AN ACT TO PROVIDE THAT THERE SHALL BE NO RECOVERY FOR THE
FIRST $10,000.00 OF BODILY INJURY AND NO RECOVERY FOR THE FIRST
$10,000.00 OF PROPERTY DAMAGE BASED ON ANY CAUSE OR RIGHT OF
ACTION ARISING OUT OF A MOTOR VEHICLE ACCIDENT FOR SUCH INJURY OR
DAMAGES INCURRED BY AN OWNER OR OPERATOR OF A MOTOR VEHICLE
INVOLVED IN SUCH ACCIDENT WHO FAILS TO OWN OR MAINTAIN MOTOR
VEHICLE LIABILITY INSURANCE OR WHO IS NOT OTHERWISE FINANCIALLY
RESPONSIBLE AS REQUIRED UNDER THE MISSISSIPPI MOTOR VEHICLE SAFETY
RESPONSIBILITY LAW; TO PROVIDE EXCEPTIONS; AND FOR RELATED
PURPOSES.

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

SECTION 1. (1) There shall be no recovery for the first Ten
Thousand Dollars ($10,000.00) of bodily injury and no recovery for
the first Ten Thousand Dollars ($10,000.00) of property damage
based on any cause or right of action arising out of a motor
vehicle accident for such injury or damage incurred by an owner or
operator of a motor vehicle involved in such accident who fails to
own or maintain motor vehicle liability insurance or who is not
otherwise financially responsible as required under Section
63-15-1 et seq.

(2) For purposes of this section, the meaning of "bodily
injury" and "property damage" is governed by the applicable motor
vehicle liability insurance policy or, in the event of security
other than an insurance policy, the meaning of such terms is that
which is commonly ascribed thereto.

(3) The limitation of recovery provisions of this section
shall not apply if the driver of the other vehicle:
(a) Is cited for a violation of Section 63-11-1 et seq.
as a result of the accident and is subsequently convicted of or
pleads nolo contendere to such offense;
(b) Intentionally causes the accident;
(c) Flees from the scene of the accident; or

(d) At the time of the accident, is in furtherance of the commission of a felony offense under the law.

(4) Each person who is involved in an accident in which the other motor vehicle was not covered by motor vehicle liability insurance or other security as required by Section 63-15-1 et seq. and who is found to be liable for damages to the owner or operator of the other motor vehicle may assert as an affirmative defense the limitation of the recovery provision of subsection (1) of this section.

(5) If the owner of a motor vehicle, who fails to own or maintain motor vehicle liability insurance or otherwise meet the security requirement of Section 63-15-1 et seq., institutes an action to recover damages in any amount, regardless of whether such owner of operator is at fault, and is awarded an amount equal to or less than the minimum amount of motor vehicle liability security required under Section 63-15-1 et seq., then such owner or operator shall be assessed and held liable for all court costs incurred by all parties to the action.

(6) Each person who applies for a driver's license, registers a motor vehicle or operates or owns a motor vehicle in this state is deemed to have given his consent to be subject to and governed by the provisions of this section. All person who apply for the issuance or renewal of a driver's license, motor vehicle title or motor vehicle registration shall sign a declaration on a form developed by the Department of Public Safety stating that the person acknowledges and gives consent to the requirements and provisions of this section and that the person will comply with all provisions of this section and the Mississippi Motor Vehicle Safety Responsibility Law. Proof of whether the person obtained or signed such declaration is irrelevant to the application of this section.
(7) Nothing in this section shall preclude a passenger in a vehicle from asserting a claim to recover damages for injury, death or loss which he incurred, in whole or in part, by the negligence of another person arising out of the operation or use of a motor vehicle. This subsection shall not apply to a passenger who is also the owner of the uninsured motor vehicle involved in the accident.

(8) Notwithstanding any provision of law to the contrary, no insurer shall lose any rights of subrogation for claims paid under the applicable insurance policy for the recovery of any sum in excess of the first Ten Thousand Dollars ($10,000.00) of bodily injury and the first Ten Thousand Dollars ($10,000.00) of property damages.

(9) In claims where no suit is filed, the claimant's insurer shall have all rights to recover any amount paid by the claimant's insurer on behalf of the insured for the recovery of any sum in excess of the first Ten Thousand Dollars ($10,000.00) of bodily injury and the first Ten Thousand Dollars ($10,000.00) of property damages.

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.