

By: Representative Chism

To: Insurance;
Appropriations

HOUSE BILL NO. 498

1 AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO SELECT
2 RANDOM SAMPLES OF REGISTRATIONS OF MOTOR VEHICLES, OR OWNERS
3 THEREOF, FOR THE PURPOSE OF VERIFYING WHETHER OR NOT THE MOTOR
4 VEHICLES ARE INSURED; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY
5 TO SUSPEND THE VEHICLE REGISTRATION OF ANY MOTOR VEHICLE
6 DETERMINED TO BE IN VIOLATION OF THE PROVISIONS OF THE MOTOR
7 VEHICLE SAFETY RESPONSIBILITY LAW; TO REQUIRE THE DEPARTMENT OF
8 PUBLIC SAFETY TO FURNISH A LIST OF OWNERS WHOSE LICENSE PLATES
9 HAVE BEEN SUSPENDED PURSUANT TO THE MOTOR VEHICLE SAFETY
10 RESPONSIBILITY LAW TO OFFICIALS AUTHORIZED TO ISSUE MOTOR VEHICLE
11 LICENSE PLATES; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO
12 SUSPEND THE OWNER'S VEHICLE REGISTRATION IF THE DEPARTMENT
13 DETERMINES THAT THE PROOF OF INSURANCE SUBMITTED BY A MOTOR
14 VEHICLE OWNER IS FALSE; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** (1) The department shall select random samples
17 of registrations of motor vehicles subject to this chapter, or
18 owners thereof, for the purpose of verifying whether or not the
19 motor vehicles are insured.

20 (2) In addition to such general random samples of motor
21 vehicle registrations, the department shall select for
22 verification other random samples including, but not limited to,
23 registrations of motor vehicles owned by persons:

24 (a) Whose motor vehicle registrations during the
25 preceding four (4) years have been suspended pursuant to Section
26 63-15-11.

27 (b) Who during the preceding four (4) years have been
28 convicted of violating Section 63-15-4 while operating vehicles
29 owned by other persons.

30 (c) Whose driving privileges have been suspended or
31 revoked during the preceding four (4) years.

32 (d) Who during the preceding four (4) years have
33 received a disposition of supervision by the courts of this state
34 for a violation of the provisions of this chapter.

35 (3) The department shall send to owners of randomly
36 selected motor vehicles, requests for information about their
37 motor vehicles and liability insurance coverage. The request
38 shall require the owner to state:

39 (a) Whether or not the motor vehicle was insured on the
40 verification date stated in the department's request, and the
41 reason no insurance existed for the vehicle if not insured;

42 (b) The name, address and telephone number of the
43 insurance company that insures the motor vehicle;

44 (c) The effective date of the policy and the expiration
45 date of the policy;

46 (d) The owner's signature; and

47 (e) The policy number.

48 (4) Within thirty (30) calendar days after the department
49 mails a request, the owner to whom it is sent shall furnish the
50 requested information to the department with the owner's signed
51 and dated affirmation that such information is true and correct.
52 Proof of insurance in effect on the verification date, as
53 prescribed by the department, may be considered by the department
54 to be a satisfactory response to the request for information.

55 (5) Any owner whose response indicates that his or her
56 vehicle was not covered by a liability insurance policy in
57 accordance with the liability limits required in Section
58 63-15-3(j) shall be deemed to have registered or maintained
59 registration of a motor vehicle in violation of that section. Any
60 owner who fails to respond to such a request shall be deemed to
61 have registered or maintained registration of a motor vehicle in
62 violation of liability limits required in Section 63-15-3(j).

63 (6) If the owner responds to the request for information by
64 asserting that his vehicle was covered by a liability insurance

65 policy on the verification date stated in the department's
66 request, the department may conduct a verification of the response
67 by furnishing necessary information to the insurer named in the
68 response. The insurer shall within thirty (30) calendar days
69 inform the department if on the verification date stated the motor
70 vehicle was not insured by the insurer in accordance with the
71 liability limits required in Section 63-15-3(j).

72 (7) No random sample selected under this section shall be
73 categorized on the basis of race, color, religion, sex, national
74 origin, ancestry, age, marital status, physical or mental
75 disability, economic status or geography.

76 **SECTION 2.** If the department determines that an owner has
77 registered or maintained the registration of a motor vehicle
78 without a liability insurance policy in compliance with the
79 liability limits in Section 63-15-3(j), the department shall
80 notify the owner that such owner's vehicle registration shall be
81 suspended forty-five (45) calendar days after the date of the
82 mailing of the notice unless the owner within thirty (30) calendar
83 days furnishes proof of insurance in effect on the verification
84 date, as prescribed by the department. The notice shall be in
85 writing and shall be mailed by first class United States Postal
86 Service or by certified mail, return receipt requested, to the
87 owner's last known address.

88 **SECTION 3.** (1) The department shall suspend the vehicle
89 registration of any motor vehicle determined to be in violation of
90 the provisions of this chapter, including any motor vehicle
91 operated in violation of Section 63-15-4 by an operator other than
92 the owner of the vehicle. Neither the fact that, subsequent to
93 the date of verification or violation, the owner acquired the
94 required liability insurance policy nor the fact that the owner
95 terminated ownership of the motor vehicle shall have any bearing
96 upon the required suspension.

97 (2) The registration of any motor vehicle registered in this
98 state shall be suspended upon the department receiving notice of
99 the conviction of the operator of the motor vehicle in another
100 state of an offense which, if committed in this state, would
101 constitute a violation of this chapter. Until it is terminated,
102 any suspension under this chapter shall remain in force even if
103 the registration is renewed or a new registration is acquired for
104 the motor vehicle.

105 (3) In the case of a first violation, the department shall
106 terminate the suspension upon payment by the owner of a
107 reinstatement fee of One Hundred Dollars (\$100.00) in certified
108 funds and submission of proof of insurance as prescribed by the
109 department. Upon a first violation, the owner's name and
110 identifying information shall be provided to the director by the
111 department, for the purpose of requiring the owner to purchase and
112 maintain insurance pursuant to this chapter for a period of one
113 (1) year.

114 (4) In the case of a second or subsequent violation by a
115 person having ownership interest in a motor vehicle or vehicles
116 within the preceding four (4) years, or a violation of this
117 chapter, the department shall terminate the suspension four (4)
118 months after its effective date upon payment by the owner of a
119 reinstatement fee of Two Hundred Dollars (\$200.00) in certified
120 funds and submission of proof of insurance as prescribed by the
121 department. In the case of a second or subsequent violation, the
122 owner's name and identifying information shall be provided to the
123 director by the department, for the purpose of the director
124 requiring the owner to purchase and maintain insurance pursuant to
125 this chapter for a period of three (3) years.

126 (5) All fees collected under this section shall be retained
127 by the department for use in the administration of this chapter.
128 Refunds of reinstatement fees shall be granted in cases of
129 duplicate payment, or as approved by the department.

130 **SECTION 4.** (1) No later than the tenth day of each month,
131 the department shall provide a current list of owners whose
132 license plates have been suspended pursuant to this chapter to
133 officials authorized to issue motor vehicle license plates or
134 authorized to perform other duties in connection with the issuance
135 of motor vehicle license plates, or both. The department may
136 provide the list electronically to those officials indicating a
137 preference for electronic transmission of information.

138 (2) All officials authorized by law to register motor
139 vehicles, issue motor vehicle license plates and to perform other
140 duties in connection with the issuance of motor vehicle license
141 plates shall refuse to register or reregister a motor vehicle or
142 refuse to transfer the license plates if the registration is
143 suspended pursuant to this chapter.

144 (3) Beginning January 1, 2006, all officials authorized by
145 law to issue motor vehicle license plates shall obtain, when
146 issuing or transferring motor vehicle registrations, the driver's
147 license number of the owner of the vehicle, or, if the owner does
148 not have a driver's license number, or for a company or other
149 entity, the federal employer identification number, for inclusion
150 with the motor vehicle registration records in the state and
151 county databases. However, the county shall not include these
152 numbers on the motor vehicle registration receipts. This
153 information shall be used by the department in the administration
154 of the provisions of this chapter.

155 (4) Officials authorized to issue motor vehicle license
156 plates shall require an affirmation that the owners are in
157 compliance with the liability insurance requirements of this
158 chapter on each registration and on each transfer of registration.
159 If the county allows renewal by mail or electronic means, it shall
160 allow the owner to indicate compliance with this chapter by
161 including affirmation language as developed by the department on
162 the renewal notice along with a signature line on mail renewals

163 and an alternative method to indicate acceptance of the
164 affirmation on electronic renewals.

165 **SECTION 5.** (1) If the department determines that the proof
166 of insurance submitted by a motor vehicle owner under this chapter
167 is false, the department shall suspend the owner's vehicle
168 registration. The department shall terminate the suspension six
169 (6) months after its effective date upon payment by the owner of a
170 reinstatement fee of Two Hundred Dollars (\$200.00) in certified
171 funds and submission of proof of insurance as prescribed by the
172 department.

173 (2) All funds collected under this section shall be retained
174 by the department for use in the administration of this chapter.

175 **SECTION 6.** The provisions of this act shall be codified
176 within Chapter 15, Title 63, Mississippi Code of 1972.

177 **SECTION 7.** This act shall take effect and be in force from
178 and after July 1, 2005.