

By: Representative Fillingane

To: Insurance;
Transportation

HOUSE BILL NO. 1237

1 AN ACT TO AMEND SECTION 63-15-4, MISSISSIPPI CODE OF 1972, TO
 2 AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY 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 Department of Public Safety shall implement a
68 motorist identification database program for the purpose of
69 identifying uninsured motorists in this state. The Department of
70 Public Safety shall contract with a private vendor to implement
71 the program. Such vendor shall have experience in managing state
72 liability insurance programs and in managing large-scale data
73 management services for the State of Mississippi. The
74 Commissioner of Public Safety, or his designee, shall convene a
75 work group consisting of representatives of the insurance
76 industry, the Department of Insurance and the Department of Public
77 Safety to develop a plan for the program. The Department of
78 Public Safety shall be responsible for requesting any appropriate
79 information from insurance companies on a recurring basis
80 necessary to compile and maintain the database. All insurance
81 companies issuing a policy of motor vehicle liability insurance as
82 required by this section shall cooperate with the Department of
83 Public Safety to maintain up-to-date information needed for the
84 database. The Commissioner of Insurance shall notify the
85 Department of Public Safety when a motor vehicle liability insurer
86 ceases to do business in Mississippi.

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

98 fifteen (15) business days from receipt of the notice to respond.
99 If the registrant fails to respond within the required time period
100 or if his response fails to show proof of liability insurance as
101 required by this section, his vehicle registration shall be
102 suspended and a fee in the amount of Five Hundred Dollars
103 (\$500.00) shall be charged to reinstate the registration; however,
104 if the registrant shows proof of liability insurance within thirty
105 (30) days after the date the vehicle registration is suspended,
106 the charge to reinstate the registration shall be reduced to One
107 Hundred Dollars (\$100.00). For any second and subsequent
108 suspension pursuant to this subsection, a fee of Five Hundred
109 Dollars (\$500.00) shall be charged to reinstate the registration.
110 The registrant whose registration has been suspended may make a
111 written request, within ten (10) days after receipt of notice of
112 the suspension, to the Department of Public Safety for a hearing
113 and such request shall operate as a stay of any suspension pending
114 the outcome of the hearing. The hearing officer shall review the
115 merits of the suspension and make a determination on its status.
116 Any person whose suspension has been sustained shall have the
117 right to appeal in a court of proper jurisdiction. However, the
118 suspension shall not be stayed by the Department of Public Safety
119 or any court while the appeal is pending. No vehicle registration
120 may be renewed or transferred while it is in a suspended
121 condition. Reinstatement fees collected under this subsection
122 shall be deposited into the State General Fund; provided, however,
123 that five percent (5%) of the collected fees shall be deposited
124 into a special fund hereby created and named the "Motorist
125 Identification Database Fund" to be used by the Department of
126 Public Safety to administer this subsection, and five percent (5%)
127 of the collected fees shall be evenly distributed to the counties
128 of this state.

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