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HOUSE BILL NO. 620  
(As Sent to Governor)

1 AN ACT TO CREATE THE PUBLIC SAFETY VERIFICATION AND  
2 ENFORCEMENT ACT; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY, IN  
3 COOPERATION WITH THE COMMISSIONER OF INSURANCE AND DEPARTMENT OF  
4 REVENUE, TO CREATE AN ACCESSIBLE COMMON CARRIER-BASED MOTOR  
5 VEHICLE INSURANCE VERIFICATION SYSTEM; TO PROVIDE FOR LAW  
6 ENFORCEMENT USE OF THE SYSTEM; TO ALLOW INSURERS TO PROVIDE  
7 CERTAIN INFORMATION TO BE USED IN THE SYSTEM; TO REQUIRE THE  
8 DEPARTMENT OF PUBLIC SAFETY TO ADMINISTER AND ENFORCE THE  
9 PROVISIONS OF THIS ACT AND REQUIRE THE DEPARTMENT TO MAKE RULES  
10 NECESSARY FOR THE ADMINISTRATION OF THE MOTOR VEHICLE INSURANCE  
11 VERIFICATION SYSTEM CREATED UNDER THIS ACT; TO REQUIRE COMPLIANCE  
12 WITH THE MOTOR VEHICLE SAFETY-RESPONSIBILITY ACT BEFORE RECEIVING  
13 A MOTOR VEHICLE LICENSE TAG; TO REQUIRE THE OWNER OF THE MOTOR  
14 VEHICLE TO MAINTAIN CONTINUOUS COVERAGE THROUGHOUT THE LICENSE  
15 PERIOD; TO AUTHORIZE SUSPENSION OF DRIVING PRIVILEGES IF A MOTOR  
16 VEHICLE OWNER FAILS TO HAVE THE REQUIRED MOTOR VEHICLE LIABILITY  
17 INSURANCE; TO AUTHORIZE THE COMMISSIONER OF PUBLIC SAFETY TO  
18 IMPOSE CIVIL PENALTIES BECAUSE OF SUCH FAILURE; TO PROVIDE THE  
19 REQUIREMENTS FOR REINSTATEMENT OF A SUSPENDED LICENSE; TO PROVIDE  
20 THAT MONIES FROM THE COMMISSIONER'S CIVIL PENALTIES SHALL BE  
21 DEPOSITED INTO A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS  
22 THE MOTORIST IDENTIFICATION DATABASE FUND; TO PROVIDE THAT MONIES  
23 IN THE SPECIAL FUND MAY BE USED BY THE DEPARTMENT OF PUBLIC  
24 SAFETY, UPON APPROPRIATION BY THE LEGISLATURE, FOR THE PURPOSE OF  
25 DEFRAYING EXPENSES AND COSTS FOR THE MOTOR VEHICLE INSURANCE  
26 VERIFICATION SYSTEM; TO PROVIDE THAT MONIES IN THE SPECIAL FUND IN  
27 EXCESS OF THE AMOUNT NEEDED TO DEFRAY THE EXPENSES AND COSTS OF  
28 THE VERIFICATION SYSTEM REMAINING IN THE FUND AT THE END OF A  
29 FISCAL YEAR SHALL BE TRANSFERRED TO THE MOTOR VEHICLE AD VALOREM  
30 TAX REDUCTION FUND; TO AMEND SECTION 63-15-4, MISSISSIPPI CODE OF  
31 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

33 **SECTION 1.** Sections 1 through 7 of this act shall be known  
34 as the "Public Safety Verification and Enforcement Act."

35 **SECTION 2.** (1) The Department of Public Safety, hereinafter  
36 referred to in this section as "department," in cooperation with  
37 the Commissioner of Insurance and Department of Revenue, shall  
38 establish an accessible common carrier-based motor vehicle  
39 insurance verification system to verify the compliance of a motor



40 vehicle owner or operator with motor vehicle liability policy  
41 requirements under the Mississippi Motor Vehicle  
42 Safety-Responsibility Law.

43 (2) The department may contract with a private vendor or  
44 vendors to establish and maintain the system.

45 (3) The system must:

46 (a) Send requests to insurers for verification of motor  
47 vehicle liability insurance using electronic services established  
48 by the insurers through the Internet, World Wide Web, or a similar  
49 proprietary or common carrier electronic system in compliance with  
50 the specifications and standards of the Insurance Industry  
51 Committee on Motor Vehicle Administration and other applicable  
52 industry standards;

53 (b) Include appropriate provisions to secure its data  
54 against unauthorized access and to maintain a record of all  
55 requests and responses;

56 (c) Be accessible, without fee, to authorized personnel  
57 of the department, the courts, law enforcement personnel, county  
58 tax collectors, and other entities authorized by the department  
59 under the provisions of Section 4 of this act;

60 (d) Be able to interface with existing department and  
61 law enforcement systems;

62 (e) Receive insurance data file transfers from insurers  
63 under specifications and standards set forth in paragraph (a) of  
64 this subsection to identify motor vehicles that are not covered by  
65 an insurance policy;

66 (f) Provide a means by which low-volume insurers that  
67 are unable to deploy an online interface with the system can  
68 report insurance policy data to the department or its designee for  
69 inclusion in the system;

70 (g) Provide a means to track separately or distinguish  
71 motor vehicles that are subject to a certificate of insurance  
72 under Section 63-15-39 or 63-15-41, a certificate of



73 self-insurance under Section 63-15-53, a bond under Section  
74 63-15-49, or a certificate of deposit of money or securities under  
75 Section 63-15-51;

76 (h) Distinguish motor vehicles that are exempt from the  
77 provisions of Sections 1 through 7 of this act;

78 (i) Be available twenty-four (24) hours a day, seven  
79 (7) days a week, subject to reasonable allowances for scheduled  
80 maintenance or temporary system failures, to verify the insurance  
81 status of any motor vehicle in a manner prescribed by the  
82 department; and

83 (j) Be installed and operational not later than July 1,  
84 2012, following an appropriate testing period of not less than six  
85 (6) months.

86 (4) Every insurer shall cooperate with the department in  
87 establishing and maintaining the system and shall provide access  
88 to motor vehicle liability policy status information to verify  
89 liability coverage for:

90 (a) A motor vehicle insured by that company that is  
91 registered in this state; and

92 (b) If available, a motor vehicle that is insured by  
93 that company or that is operated in this state regardless of where  
94 the motor vehicle is registered.

95 (5) The verification system created under Section 2 of this  
96 act shall be interfaced with the Mississippi Department of  
97 Revenue's title/registration network system to verify the  
98 compliance of a motor vehicle owner or operator with motor vehicle  
99 liability policy requirements under the Mississippi Motor Vehicle  
100 Safety-Responsibility Law.

101 **SECTION 3.** (1) A law enforcement officer or authorized  
102 employee of a law enforcement agency may, during the course of a  
103 traffic stop or accident investigation, access the verification  
104 system established under Section 2 of this act to verify whether a



105 motor vehicle is covered by a valid motor vehicle liability policy  
106 in at least the minimum amounts required under Section 63-15-3(j).

107 (2) The response received from the system supersedes an  
108 insurance card produced by a motor vehicle owner or operator, and  
109 notwithstanding the display of an insurance card by the owner or  
110 operator, the law enforcement officer may issue a complaint and  
111 notice to appear to the owner or operator for a violation of the  
112 Mississippi Motor Vehicle Safety-Responsibility Law.

113 (3) Except upon reasonable cause to believe that a driver  
114 has violated another traffic regulation or that the driver's motor  
115 vehicle is unsafe or not equipped as required by law, a law  
116 enforcement officer may not use the verification system to stop a  
117 driver for operating a motor vehicle in violation of this act.

118 **SECTION 4.** (1) The Department of Public Safety, hereinafter  
119 referred to in this section as "department," shall administer and  
120 enforce the provisions of Sections 1 through 7 of this act and  
121 shall make rules necessary for the administration of the motor  
122 vehicle insurance verification system created under Section 2 of  
123 this act.

124 (2) The rules must:

125 (a) Establish standards and procedures for accessing  
126 the system by authorized personnel of the department, the courts,  
127 law enforcement personnel, tax collectors of each county and any  
128 other entities authorized by the department that are consistent  
129 with specifications and standards of the Insurance Industry  
130 Committee on Motor Vehicle Administration and other applicable  
131 industry standards;

132 (b) Provide for the suspension of a driver's license  
133 when:

134 (i) A person fails to respond to a written inquiry  
135 from the department or its designee concerning the insurance  
136 status of a motor vehicle;



137 (ii) A person misrepresents or intentionally  
138 provides false information to the department or its designee  
139 regarding the operational status or use of a motor vehicle for  
140 which liability insurance is mandatory;

141 (iii) The department has reason to believe that a  
142 motor vehicle owner is not complying with the mandatory liability  
143 insurance requirements of the Mississippi Motor Vehicle  
144 Safety-Responsibility Law; or

145 (iv) The department receives a report from a court  
146 that a person has been convicted of a violation of the Mississippi  
147 Motor Vehicle Safety-Responsibility Law and the suspension of his  
148 driving privileges has been ordered;

149 (c) Provide for hearings upon request of persons  
150 aggrieved by orders or acts of the department or the Commissioner  
151 of Public Safety under the provisions of Sections 1 through 7 of  
152 this act;

153 (d) Prohibit the reinstatement of a driver's license  
154 unless the applicable fines have been paid; and

155 (e) Provide for periodic insurance data file transfers  
156 from insurers to identify motor vehicles that are not covered by  
157 an insurance policy and to monitor ongoing compliance with  
158 mandatory motor vehicle liability insurance requirements.

159 (3) The department may adopt additional rules to:

160 (a) Assist authorized users in interpreting responses  
161 received from the motor vehicle insurance verification system and  
162 determining the appropriate action to be taken as a result of a  
163 response; and

164 (b) Otherwise clarify system operations and business  
165 rules.

166 **SECTION 5.** Every owner of a motor vehicle in this state  
167 shall comply with the motor vehicle liability insurance coverage  
168 in at least the minimum amounts required under Section 63-15-3(j)  
169 before that owner may apply for and receive a license tag for a



170 motor vehicle or renew a license tag. The owner must also  
171 maintain continuous coverage in at least the minimum amounts  
172 required under Section 63-15-3(j) throughout the license period.  
173 The response received from the system supersedes an insurance card  
174 produced by a motor vehicle owner or operator, and notwithstanding  
175 the display of an insurance card by the owner or operator, the  
176 owner may be denied a license tag for a motor vehicle or renewal  
177 of a license tag based on the verification system's response of  
178 noncompliance. The verification system's response of  
179 noncompliance shall be obtained by the tax collector through the  
180 Mississippi Department of Revenue's title/registration network  
181 system. If the owner acquired ownership of the motor vehicle  
182 within thirty (30) days before applying for the license tag, then  
183 the owner may be granted a license tag notwithstanding the  
184 response received from the verification system, but only if the  
185 owner provides proof or evidence that he acquired ownership of the  
186 motor vehicle within that thirty-day period.

187 **SECTION 6.** (1) Sections 1 through 7 of this act shall not  
188 apply to any motor vehicle that:

189 (a) Has commercial auto coverage;

190 (b) Is qualified for a fleet registration;

191 (c) Is part of a self-insured corporate or individual  
192 fleet registered under Section 27-19-66, or self-insured under  
193 Section 63-15-53;

194 (d) Is included in an insurance binder that has not  
195 been entered into the system at the time the verification system  
196 is accessed;

197 (e) Is exempted from the proof of insurance requirement  
198 under Section 63-15-4(1); or

199 (f) Has a gross vehicle weight of sixteen thousand  
200 (16,000) pounds or greater.

201 (2) For the purposes of Sections 1 through 7 of this act,  
202 "commercial auto coverage" is defined as any coverage provided to



203 an insured, regardless of number of vehicles or entity covered,  
204 under a commercial coverage form and rated from a commercial  
205 manual approved by the Department of Insurance. Sections 1  
206 through 7 of this act shall not apply to vehicles insured under  
207 commercial auto coverage; however, insurers of such vehicles may  
208 participate on a voluntary basis.

209 SECTION 7. (1) If the owner of a registered motor vehicle  
210 fails to have motor vehicle liability insurance in at least the  
211 minimum amounts required under Section 63-15-3(j), the  
212 Commissioner of Public Safety may suspend his driving privilege  
213 and may impose a civil penalty in an amount not less than Fifty  
214 Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), as  
215 set by the commissioner. If suspended, the driving privilege may  
216 not be reinstated by the commissioner until the owner has motor  
217 vehicle liability insurance in at least the minimum amounts  
218 required under Section 63-15-3(j) and has paid the civil penalties  
219 imposed by the commissioner. The person whose driving privilege  
220 has been suspended or who has been fined a civil penalty may make  
221 a written request, within ten (10) days after receipt of notice of  
222 the suspension or civil penalty, to the Department of Public  
223 Safety for a hearing and such request shall operate as a stay of  
224 any suspension and civil penalty pending the outcome of the  
225 hearing. The hearing officer shall review the merits of the  
226 suspension and civil penalty and make a determination on their  
227 status. Any person whose suspension and civil penalty has been  
228 sustained shall have the right to appeal in a court of proper  
229 jurisdiction. Civil penalties collected under this subsection  
230 shall be deposited into the special fund created under subsection  
231 (2) of this section.

232 (2) (a) There is created in the State Treasury a special  
233 fund to be designated as the "Uninsured Motorist Identification  
234 Fund." The fund shall consist of monies deposited therein as  
235 provided under subsection (1) and monies from any other source



236 designated for deposit into such fund. Unexpended amounts  
237 remaining in the fund at the end of a fiscal year shall not lapse  
238 into the State General Fund, and any interest earned or investment  
239 earnings on amounts in the fund shall be deposited to the credit  
240 of the fund; however, any monies in excess of the amount needed to  
241 defray the expenses and costs of the verification system created  
242 under Section 2 of this act remaining in the fund at the end of a  
243 fiscal year shall be transferred to the Motor Vehicle Ad Valorem  
244 Tax Reduction Fund created under Section 27-51-105.

245 (b) Monies in the special fund may be used by the  
246 Department of Public Safety, upon appropriation by the  
247 Legislature, only for the purpose of defraying expenses and costs  
248 for the motor vehicle insurance verification system created under  
249 Section 2 of this act. Monies in the fund used for the purposes  
250 described in this paragraph (b) shall be in addition to other  
251 funds available from any other source for such purposes.

252 **SECTION 8.** Section 63-15-4, Mississippi Code of 1972, is  
253 amended as follows:

254 63-15-4. (1) The following vehicles are exempted from the  
255 requirements of this section:

256 (a) Motor vehicles exempted by Section 63-15-5;

257 (b) Motor vehicles for which a bond or a certificate of  
258 deposit of money or securities in at least the minimum amounts  
259 required for proof of financial responsibility is on file with the  
260 department;

261 (c) Motor vehicles that are self-insured under Section  
262 63-15-53; and

263 (d) Implements of husbandry.

264 (2) (a) Every motor vehicle operated in this state shall  
265 have an insurance card maintained in the motor vehicle as proof of  
266 liability insurance that is in compliance with the liability  
267 limits required by Section 63-15-3(j). The insured parties shall





268 be responsible for maintaining the insurance card in each motor  
269 vehicle.

270 (b) An insurance company issuing a policy of motor  
271 vehicle liability insurance as required by this section shall  
272 furnish to the insured an insurance card for each motor vehicle at  
273 the time the insurance policy becomes effective. Beginning on  
274 July 1, 2012, insurers shall furnish commercial auto coverage  
275 customers with an insurance card clearly marked with the  
276 identifier, "Commercial Auto Insurance" or "Fleet" or similar  
277 language, to reflect that the vehicle is insured under a  
278 commercial auto policy.

279 (3) Upon stopping a motor vehicle at a roadblock where all  
280 passing motorists are checked as a method to enforce traffic laws  
281 or upon stopping a motor vehicle for any other statutory  
282 violation, a law enforcement officer, who is authorized to issue  
283 traffic citations, shall verify that the insurance card required  
284 by this section is in the motor vehicle. However, no driver shall  
285 be stopped or detained solely for the purpose of verifying that an  
286 insurance card is in the motor vehicle unless the stop is part of  
287 such roadblock. If the law enforcement officer uses the  
288 verification system created in Section 2 of this act and receives  
289 a response from the system verifying that the owner of the motor  
290 vehicle has liability insurance in the amounts required under  
291 Section 63-15-3(j), then the officer shall not issue a citation  
292 under this section notwithstanding any failure to display an  
293 insurance card by the owner or operator.

294 (4) Failure of the owner or the operator of a motor vehicle  
295 to have the insurance card in the motor vehicle is a misdemeanor  
296 and, upon conviction, is punishable by a fine of Five Hundred  
297 Dollars (\$500.00) and suspension of driving privilege for a period  
298 of one (1) year or until the owner of the motor vehicle shows  
299 proof of liability insurance that is in compliance with the  
300 liability limits required by Section 63-15-3(j). Fraudulent use



301 of an insurance card shall be punishable in accordance with  
302 Section 97-7-10. The funds from such fines shall be deposited in  
303 the State General Fund in the State Treasury. However, if such  
304 fines are levied in a municipal court, fifty percent (50%) of the  
305 funds from such fines shall be deposited in the general fund of  
306 the municipality. If such fines are levied in any of the courts  
307 of the county, fifty percent (50%) of the funds from such fines  
308 shall be deposited in the general fund of the county.

309 (5) If, at the hearing date or the date of payment of the  
310 fine, the motor vehicle owner shows proof of motor vehicle  
311 liability insurance in the amounts required by Section 63-15-3(j),  
312 the fine shall be reduced to One Hundred Dollars (\$100.00). If  
313 the owner shows proof that such insurance was in effect at the  
314 time of citation, the case shall be dismissed as to the defendant  
315 with prejudice and all court costs shall be waived against the  
316 defendant.

317 **SECTION 9.** Sections 1 through 7 of this act shall stand  
318 repealed from and after July 1, 2015.

319 **SECTION 10.** This act shall take effect and be in force from  
320 and after July 1, 2011, except for Section 5 of this act which  
321 shall take effect and be in force from and after July 1, 2012.

