

By: Representatives Dedeaux, Buck, Formby,
Moore

To: Insurance;
Transportation

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1213

1 AN ACT TO AMEND SECTION 63-15-4, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE STATE TAX COMMISSION TO IMPLEMENT A MOTORIST
3 IDENTIFICATION DATABASE PROGRAM FOR THE PURPOSE OF IDENTIFYING
4 UNINSURED MOTORISTS IN THIS STATE; TO REQUIRE A RANDOM SAMPLING OF
5 VEHICLE REGISTRANTS TO RESPOND TO AN INSURANCE QUESTIONNAIRE
6 SHOWING PROOF OF LIABILITY INSURANCE AS REQUIRED BY THE MOTOR
7 VEHICLE SAFETY RESPONSIBILITY ACT; TO AUTHORIZE SUSPENSION OF
8 VEHICLE REGISTRATION IF THE REGISTRANT FAILS TO TIMELY RESPOND TO
9 THE QUESTIONNAIRE OR IF THE REGISTRANT DOES NOT SHOW PROOF OF
10 LIABILITY INSURANCE; TO AUTHORIZE A FEE FOR THE REINSTATEMENT OF A
11 VEHICLE REGISTRATION SUSPENDED PURSUANT TO THIS ACT; AND FOR
12 RELATED PURPOSES.

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

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

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

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

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

23 (c) Vehicles that are self-insured under Section
24 63-15-53; and

25 (d) Implements of husbandry.

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

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

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

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

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

59 (5) If, at the hearing date or the date of payment of the
60 fine, the motor vehicle owner shows proof of motor vehicle
61 liability insurance in the amounts required by Section 63-15-3(j),
62 the fine shall be reduced to One Hundred Dollars (\$100.00). If
63 the owner shows proof that such insurance was in effect at the
64 time of citation, the case shall be dismissed as to the defendant

65 with prejudice and all court costs shall be waived against the
66 defendant.

67 (6) (a) The State Tax Commission shall implement a motorist
68 identification database program for the purpose of identifying
69 uninsured motorists in this state. The State Tax Commission may
70 contract with a private vendor to implement the program. Such
71 vendor shall have experience in managing state liability insurance
72 programs and in managing large-scale data management services.
73 The Chairman of the State Tax Commission, or his designee, shall
74 convene a work group consisting of representatives of the
75 insurance industry, the Department of Insurance and the State Tax
76 Commission to develop a plan for the program. The State Tax
77 Commission shall be responsible for requesting any appropriate
78 information from insurance companies on a recurring basis
79 necessary to compile and maintain the database. All insurance
80 companies issuing a policy of motor vehicle liability insurance as
81 required by this section shall cooperate with the State Tax
82 Commission to maintain up-to-date information needed for the
83 database. The Commissioner of Insurance shall notify the State
84 Tax Commission when a motor vehicle liability insurer ceases to do
85 business in Mississippi.

86 (b) The Chairman of the State Tax Commission shall
87 prescribe rules and regulations for a program under which a random
88 sampling of registered noncommercial vehicles occurs and such
89 registrants are required to respond to an insurance questionnaire
90 showing proof of having liability insurance as required by this
91 section. Insurance companies shall substantiate or deny any
92 registrant's claim to having liability insurance with that company
93 in the manner prescribed by the Chairman of the State Tax
94 Commission. If the registrant fails to respond with valid
95 information within thirty (30) days from receipt of the
96 questionnaire, a registration suspension notice shall be mailed to
97 the registrant who shall have fifteen (15) business days from

98 receipt of the notice to respond. If the registrant fails to
99 respond within the required time period or if his response fails
100 to show proof of liability insurance as required by this section,
101 his vehicle registration shall be suspended and a fee in the
102 amount of Five Hundred Dollars (\$500.00) shall be charged to
103 reinstate the registration; however, if the registrant shows proof
104 of liability insurance within thirty (30) days after the date the
105 vehicle registration is suspended, the charge to reinstate the
106 registration shall be reduced to Fifty Dollars (\$50.00). The
107 registrant whose registration has been suspended may make a
108 written request, within ten (10) days after receipt of notice of
109 the suspension, to the State Tax Commission for a hearing and such
110 request shall operate as a stay of any suspension pending the
111 outcome of the hearing. The hearing officer shall review the
112 merits of the suspension and make a determination on its status.
113 Any person whose suspension has been sustained shall have the
114 right to appeal in a court of proper jurisdiction. However, the
115 suspension shall not be stayed by the State Tax Commission or any
116 court while the appeal is pending. No vehicle registration may be
117 renewed or transferred while it is in a suspended condition.
118 Reinstatement fees collected under this subsection shall be
119 deposited into the State General Fund; provided, however, that
120 five percent (5%) of the collected fees shall be deposited into a
121 special fund hereby created and named the "Motorist Identification
122 Database Fund" to be used by the State Tax Commission to
123 administer this subsection, and five percent (5%) of the collected
124 fees shall be evenly distributed to the counties of this state.

125 (c) This subsection (6) shall stand repealed from and
126 after July 1, 2009.

127 **SECTION 2.** This act shall take effect and be in force from
128 and after July 1, 2006.