Safety is authorized and
321 empowered to employ such administrative, professional, technical,
322 stenographic, clerical and other employees as may be necessary to
323 perform the duties of the Mississippi Highway Safety Patrol to
324 comply with the provisions of the Mississippi Motor Vehicle
325 Compulsory Safety-Responsibility Law, being Chapter 15 of Title 63
326 of the Mississippi Code of 1972, and to perform the duties under
327 all other laws required to be administered under the supervision
328 of the commissioner. The commissioner shall fix the salaries of
329 all such employees where such salaries are not otherwise fixed by
330 law.

331 SECTION 7. Section 63-1-52, Mississippi Code of 1972, is
332 amended as follows:

333 63-1-52. (1) Whenever the Commissioner of Public Safety
334 suspends, cancels or revokes the driver's license or driving
335 privileges of any person, notice of the suspension, cancellation
336 or revocation shall be given to such person by the commissioner,
337 or his duly authorized agent, in the manner provided in subsection
338 (2) of this section and at the time provided in subsection (3) of
339 this section or in the manner and at the time provided in
340 subsection (4) of this section.

341 (2) Notice shall be given in the following manner:

342 (a) In writing, (i) by United States Certificate of
343 Mail; or (ii) by personal service at the person's address as it
344 appears on the driving record maintained by the Department of

345 Public Safety or at the person's last known address; or (iii) by
346 personal notice being given by any law enforcement officer of this
347 state or any duly authorized agent of the Commissioner of Public
348 Safety on forms prescribed and furnished by the Commissioner of
349 Public Safety; whenever a person's driver's license or driving
350 privileges are suspended, revoked or cancelled in accordance with
351 the Mississippi Driver License Compact Law, the Mississippi
352 Implied Consent Law, the Mississippi Motor Vehicle Compulsory
353 Safety Responsibility Law or paragraphs (2)(c), (2)(d), (2)(e) or
354 (2)(f) of Section 63-1-53.

355 (b) In writing, by United States first class mail,
356 whenever a person's driver's license or driving privileges are
357 suspended, revoked or cancelled in accordance with the Mississippi
358 Commercial Driver's License Law, the Youth Court Law, Chapter 23
359 of Title 43, Mississippi Code of 1972, Section 63-1-45, Section
360 63-1-51, paragraph (2)(g), (2)(h) or (2)(i) of Section 63-1-53 or
361 Section 63-9-25.

362 (3) Notice shall be given at the following time:

363 (a) Before suspension, revocation or cancellation,
364 whenever a person's driver's license or driving privileges are
365 suspended, revoked or cancelled in accordance with the Mississippi
366 Driver License Compact Law, the Mississippi Motor Vehicle
367 Compulsory Safety Responsibility Law or paragraph (2)(c), (2)(d),
368 (2)(e) or (2)(f) of Section 63-1-53.

369 (b) Unless otherwise specifically provided for by law,
370 at the time of suspension, revocation or cancellation, whenever a
371 person's driver's license or driving privileges are suspended,
372 revoked or cancelled in accordance with the Mississippi Commercial

373 Driver's License Law, the Mississippi Implied Consent Law, the
374 Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972,
375 Section 63-1-45, Section 63-1-51, paragraph (2)(g), (2)(h) or
376 (2)(i) of Section 63-1-53 or Section 63-9-25.

377 (4) Whenever the Commissioner of Public Safety suspends,
378 revokes or cancels the driver's license or driving privileges of
379 any person in accordance with some provision of law other than a
380 provision of law referred to in subsections (2) and (3) of this
381 section, and the manner and time for giving notice is not provided
382 for in such law, then notice of such suspension, revocation or
383 cancellation shall be given in the manner and at the time provided
384 for under paragraphs (2)(b) and (3)(b) of this section.

385 SECTION 8. Section 83-11-101, Mississippi Code of 1972, is
386 amended as follows:[BD2]

387 83-11-101. (1) No automobile liability insurance policy or
388 contract shall be issued or delivered after January 1, 1967,
389 unless it contains an endorsement or provisions undertaking to pay
390 the insured all sums which he shall be legally entitled to recover
391 as damages for bodily injury or death from the owner or operator
392 of an uninsured motor vehicle, within limits which shall be no
393 less than those set forth in the Mississippi Motor Vehicle
394 Compulsory Safety Responsibility Law, as amended, under provisions
395 approved by the Commissioner of Insurance; however, at the option
396 of the insured, the uninsured motorist limits may be increased to
397 limits not to exceed those provided in the policy of bodily injury
398 liability insurance of the insured or such lesser limits as the
399 insured elects to carry over the minimum requirement set forth by
400 this section. The coverage herein required shall not be

401 applicable where any insured named in the policy shall reject the
402 coverage in writing and provided further, that unless the named
403 insured requests such coverage in writing, such coverage need not
404 be provided in any renewal policy where the named insured had
405 rejected the coverage in connection with a policy previously
406 issued to him by the same insurer.

407 (2) No automobile liability insurance policy or contract
408 shall be issued or delivered after January 1, 1980, unless it
409 contains an endorsement or provisions undertaking to pay the
410 insured all sums which he shall be legally entitled to recover as
411 damages for property damage from the owner or operator of an
412 uninsured motor vehicle, within limits which shall be no less than
413 those set forth in the Mississippi Motor Vehicle Compulsory Safety
414 Responsibility Law, as amended, under provisions approved by the
415 Commissioner of Insurance; however, at the option of the insured,
416 the uninsured motorist limits may be increased to limits not to
417 exceed those provided in the policy of property damage liability
418 insurance of the insured or such lesser limits as the insured
419 elects to carry over the minimum requirement set forth by this
420 section. The coverage herein required shall not be applicable
421 where any insured named in the policy shall reject the coverage in
422 writing and provided further, that unless the named insured
423 requests such coverage in writing, such coverage need not be
424 provided in any renewal policy where the named insured had
425 rejected the coverage in connection with a policy previously
426 issued to him by the same insurer.

427 The property damage provision may provide an exclusion for
428 the first Two Hundred Dollars (\$200.00) of such property damage;

429 however, the uninsured motorist provision need not insure any
430 liability for property damage, for which loss the policyholder has
431 been compensated by insurance or otherwise.

432 (3) The insured may reject the property damage liability
433 insurance coverage required by subsection (2) and retain the
434 bodily injury liability insurance coverage required by subsection
435 (1), but if the insured rejects the bodily injury liability
436 coverage he may not retain the property damage liability coverage.

437 No insured may have property damage liability insurance coverage
438 under this section unless he also has bodily injury liability
439 insurance coverage under this section.

440 SECTION 9. This act shall take effect and be in force from
441 and after January 1, 2001.