

By: Representative Chism

To: Transportation

HOUSE BILL NO. 368

1 AN ACT TO AMEND SECTIONS 63-2-7 AND 63-15-4, MISSISSIPPI CODE  
2 OF 1972, TO AUTHORIZE LAW ENFORCEMENT OFFICERS TO ISSUE CITATIONS  
3 FOR VIOLATIONS OF THE SEAT BELT LAW OR VIOLATIONS OF THE LAW THAT  
4 REQUIRES MOTOR VEHICLE OPERATORS TO CARRY PROOF OF MOTOR VEHICLE  
5 LIABILITY INSURANCE IN THEIR VEHICLES AT ROADBLOCKS, MOTOR VEHICLE  
6 TRAFFIC ACCIDENT SCENES AND UPON PROBABLE CAUSE TO BELIEVE THE  
7 MOTORIST TO BE IN VIOLATION OF ANY OTHER LAW; AND FOR RELATED  
8 PURPOSES.

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

10 **SECTION 1.** Section 63-2-7, Mississippi Code of 1972, is  
11 amended as follows:

12 63-2-7. (1) A violation of this chapter shall be a  
13 misdemeanor, punishable by a fine of Twenty-five Dollars (\$25.00)  
14 upon conviction; however, only the operator of a vehicle may be  
15 fined for a violation of this chapter by the operator or for a  
16 violation of this chapter by a passenger. Upon stopping a motor  
17 vehicle at a roadblock where all passing motorists are checked as  
18 a method to enforce traffic laws and promote public safety, upon  
19 investigating the scene of a motor vehicle accident in which the  
20 motor vehicle operator is involved, or upon stopping a motor  
21 vehicle with probable cause to believe the motorist to be in  
22 violation of some other offense not in this chapter, a law  
23 enforcement officer, who is authorized to issue traffic citations,  
24 shall determine whether the operator or any passenger is in  
25 violation of this chapter. However, no vehicle operator shall be  
26 stopped or detained solely for the purpose of determining whether  
27 the operator or any passenger is in violation of this chapter.  
28 The maximum fine that may be imposed against the operator of a  
29 vehicle for a violation of this chapter by the operator or for a



30 violation of this chapter by one or more passengers shall be  
31 Twenty-five Dollars (\$25.00) in the aggregate.

32 (2) A violation of this chapter shall not be entered on the  
33 driving record of any individual so convicted, nor shall any state  
34 assessment provided for by Section 99-19-73, or any other state  
35 law, be imposed or collected.

36 **SECTION 2.** Section 63-15-4, Mississippi Code of 1972, is  
37 amended as follows:

38 63-15-4. (1) The following vehicles are exempted from the  
39 requirements of this section:

40 (a) Vehicles exempted by Section 63-15-5;

41 (b) Vehicles for which a bond or a certificate of  
42 deposit of money or securities in at least the minimum amounts  
43 required for proof of financial responsibility is on file with the  
44 department;

45 (c) Vehicles that are self-insured under Section  
46 63-15-53; and

47 (d) Implements of husbandry.

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

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

57 (3) Upon stopping a motor vehicle at a roadblock where all  
58 passing motorists are checked as a method to enforce traffic laws  
59 and promote public safety, upon investigating the scene of a motor  
60 vehicle accident in which the motor vehicle operator is involved,  
61 or upon stopping a motor vehicle with probable cause to believe  
62 the motorist to be in violation of any other law, a law



63 enforcement officer, who is authorized to issue traffic citations,  
64 shall verify that the insurance card required by this section is  
65 in the motor vehicle. However, no driver shall be stopped or  
66 detained solely for the purpose of verifying that an insurance  
67 card is in the motor vehicle.

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

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

85 **SECTION 3.** This act shall take effect and be in force from  
86 and after July 1, 2003.

