

By: Smith

To: Insurance

SENATE BILL NO. 2337

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 may be  
60 asked to show evidence of financial responsibility by a law  
61 enforcement officer when you are stopped for a violation. Failure  
62 to show such evidence may subject you to a fine of \$500.00. If  
63 you have a motor vehicle accident, failure to be financially  
64 responsible may result in a fine of \$1,000.00 and the suspension  
65 of driving privilege or registration.

66 You must sign this form. Failure to sign this form

67 will prevent you from receiving your motor vehicle license tag or  
68 decal.

69 \_\_\_\_\_  
70 Signature Date"

71 (4) (a) A person shall not provide false information or  
72 documents or make fraudulent representations regarding evidence of  
73 financial responsibility. A person shall not alter or counterfeit  
74 any document used to show evidence of financial responsibility. A  
75 person who violates this subsection shall be fined Five Hundred  
76 Dollars (\$500.00) and may be imprisoned for a term not to exceed  
77 one (1) year or both. A person convicted under this subsection  
78 shall pay all costs of prosecution and all court costs.

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

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

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

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

95 in effect at the time of the violation.

96       Until January 1, 2001, the penalty for failure to be  
97 financially responsible shall be waived if the person certifies to  
98 the court that he has obtained insurance required under this  
99 section before his court date. After January 1, 2001, the penalty  
100 for failing to be financially responsible shall not be waived.

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

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

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

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

122       63-15-7. (1) (a) The department shall administer and

123 enforce \* \* \* this chapter and may make rules and regulations  
124 necessary for its administration, and shall provide for hearings  
125 upon request of persons aggrieved by orders or acts of the  
126 department under \* \* \* this chapter.

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

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

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

144 The court may, in disposing of the issue before it, modify,  
145 affirm or reverse the order or decision of the department in whole  
146 or in part.

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

151 the court. A trial by jury may be had under the rules of the  
152 court.

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

155 63-15-9. An operator \* \* \* involved in an accident \* \* \*, in  
156 which a person is killed or injured or in which \* \* \* the property  
157 of another person \* \* \* is damaged, shall within fifteen (15)  
158 working days after the accident report the matter in writing to  
159 the department, in accordance with the laws of this state. The  
160 report, the form of which shall be prescribed by the department,  
161 shall contain information to enable the department to determine  
162 whether the requirements for the deposit of security under Section  
163 63-15-11 are inapplicable by reason of the existence of insurance  
164 or other exceptions specified in this chapter. The reports  
165 required herein shall be furnished to each of the drivers involved  
166 in an accident as provided in Section 63-3-411. The report shall  
167 contain, but not be limited to, the following notification and  
168 request for information:

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

173 Failure to file the report within fifteen (15) working days  
174 of receipt of this form shall subject you to a fine of Two Hundred  
175 Dollars (\$200.00) and the immediate suspension of your driving  
176 privilege or registration, or both. Upon payment of the fine and  
177 completion of the report, your driving privilege or registration,  
178 or both, may be reinstated, unless otherwise provided by law.

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

184 On the day of the accident was the vehicle involved covered  
185 by motor vehicle liability insurance? Yes \_\_\_\_\_ No \_\_\_\_\_

186 Name of insurance company: \_\_\_\_\_

187 Insurance policy number: \_\_\_\_\_

188 Name of insurance agency: \_\_\_\_\_

189 Was anyone seriously injured? Yes \_\_\_\_\_ No \_\_\_\_\_

190 Approximate cost to repair your vehicle: \_\_\_\_\_

191 Name of driver: \_\_\_\_\_

192 Driver's license number: \_\_\_\_\_

193 \*Address of driver: \_\_\_\_\_

194 Name of person completing report: \_\_\_\_\_

195 Date: \_\_\_\_\_

196 \_\_\_\_\_

197 Signature of investigating officer

198 certifying that all drivers received

199 the SR-1 motor vehicle accident

200 report

201 \*All drivers shall report a change of address to the

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

203 change."

204 Any written report of an accident in accordance with Article  
205 9 of Chapter 3 of this title shall be sufficient, provided it also  
206 contains the information required herein. The department may rely

207 upon the accuracy of the information unless and until it has  
208 reason to believe that the information is erroneous. If the  
209 operator is physically incapable of making the report, an occupant  
210 in the motor vehicle at the time of the accident or the owner of  
211 the motor vehicle shall make the report. The operator, occupant  
212 or the owner shall furnish such additional relevant information as  
213 the department shall require.

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

216 63-15-11. (1) If twenty (20) working days after the receipt  
217 of an accident report required under Section 63-15-9, the  
218 department does not have on file evidence satisfactory to it that  
219 the person who would otherwise be required to file security under  
220 subsection (2) of this section has been finally adjudicated not to  
221 be liable, or has executed a duly acknowledged written agreement  
222 providing for the payment of an agreed amount in installments with  
223 respect to all claims for injuries or damages resulting from the  
224 accident, the department shall determine the amount of security  
225 which shall be sufficient in its judgment to satisfy any judgment  
226 or judgments for damages resulting from such accident as may be  
227 recovered against each operator or owner.

228 (2) The department \* \* \*, after all provisions of Sections  
229 63-3-411 and 63-15-9 have been complied with by the proper  
230 authorities, shall levy a fine of One Thousand Dollars (\$1,000.00)  
231 upon each owner and suspend the license of each operator and all  
232 registrations of each owner of a motor vehicle in any manner  
233 involved in such accident, and if the operator or owner is a  
234 nonresident the nonresident operating privilege \* \* \*, unless such



235 operator or owner or both shall deposit security in the sum so  
236 determined by the department and shall also furnish proof of  
237 financial responsibility. Notice of such suspension and fine  
238 shall be sent by the department to such operator and owner not  
239 less than ten (10) working days before the effective date of such  
240 suspension and fine and shall state the amount required as  
241 security. Until January 1, 2001, the fine shall be reduced to One  
242 Hundred Dollars (\$100.00) if the person obtains a motor vehicle  
243 liability insurance policy certified as proof of financial  
244 responsibility within thirty (30) working days of notification of  
245 the suspension and fine. After January 1, 2001, the fine shall  
246 not be reduced. If erroneous information is given the department  
247 with respect to the matters set forth in paragraphs (a), (b) and  
248 (c) of subsection (4) of this section, it shall take appropriate  
249 action \* \* \* after receipt \* \* \* of the correct information \* \* \*.

250 (3) Any person so notified of suspension and fine, in  
251 accordance with notification requirements in Section 63-1-52, may,  
252 within ten (10) working days after receipt of such notification,  
253 make a written request to the department for a hearing, and such  
254 request shall operate as a stay of any suspension and fine pending  
255 the outcome of such hearing. For the purposes of this section,  
256 the scope of such hearing shall cover the issues of whether there  
257 is a reasonable probability of a judgment being rendered against  
258 such person in a lawsuit arising out of the accident and whether  
259 such person is exempt from the requirement of depositing security  
260 under subsection (4) of this section. At such hearing the  
261 department may also consider the amount of security required to be  
262 deposited, if any. The hearing shall be in accordance with rules

263 and regulations which shall be adopted by the department and  
264 furnished to the operator or owner with the notice of suspension  
265 and fine. For the purposes of this section, a "hearing" may  
266 consist of a determination of such issues by the department based  
267 solely on written reports submitted by the operator or owner and  
268 by investigatory officers, provided that the owner or operator, in  
269 his request to the department for a hearing, has expressly  
270 consented to such type hearing and that the department has  
271 consented thereto.

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

276 (4) Subsections (1) and (2) of this section shall not apply:  
277 (a) to such operator or owner if such owner had in effect at the  
278 time of such accident a liability policy with respect to the motor  
279 vehicle involved in such accident; (b) to such operator, if not  
280 the owner of such motor vehicle, if there was in effect at the  
281 time of such accident a liability policy with respect to his  
282 operation of motor vehicles not owned by him; (c) to such operator  
283 or owner if the liability of such operator or owner for damages  
284 resulting from such accident is, in the judgment of the  
285 department, covered by any other form of liability insurance  
286 policy or bond of a surety company authorized to do business in  
287 this state; (d) to any person qualifying as a self-insurer under  
288 Section 63-15-53, or to any person operating a motor vehicle for  
289 such self-insurer; (e) to the operator or the owner of a motor  
290 vehicle legally parked at the time of the accident; (f) to the

291 owner of a motor vehicle if at the time of the accident the  
292 vehicle was stolen; or (g) to any person for whom the department  
293 has found in the hearing provided for in subsection (3) of this  
294 section, that there is not a reasonable probability of a judgment  
295 being rendered against such person in a lawsuit arising out of the  
296 accident. Any person who is covered under any exception listed in  
297 this subsection who has a driver's license wrongly suspended shall  
298 not be required to pay any reinstatement fees.

299 No such policy shall be effective under this section unless  
300 issued by an insurance company or surety company authorized to  
301 write motor vehicle liability insurance in this state, except that  
302 if such motor vehicle was not registered in this state, or was a  
303 motor vehicle which was registered elsewhere than in this state at  
304 the effective date of the policy or the most recent renewal  
305 thereof, such policy shall not be effective under this section  
306 unless the insurance company or surety company if not authorized  
307 to do business in this state shall execute a power of attorney  
308 authorizing the department to accept service on its behalf of  
309 notice or process in any action upon such policy arising out of  
310 such accident. However, the policy shall be subject, if the  
311 accident has resulted in bodily injury or death, or property  
312 damage to at least the minimum limits, exclusive of interest and  
313 cost, \* \* \* required for proof of financial responsibility.

314 Section 63-15-43 does not apply to this section.

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

317 63-15-3. The following words and phrases, when used in this  
318 chapter, shall, for the purposes of this chapter, have the

319 meanings respectively ascribed to them in this section, except in  
320 those instances where the context clearly indicates a different  
321 meaning:

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

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

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

336           (d) "Judgment" means any judgment which is final by  
337 expiration, without appeal, of the time within which an appeal  
338 might have been perfected, or by final affirmation on appeal,  
339 rendered by a court of competent jurisdiction of any state or of  
340 the United States, upon a cause of action arising out of the  
341 ownership, maintenance or use of any motor vehicle, for damages,  
342 including damages for care and loss of services, because of bodily  
343 injury to or death of any person, or for damages because of injury  
344 to or destruction of property, including the loss of use thereof,  
345 or upon a cause of action on an agreement of settlement for such  
346 damages.

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

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

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

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

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

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

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

375 vendee or lessee or if a mortgagor of a vehicle is entitled to  
376 possession, then such conditional vendee or lessee or mortgagor is  
377 the owner for the purpose of this chapter.

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

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

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

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

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

400           63-15-43. (1) This section applies only to an owner's or an  
401 operator's policy of motor vehicle liability insurance issued  
402 after an accident and certified as \* \* \* proof of financial

403 responsibility \* \* \* under Section 63-15-39 or Section  
404 63-15-41 \* \* \* . This section does not apply to a motor vehicle  
405 liability policy issued as evidence of financial responsibility  
406 under Section 63-15-8.

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

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

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

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

426 (4) The motor vehicle liability policy shall state the name  
427 and address of the named insured, the coverage afforded by the  
428 policy, the premium charged \* \* \*, the policy period and the  
429 limits of liability, and shall contain an agreement or endorsement  
430 that insurance is provided \* \* \* in accordance with the coverage

431 defined in this section for bodily injury and death and property  
432 damage, \* \* \* and is subject to all the provisions of this  
433 section.

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

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

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

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

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

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

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



459 of the injury or damage;

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

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

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

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

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

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

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

487 requirements for the policy.

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

490 63-15-51. (1) Proof of financial responsibility may be  
491 evidenced by the certificate of the State Treasurer that the  
492 person named \* \* \* has deposited with him \* \* \* in cash, or  
493 securities \* \* \* as may legally be purchased by savings banks or  
494 for trust in the amount required for proof of financial  
495 responsibility. The State Treasurer shall not accept any \* \* \*  
496 deposit and issue a certificate therefor and the department shall  
497 not accept the certificate unless accompanied by evidence that  
498 there are no unsatisfied judgments of any character against the  
499 depositor in the county where the depositor resides.

500 (2) The deposit shall be held by the State Treasurer to  
501 satisfy, in accordance with \* \* \* this section, any execution on a  
502 judgment issued against the person making the deposit, for  
503 damages, including damages for care and loss of services, because  
504 of bodily injury to or death of any person, or for damages because  
505 of injury to or destruction of property, including the loss of use  
506 thereof, resulting from the ownership, maintenance, use or  
507 operation of a motor vehicle after such deposit was made. Money  
508 or securities so deposited shall not be subject to attachment or  
509 execution unless such attachment or execution shall arise out of a  
510 suit for damages \* \* \*.

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

513 63-15-31. Judgments referred to in this chapter shall, for  
514 the purpose of this chapter only, be deemed satisfied:

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

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

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

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

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

535           27-19-59. Any person required under \* \* \* this article to  
536 register and pay a privilege license tax on any vehicle shall  
537 apply on forms to be prescribed by the commission, and the forms  
538 shall require information as the commission may deem necessary.

539           All motor vehicles owned by the State of Mississippi or any  
540 agency, department or political subdivision thereof, when such  
541 agency or department is supported wholly or in part by  
542 appropriations from public funds, when used in the transportation

543 of passengers, shall have painted on both sides, and, if  
544 practical, on the rear of each such vehicle the name of the state  
545 agency or department, in letters at least three (3) inches in  
546 height in a color which is in contrast with the color of the  
547 vehicle, and no privilege license tag and decals shall be issued  
548 for the vehicle until the name has been painted thereon as  
549 required by this section. \* \* \* This paragraph shall not apply to  
550 vehicles used by the Chief Executive of the State of Mississippi.

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

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

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

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

601 63-3-411. (1) The driver of a vehicle involved in an  
602 accident resulting in injury to or death of any person or \* \* \*  
603 damage to the property of another person shall immediately, by the  
604 quickest means of communication, give notice of the collision to  
605 the municipal police department if the collision occurs within an  
606 incorporated municipality, or if the collision occurs outside of  
607 an incorporated municipality to the nearest sheriff's office or  
608 highway patrol station.

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

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

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

623 (4) It shall be the duty of the highway patrol or the  
624 sheriff's office to investigate all accidents required to be  
625 reported by this section when the accident occurs outside the  
626 corporate limits of a municipality, and it shall be the duty of

627 the police department of each municipality to investigate all  
628 accidents required to be reported by this section when the  
629 accidents occur within the corporate limits of the municipality.

630 Every law enforcement officer who investigates an accident as  
631 required by this subsection, whether the investigation is made at  
632 the scene of the accident or by subsequent investigation and  
633 interviews, shall forward within ten (10) working days after \* \* \*  
634 the date of the accident a written report of the accident to the  
635 department if the accident occurred outside the corporate limits  
636 of a municipality, or to the police department of the municipality  
637 if the accident occurred within the corporate limits of such  
638 municipality. Police departments shall forward such reports to  
639 the department within ten (10) working days of the date of the  
640 accident. Failure of the appropriate law enforcement agency to  
641 submit the reports as required by this subsection or to furnish  
642 the accident report forms to the drivers as required in subsection  
643 (2) of this section shall subject the agency to an administrative  
644 fine by the department of Two Hundred Dollars (\$200.00). Any  
645 agency so fined may make a written request to the department for a  
646 hearing. The hearing shall be held in accordance with rules and  
647 regulations that are adopted by the department and that are in  
648 compliance with due process of law. The funds from the fines  
649 collected by the Department of Public Safety shall be deposited in  
650 the General Fund in the State Treasury and shall be subject to the  
651 annual legislative appropriation process.

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

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

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

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

670       63-15-71. (1) The department shall, upon request and  
671 receipt of proper fees, furnish any person a certified abstract of  
672 the operating record of any person subject to \* \* \* this chapter,  
673 and the abstract shall also fully designate the motor vehicles, if  
674 any, registered in the name of such person. If there is no record  
675 of any conviction of such person of violating any law relating to  
676 the operation of a motor vehicle or of any injury or damage caused  
677 by such person, the department shall so certify.

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

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



683           63-15-77. Sections 63-15-3, 63-15-7, 63-15-9, 63-15-11,  
684 63-15-31, 63-15-43 and 63-15-51, Mississippi Code of 1972, and  
685 Section 3 of this act, shall stand repealed on July 1, 2002.

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

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

700           SECTION 15. This act shall take effect and be in force from  
701 and after July 1, 2000.