

By: Representative Chism

To: Insurance

HOUSE BILL NO. 1368

1 AN ACT TO AMEND SECTION 63-15-4, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO MAINTAIN A DATABASE OF
3 INSURED MOTORISTS AND TO REQUIRE LICENSED DRIVERS TO RESPOND TO AN
4 INSURANCE QUESTIONNAIRE SHOWING PROOF OF LIABILITY INSURANCE AS
5 REQUIRED BY THE MOTOR VEHICLE SAFETY-RESPONSIBILITY ACT; TO
6 REQUIRE LAW ENFORCEMENT OFFICERS TO REMOVE THE VEHICLE TAG FROM
7 LAWFULLY DETAINED VEHICLES IF THE OWNER OR OPERATOR DOES NOT SHOW
8 THE REQUIRED PROOF OF INSURANCE; TO AMEND SECTION 63-1-46,
9 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR A FEE FOR REINSTATEMENT
10 OF LICENSE SUBSEQUENT TO SUSPENSION OR REVOCATION PURSUANT TO THE
11 MOTOR VEHICLE SAFETY-RESPONSIBILITY ACT; AND FOR RELATED PURPOSES.

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

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

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

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

18 (b) Vehicles for which a bond or a certificate of
19 deposit of money or securities in at least the minimum amounts
20 required for proof of financial responsibility is on file with the
21 department;

22 (c) Vehicles that are self-insured under Section
23 63-15-53; and

24 (d) Implements of husbandry.

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

30 (b) An insurance company issuing a policy of motor
31 vehicle liability insurance as required by this section shall

32 furnish to the insured an insurance card for each vehicle at the
33 time the insurance policy becomes effective.

34 (c) The Department of Public Safety shall maintain a
35 database of insured motorists. An insurance company issuing a
36 policy of motor vehicle liability insurance as required by this
37 section shall furnish to the Department of Public Safety
38 information on each policy written for each insured motorist
39 within thirty (30) business days of issuing the coverage. The
40 insurance company shall notify the Department of Public Safety
41 within fifteen (15) business days when liability insurance or
42 security is recalled, reinstated, terminated or if there is a
43 changed binder on vehicles registered in Mississippi. The
44 Commissioner of Insurance shall notify the Department of Public
45 Safety when an authorized company ceases to do business in
46 Mississippi due to bankruptcy or liquidation.

47 (d) The Commissioner of Public Safety shall prescribe
48 rules and the method under which licensed drivers/vehicle owners
49 are required to respond to an insurance questionnaire showing
50 proof of liability insurance as required by this section. If the
51 licensed driver/vehicle owner fails to respond within thirty (30)
52 days from receipt of the questionnaire, the driver's license of
53 the individual shall be suspended and a reinstatement fee in the
54 amount of Two Hundred Fifty Dollars (\$250.00) shall be charged to
55 reinstate the driver's license.

56 (3) Upon stopping a motor vehicle for any other statutory
57 violation, a law enforcement officer, who is authorized to issue
58 traffic citations, shall verify that the insurance card required
59 by this section is in the motor vehicle. However, no driver shall
60 be stopped or detained solely for the purpose of verifying that an
61 insurance card is in the motor vehicle unless the stop is part of
62 an authorized vehicle checkpoint. If the owner or operator of the
63 motor vehicle does not show proof of insurance as required by this
64 section and the law enforcement officer is not able to verify the

65 existence of such insurance at the time of the stop, the law
66 enforcement officer shall remove the tag from the vehicle and
67 place a "no proof of insurance" sticker on the back windshield.
68 The tag removed from the vehicle and a copy of the citation issued
69 shall be delivered to the Highway Safety Patrol District Office or
70 a permanent full-time Department of Public Safety driver's license
71 station by the issuing law enforcement officer, or his designee as
72 authorized by the Commissioner of Public Safety, within ten (10)
73 business days of the date of ticket issuance. After ten (10)
74 business days, the motor vehicle owner or the operator of the
75 vehicle shall have fifteen (15) business days to show proof of
76 insurance in a manner prescribed by the Commissioner of Public
77 Safety at the Mississippi Highway Patrol District Office or a
78 permanent full-time Department of Public Safety driver's license
79 station and pay a fee of Fifty Dollars (\$50.00) to reclaim the
80 tag. If the motor vehicle owner or operator does not report to
81 the designated Mississippi Highway Patrol District Office or a
82 permanent full-time Department of Public Safety driver's license
83 station to show proof of insurance and pay the fee within the
84 fifteen (15) business days, the individual's driver's license
85 shall be suspended.

86 (4) Failure of the owner or the operator of a motor vehicle
87 to have the insurance card in the motor vehicle is a misdemeanor
88 and, upon conviction, is punishable by a fine of Five Hundred
89 Dollars (\$500.00) and suspension of driving privilege for a period
90 of one (1) year or until the owner of the motor vehicle shows
91 proof of liability insurance that is in compliance with the
92 liability limits required by Section 63-15-3(j) for the first
93 offense. Second and subsequent convictions shall be punishable by
94 a fine of One Thousand Dollars (\$1,000.00) and suspension of
95 driving privilege for a period of one (1) year. Fraudulent use of
96 an insurance card shall be punishable in accordance with Section
97 97-7-10. The funds from such fines shall be deposited in the

98 State General Fund in the State Treasury; however, three percent
99 (3%) of the funds collected for violations of this section shall
100 be deposited into a special fund in the State Treasury to the
101 credit of the Department of Public Safety for the purpose of
102 administering this section.

103 (5) If, at the hearing date or the date of payment of the
104 fine, the motor vehicle owner shows proof of motor vehicle
105 liability insurance which was in effect prior to the date of the
106 citation in the amounts required by Section 63-15-3(j), the fine
107 shall be waived; if the motor vehicle owner shows proof of motor
108 vehicle liability insurance which went into effect after the date
109 of the citation in the amounts required by Section 63-15-3(j), the
110 fine shall be reduced to Two Hundred Fifty Dollars (\$250.00) for
111 the first offense and Five Hundred Dollars (\$500.00) for any
112 second or subsequent offense; however, the penalty providing for
113 the suspension of the driving privilege shall not be reduced.

114 **SECTION 2.** Section 63-1-46, Mississippi Code of 1972, is
115 amended as follows:

116 63-1-46. (1) A fee of Twenty-five Dollars (\$25.00) shall be
117 charged for the reinstatement of a license issued pursuant to this
118 article to every person whose license has been validly suspended,
119 revoked or cancelled. This fee shall be in addition to the fee
120 provided for in Section 63-1-43, Mississippi Code of 1972.

121 (2) The funds received under the provisions of subsection
122 (1) of this section shall be deposited into the State General Fund
123 in accordance with Section 45-1-23, Mississippi Code of 1972.

124 (3) In addition to the fee provided for in subsection (1) of
125 this section, an additional fee of Seventy-five Dollars (\$75.00)
126 shall be charged for the reinstatement of a license issued
127 pursuant to this article to every person whose license has been
128 suspended or revoked under the provisions of the Mississippi
129 Implied Consent Law or as a result of a conviction of a violation

130 of the Uniform Controlled Substances Law under the provisions of
131 Section 63-1-71.

132 (4) In addition to the fee provided for in subsection (1) of
133 this section, an additional fee of Two Hundred Fifty Dollars
134 (\$250.00) shall be charged for the reinstatement of a license
135 issued pursuant to this article to every person whose license has
136 been suspended or revoked for a first offense under Section
137 63-15-4, and an additional fee of Three Hundred Dollars (\$300.00)
138 for any second or subsequent offense under Section 63-15-4. * * *

139 (5) The procedure for the reinstatement of a license issued
140 pursuant to this article that has been suspended for being out of
141 compliance with an order for support, as defined in Section
142 93-11-153, and the payment of any fees for the reinstatement of a
143 license suspended for that purpose, shall be governed by Section
144 93-11-157 or 93-11-163, as the case may be.

145 **SECTION 3.** This act shall take effect and be in force from
146 and after July 1, 2005.