

By: Senator(s) Burton

To: Insurance

SENATE BILL NO. 2045

1 AN ACT TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION
2 63-15-8, MISSISSIPPI CODE OF 1972, TO REQUIRE PROOF OF MOTOR
3 VEHICLE LIABILITY INSURANCE BEFORE RECEIVING MOTOR VEHICLE LICENSE
4 TAGS; TO AMEND SECTION 63-15-4, MISSISSIPPI CODE OF 1972, TO
5 PROVIDE THAT A PORTION OF THE FINES LEVIED IN MUNICIPAL COURT ON
6 PERSONS WHO DO NOT HAVE MOTOR VEHICLE LIABILITY INSURANCE SHALL BE
7 DEPOSITED IN THE GENERAL FUND OF THE MUNICIPALITY; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** The following shall be codified as Section
11 63-15-8, Mississippi Code of 1972:

12 63-15-8. (1) Every owner of a motor vehicle in this state
13 shall furnish proof of motor vehicle liability insurance as
14 required by this chapter before such owner may receive a license
15 tag for a motor vehicle or renew a license tag. However, any
16 owner of a motor vehicle exempted from the proof of insurance
17 requirement pursuant to Section 63-15-4(1) shall be exempted from
18 the provisions of this section. Proof of motor vehicle liability
19 insurance as required by this chapter shall be made by presenting
20 to the tax collector in person or by mail the insurance card, or a
21 copy thereof, issued by the insurer for the motor vehicle.

22 (2) Any person who presents or causes to be presented to the
23 tax collector or to any court of this state false evidence of
24 motor vehicle liability insurance as required by this chapter,
25 upon conviction, shall be guilty of perjury and shall be fined
26 Five Hundred Dollars (\$500.00) and shall be subject to
27 imprisonment for a period not exceeding one (1) year or both such
28 fine and imprisonment. This fine and imprisonment shall be waived
29 if the offender chooses to purchase, and provides proof of such
30 purchase by the court date, motor vehicle liability insurance for

31 a minimum of six (6) months' coverage in at least the minimum
32 amounts required under paragraph (j) of Section 63-15-3. Any
33 person convicted of filing false proof of motor vehicle liability
34 insurance as required by this chapter shall surrender to the
35 department his driver's license, license plates and registration
36 of the motor vehicle for which false proof was presented and the
37 procedure for the suspension of licenses provided in Section
38 63-15-11 relating to accidents shall be followed. Such driver's
39 license, license plates and registration shall be reinstated upon
40 payment of any fines and reinstatement fees, serving of a sentence
41 if applicable, and upon presentation of proof of purchase of
42 minimum motor vehicle liability insurance in accordance with the
43 provisions of this subsection. The district attorney of the
44 jurisdiction where any false evidence is presented shall prosecute
45 any violation of this section. Any person convicted under this
46 section shall be assessed with all costs of prosecution and all
47 court costs.

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

50 63-15-4. (1) The following vehicles are exempted from the
51 requirements of this section:

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

53 (b) Vehicles for which a bond or a certificate of
54 deposit of money or securities in at least the minimum amounts
55 required for proof of financial responsibility is on file with the
56 department;

57 (c) Vehicles that are self-insured under Section
58 63-15-53; and

59 (d) Implements of husbandry.

60 (2) (a) Every motor vehicle operated in this state shall
61 have an insurance card maintained in the vehicle as proof of
62 liability insurance that is in compliance with the liability

63 limits required by Section 63-15-3(j). The insured parties shall
64 be responsible for maintaining the insurance card in each vehicle.

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

69 (3) Upon stopping a motor vehicle for any other statutory
70 violation, a law enforcement officer, who is authorized to issue
71 traffic citations, shall verify that the insurance card required
72 by this section is in the motor vehicle. However, no driver shall
73 be stopped or detained solely for the purpose of verifying that an
74 insurance card is in the motor vehicle.

75 (4) Failure of the owner or the operator of a motor vehicle
76 to have the insurance card in the motor vehicle is a misdemeanor
77 and, upon conviction, is punishable by a fine of One Thousand
78 Dollars (\$1,000.00) and suspension of driving privilege for a
79 period of one (1) year or until the owner of the motor vehicle
80 shows proof of liability insurance that is in compliance with the
81 liability limits required by Section 63-15-3(j). Fraudulent use
82 of an insurance card shall be punishable in accordance with
83 Section 97-7-10. * * *

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

91 (6) If the fines imposed under subsections (4) and (5) are
92 levied in a municipal court, fifteen percent (15%) of the funds or
93 One Hundred Dollars (\$100.00), whichever is greater, from such
94 fines shall be deposited in the general fund of the municipality.

95 Any remaining funds from such fines shall be deposited in the
96 State General Fund in the State Treasury.

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