

By: King, Kirby, Chaney, Farris

To: Insurance

SENATE BILL NO. 2350

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 REQUIRE EVERY MOTOR
 4 VEHICLE OPERATED IN THIS STATE TO HAVE AN INSURANCE CARD IN EACH
 5 MOTOR VEHICLE AS EVIDENCE OF MOTOR VEHICLE LIABILITY COVERAGE; TO
 6 PROVIDE FOR THE FURNISHING OF SUCH CARD BY THE INSURANCE COMPANY;
 7 TO PROVIDE THAT CERTAIN VEHICLES SHALL BE EXEMPT FROM THE
 8 REQUIREMENT OF MAINTAINING MOTOR VEHICLE LIABILITY INSURANCE; TO
 9 PRESCRIBE PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ACT;
 10 TO AMEND SECTION 63-15-3, MISSISSIPPI CODE OF 1972, TO CONFORM
 11 THERETO; AND FOR RELATED PURPOSES.

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

13 SECTION 1. The following shall be codified as Section
 14 63-15-4, Mississippi Code of 1972:

15 63-15-4. (1) (a) Every motor vehicle operated in this
 16 state shall have an insurance card maintained in the vehicle as
 17 evidence of motor vehicle liability insurance in at least the
 18 minimum amounts required for proof of financial responsibility
 19 under Section 63-15-3, Mississippi Code of 1972. The insured
 20 parties shall be responsible for maintaining the insurance card in
 21 each vehicle.

22 (b) (i) An insurance company issuing a policy of motor
 23 vehicle liability insurance shall furnish to the insured an
 24 insurance card and shall furnish an insurance card for each
 25 vehicle at the time the insurance policy becomes effective.

26 (ii) One (1) insurance card must be furnished for
27 each motor vehicle insured by the policy, and must have an
28 expiration date clearly designated thereon to correspond with the
29 expiration date of the policy of motor vehicle liability
30 insurance. Upon renewal of the policy, the insurance company
31 shall furnish to the insured parties a replacement insurance card
32 with the expiration date of the renewal policy for each insured
33 motor vehicle.

34 (2) The issuance of a policy, or an insurance card as
35 required in this section, is not a warranty or a guarantee by an
36 insurance company or agent that the policy will remain in force
37 and effect and shall not create liability on the part of the
38 insurance company or agent for any policy that has been terminated
39 or canceled.

40 (3) Every peace officer, driver's license examiner or other
41 authorized agent or officer of the department, and other law
42 enforcement officers authorized to inspect drivers' licenses or
43 investigate motor vehicle accidents may inspect the insurance card
44 required under this section or investigate the reason for the lack
45 of such insurance card in any motor vehicle traveling on a public
46 road or highway.

47 (4) Failure to maintain an insurance card in each vehicle as
48 required under this section or fraudulent use of an insurance card
49 is a misdemeanor punishable by a fine of One Hundred Dollars
50 (\$100.00). A second offense within a period of two (2) years from
51 a prior offense is a misdemeanor punishable by a fine of Three
52 Hundred Dollars (\$300.00). A third offense is a misdemeanor
53 punishable by a fine of Three Hundred Dollars (\$300.00). Upon
54 conviction of a third offense, the Commissioner of Public Safety
55 shall suspend the driver's license of such person for one (1)
56 year. In prosecutions for violations of this section, the court

57 shall discharge the defendant and dismiss the proceedings against
58 him upon a showing that the defendant has obtained an insurance
59 card as required in this section.

60 (5) The requirements of this section and the penalties
61 provided herein are in addition to and not in lieu of the
62 requirements and penalties as otherwise provided by this chapter.

63 (6) The following vehicles are exempt from the requirement
64 of subsection (1) of this section:

65 (a) Vehicles exempt by Section 63-15-5, Mississippi
66 Code of 1972;

67 (b) Vehicles for which a bond or a certificate of
68 deposit of money or securities in at least the minimum amounts
69 required for proof of financial responsibility is on file with the
70 department;

71 (c) Vehicles that are self-insured under Section
72 63-15-53, Mississippi Code of 1972;

73 (d) Vehicles that are both registered to and operated
74 by nonresidents, except for those vehicles that are primarily
75 operated in this state; and

76 (e) Implements of husbandry.

77 SECTION 2. Section 63-15-3, Mississippi Code of 1972, is
78 amended as follows:

79 63-15-3. The following words and phrases, when used in this
80 chapter, shall, for the purposes of this chapter, have the
81 meanings respectively ascribed to them in this section, except in
82 those instances where the context clearly indicates a different
83 meaning:

84 (a) "Department" means the Department of Public

85 Safety * * *, acting directly or through its authorized officers
86 and agents * * *.

87 (b) "Insurance card" means a card or like document
88 issued by an insurance company as evidence of motor vehicle
89 liability insurance pursuant to Section 63-15-4, Mississippi Code
90 of 1972.

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

97 (d) "Judgment" means any judgment which is final by
98 expiration, without appeal, of the time within which an appeal
99 might have been perfected, or by final affirmation on appeal,
100 rendered by a court of competent jurisdiction of any state or of
101 the United States, upon a cause of action arising out of the
102 ownership, maintenance or use of any motor vehicle, for damages,
103 including damages for care and loss of services, because of bodily
104 injury to or death of any person, or for damages because of injury
105 to or destruction of property, including the loss of use thereof,
106 or upon a cause of action on an agreement of settlement for such
107 damages.

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

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

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

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

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

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

131 (j) "Owner" means a person who holds the legal title of
132 a motor vehicle; if a motor vehicle is the subject of an agreement
133 for the conditional sale or lease * * * with the right of purchase
134 upon performance of the conditions stated in the agreement and
135 with an immediate right of possession vested in the conditional
136 vendee or lessee or if a mortgagor of a vehicle is entitled to
137 possession, then such conditional vendee or lessee or mortgagor is
138 the owner for the purpose of this chapter.

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

141 (l) "Proof of financial responsibility" means proof of
142 ability to respond in damages for liability, on account of
143 accidents occurring subsequent to the effective date of said
144 proof, arising out of the ownership, maintenance or use of a motor
145 vehicle, in the amount of Ten Thousand Dollars (\$10,000.00)
146 because of bodily injury to or death of one (1) person in any one
147 (1) accident, and subject to the limit for one (1) person, in the
148 amount of Twenty Thousand Dollars (\$20,000.00) because of bodily
149 injury to or death of two (2) or more persons in any one (1)
150 accident, and in the amount of Five Thousand Dollars (\$5,000.00)
151 because of injury to or destruction of property of others in any
152 one (1) accident.

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

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

159 SECTION 3. This act shall take effect and be in force from
160 and after January 1, 2001.