

By: Representatives Formby, Beckett, Wells-Smith, Snowden, Upshaw

To: Insurance

HOUSE BILL NO. 1238
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 63-15-4, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE LAW ENFORCEMENT OFFICERS TO VERIFY PROOF OF AUTO LIABILITY
3 INSURANCE AT ROADBLOCKS, AND TO PROVIDE THAT A PORTION OF THE
4 FINES LEVIED IN MUNICIPAL COURTS OR COURTS OF THE COUNTY ON
5 PERSONS WHO DO NOT HAVE AUTO LIABILITY INSURANCE SHALL BE
6 DEPOSITED IN THE GENERAL FUND OF THE MUNICIPALITY OR COUNTY; AND
7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 63-15-4, Mississippi Code of 1972, is
10 amended as follows:

11 63-15-4. (1) The following vehicles are exempted from the
12 requirements of this section:

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

14 (b) Vehicles for which a bond or a certificate of
15 deposit of money or securities in at least the minimum amounts
16 required for proof of financial responsibility is on file with the
17 department;

18 (c) Vehicles that are self-insured under Section
19 63-15-53; and

20 (d) Implements of husbandry.

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

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

30 (3) Upon stopping a motor vehicle at a roadblock where all
31 passing motorists are checked as a method to enforce traffic laws
32 or upon stopping a motor vehicle for any other statutory
33 violation, a law enforcement officer, who is authorized to issue
34 traffic citations, shall verify that the insurance card required
35 by this section is in the motor vehicle. However, no driver shall
36 be stopped or detained solely for the purpose of verifying that an
37 insurance card is in the motor vehicle unless the stop is part of
38 such roadblock.

39 (4) Failure of the owner or the operator of a motor vehicle
40 to have the insurance card in the motor vehicle is a misdemeanor
41 and, upon conviction, is punishable by a fine of Five Hundred
42 Dollars (\$500.00) and suspension of driving privilege for a period
43 of one (1) year or until the owner of the motor vehicle shows
44 proof of liability insurance that is in compliance with the
45 liability limits required by Section 63-15-3(j). Fraudulent use
46 of an insurance card shall be punishable in accordance with
47 Section 97-7-10. The funds from such fines shall be deposited in
48 the State General Fund in the State Treasury. However, if such
49 fines are levied in a municipal court, twenty-five percent (25%)
50 of the funds from such fines shall be deposited in the general
51 fund of the municipality. If such fines are levied in any of the
52 courts of the county, twenty-five percent (25%) of the funds from
53 such fines shall be deposited in the general fund of the county.

54 (5) If, at the hearing date or the date of payment of the
55 fine, the motor vehicle owner shows proof of motor vehicle
56 liability insurance in the amounts required by Section 63-15-3(j),
57 the fine shall be reduced to One Hundred Dollars (\$100.00). If
58 the owner shows proof that such insurance was in effect at the
59 time of citation, the case shall be dismissed as to the defendant
60 with prejudice and all court costs shall be waived against the
61 defendant.

62 **SECTION 2.** This act shall take effect and be in force from
63 and after July 1, 2005.