AN ACT TO AMEND SECTIONS 63-15-3, 63-15-11, 63-15-31 AND
63-15-43, MISSISSIPPI CODE OF 1972, TO INCREASE THE STATUTORY
MINIMUM FOR MOTOR VEHICLE LIABILITY INSURANCE COVERAGE IN ANY ONE
ACCIDENT FROM $10,000.00 TO $25,000.00 FOR BODILY INJURY TO OR
DEATH OF ONE PERSON, FROM $20,000.00 TO $50,000.00 FOR BODILY
INJURY TO OR DEATH OF TWO OR MORE PERSONS AND FROM $5,000.00 TO
$25,000.00 FOR INJURY TO OR DESTRUCTION OF PROPERTY OF OTHERS; TO
AMEND SECTION 63-15-4, MISSISSIPPI CODE OF 1972, TO DELETE THE
PROVISION OF LAW THAT PROHIBITS A DRIVER FROM BEING STOPPED OR
DETAINED BY A LAW ENFORCEMENT OFFICER SOLELY FOR THE PURPOSE OF
VERIFYING THAT AN INSURANCE CARD IS IN THE MOTOR VEHICLE; AND FOR
RELATED PURPOSES.

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

SECTION 1.  Section 63-15-3, Mississippi Code of 1972, is
amended as follows:

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

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

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

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

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

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

(e) "Nonresident" means every person who is not a
resident of the State of Mississippi.

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

(g) "Operator" means every person who is in actual
physical control of a motor vehicle.

(h) "Owner" means a person who holds the legal title of
a motor vehicle; in the event a motor vehicle is the subject of an
agreement for the conditional sale or lease thereof with the right
of purchase upon performance of the conditions stated in the
agreement and with an immediate right of possession vested in the
conditional vendee or lessee or in the event a mortgagor of a
vehicle is entitled to possession, then such conditional vendee or
lessee or mortgagor shall be deemed the owner for the purpose of
this chapter.

(i) "Person" means every natural person, firm,
copartnership, association or corporation.

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

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

(l) "Department" means the Department of Public Safety
of the State of Mississippi, acting directly or through its
authorized officers and agents, except in such sections of this
chapter in which some other state department is specifically
named.

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

SECTION 2. Section 63-15-11, Mississippi Code of 1972, is
amended as follows:
63-15-11. (1) If twenty (20) days after the receipt of a report of a motor vehicle accident in this state which has resulted in bodily injury or death, or damage to the property of any one (1) person in excess of Two Hundred Fifty Dollars ($250.00), the department does not have on file evidence satisfactory to it that the person who would otherwise be required to file security under subsection (2) of this section has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the department shall determine the amount of security which shall be sufficient in its judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner.

(2) The department shall, within sixty (60) days after the receipt of such report of a motor vehicle accident, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the department and shall also furnish proof of financial responsibility. Notice of such suspension shall be sent by the department to such operator and owner not less than ten (10) days prior to the effective date of such suspension and shall state the amount required as security. Where erroneous information is given the department with respect to the matters set forth in subdivisions (1), (2), and (3) of subsection (4) of this section, it shall take appropriate action as hereinbefore provided, within sixty (60) days after receipt by it of correct information with respect to said matters.
(3) Any person so notified of suspension may, within ten days after receipt of such notification, make a written request to the department for a hearing, and such request shall operate as a stay of any suspension pending the outcome of such hearing. For the purposes of this section, the scope of such hearing shall cover the issues of whether there is a reasonable probability of a judgment being rendered against such person in a lawsuit arising out of the accident and whether such person is exempt from the requirement of depositing security under subsection (4) of this section. At such hearing the department may also consider the amount of security required to be deposited, if any. The hearing shall be in accordance with rules and regulations which shall be adopted by the department and furnished to the operator or owner with the notice of suspension. For the purposes of this section, a "hearing" may consist of a determination of such issues by the department based solely on written reports submitted by the operator or owner and by investigatory officers, provided that the owner or operator, in his request to the department for a hearing, has expressly consented to such type hearing and that the department has consented thereto.

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

(4) Subsections (1) and (2) of this section shall not apply:

(1) to such operator or owner if such owner had in effect at the time of such accident a liability policy with respect to the motor vehicle involved in such accident; (2) to such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident a liability policy with respect to his operation of motor vehicles not owned by him; (3) to such operator or owner if the liability of such operator or owner for damages...
resulting from such accident is, in the judgment of the department, covered by any other form of liability insurance policy or bond of a surety company authorized to do business in this state; (4) to any person qualifying as a self-insurer under Section 63-15-53, or to any person operating a motor vehicle for such self-insurer; (5) to the operator or the owner of a motor vehicle legally parked at the time of the accident; (6) to the owner of a motor vehicle if at the time of the accident the vehicle was stolen; or (7) to any person for whom the department has found in the hearing provided for in subsection (3) of this section, that there is not a reasonable probability of a judgment being rendered against such person in a lawsuit arising out of the accident.

No such policy shall be effective under this section unless issued by an insurance company or surety company authorized to write motor vehicle liability insurance in this state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or the most recent renewal thereof, such policy shall not be effective under this section unless the insurance company or surety company if not authorized to do business in this state shall execute a power of attorney authorizing the department to accept service on its behalf of notice or process in any action upon such policy arising out of such accident. However, every such policy shall be subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and cost, of not less than Twenty-five Thousand Dollars ($25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to said limit for one (1) person, to a limit of not less than Fifty Thousand Dollars ($50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and if the accident has resulted in injury to or destruction of property, to
a limit of not less than Twenty-five Thousand Dollars ($25,000.00) because of injury to or destruction of property of others in any one (1) accident.

SECTION 3. Section 63-15-31, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

SECTION 4. Section 63-15-43, Mississippi Code of 1972, is amended as follows:

63-15-43. (1) A "motor vehicle liability policy" as said term is used in this chapter shall mean an owner's or an operator's policy of liability insurance, certified as provided in Section 63-15-39 or Section 63-15-41, as proof of financial responsibility, and issued, except as otherwise provided in Section 63-15-41, by an insurance company duly authorized to write...
motor vehicle liability insurance in this state, to or for the
benefit of the person named therein as insured.

(2) Such owner's policy of liability insurance:
   (a) Shall designate by explicit description or by
       appropriate reference all motor vehicles with respect to which
       coverage is thereby to be granted.
   (b) Shall pay on behalf of the insured named therein
       and any other person, as insured, using any such motor vehicle or
       motor vehicles with the express or implied permission of such
       named insured, all sums which the insured shall become legally
       obligated to pay as damages arising out of the ownership,
       maintenance or use of such motor vehicle or motor vehicles within
       the United States of America or the Dominion of Canada, subject to
       limits exclusive of interest and costs, with respect to each such
       motor vehicle, as follows: Twenty-five Thousand Dollars
       ($25,000.00) because of bodily injury to or death of one (1)
       person in any one (1) accident and, subject to said limit for one
       (1) person, Fifty Thousand Dollars ($50,000.00) because of bodily
       injury to or death of two (2) or more persons in any one (1)
       accident, and Twenty-five Thousand Dollars ($25,000.00) because of
       injury to or destruction of property of others in any one (1)
       accident.

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

(4) Such motor vehicle liability policy shall state the name
    and address of the named insured, the coverage afforded by the
    policy, the premium charged therefor, the policy period and the
    limits of liability, and shall contain an agreement or be endorsed
that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

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

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

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

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

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

(a) The liability of the insurance company with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance company and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy;

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

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

(d) The policy, the written application therefor, if 
any, and any rider or endorsement which does not conflict with the 
provisions of the chapter shall constitute the entire contract 
between the parties. 

(7) Any policy which grants the coverage required for a 
motor vehicle liability policy may also grant any lawful coverage 
in excess of or in addition to the coverage specified for a motor 
vehicle liability policy, and such excess or additional coverage 
shall not be subject to the provisions of this chapter. With 
respect to a policy which grants such excess or additional 
coverage, the term "motor vehicle liability policy" shall apply 
only to that part of the coverage which is required by this 
section. 

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

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

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

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

SECTION 5. Section 63-15-4, Mississippi Code of 1972, is 
amended as follows: 

63-15-4. (1) The following vehicles are exempted from the 
requirements of this section: 

(a) Vehicles exempted by Section 63-15-5;
(b) Vehicles for which a bond or a certificate of deposit of money or securities in at least the minimum amounts required for proof of financial responsibility is on file with the department;

(c) Vehicles that are self-insured under Section 63-15-53; and

(d) Implements of husbandry.

(2) (a) Every motor vehicle operated in this state shall have an insurance card maintained in the vehicle as proof of liability insurance that is in compliance with the liability limits required by Section 63-15-3(j). The insured parties shall be responsible for maintaining the insurance card in each vehicle.

(b) An insurance company issuing a policy of motor vehicle liability insurance as required by this section shall furnish to the insured an insurance card for each vehicle at the time the insurance policy becomes effective.

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(3) Failure of the owner or the operator of a motor vehicle to have the insurance card in the motor vehicle is a misdemeanor and, upon conviction, is punishable by a fine of One Thousand Dollars ($1,000.00) and suspension of driving privilege for a period of one (1) year or until the owner of the motor vehicle shows proof of liability insurance that is in compliance with the liability limits required by Section 63-15-3(j). Fraudulent use of an insurance card shall be punishable in accordance with Section 97-7-10. The funds from such fines shall be deposited in the State General Fund in the State Treasury.

(4) If, at the hearing date or the date of payment of the fine, the motor vehicle owner shows proof of motor vehicle liability insurance in the amounts required by Section 63-15-3(j), the fine shall be reduced to One Hundred Dollars ($100.00). If the owner shows proof that such insurance was in effect at the
time of citation, the fine of One Hundred Dollars ($100.00) and court costs shall be waived.

SECTION 6. This act shall take effect and be in force from and after July 1, 2001.