

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.