

March 30, 2011

TO THE MISSISSIPPI HOUSE OF REPRESENTATIVES:

GOVERNOR'S VETO MESSAGE FOR HOUSE BILL 620

I am returning House Bill Number 620: "AN ACT TO CREATE THE PUBLIC SAFETY VERIFICATION AND ENFORCEMENT ACT; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY, IN COOPERATION WITH THE COMMISSIONER OF INSURANCE AND DEPARTMENT OF REVENUE, TO CREATE AN ACCESSIBLE COMMON CARRIER-BASED MOTOR VEHICLE INSURANCE VERIFICATION SYSTEM; TO PROVIDE FOR LAW ENFORCEMENT USE OF THE SYSTEM; TO ALLOW INSURERS TO PROVIDE CERTAIN INFORMATION TO BE USED IN THE SYSTEM; TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO ADMINISTER AND ENFORCE THE PROVISIONS OF THIS ACT AND REQUIRE THE DEPARTMENT TO MAKE RULES NECESSARY FOR THE ADMINISTRATION OF THE MOTOR VEHICLE INSURANCE VERIFICATION SYSTEM CREATED UNDER THIS ACT; TO REQUIRE COMPLIANCE WITH THE MOTOR VEHICLE SAFETY-RESPONSIBILITY ACT BEFORE RECEIVING A MOTOR VEHICLE LICENSE TAG; TO REQUIRE THE OWNER OF THE MOTOR VEHICLE TO MAINTAIN CONTINUOUS COVERAGE THROUGHOUT THE LICENSE PERIOD; TO AUTHORIZE SUSPENSION OF DRIVING PRIVILEGES IF A MOTOR VEHICLE OWNER FAILS TO HAVE THE REQUIRED MOTOR VEHICLE LIABILITY INSURANCE; TO AUTHORIZE THE COMMISSIONER OF PUBLIC SAFETY TO IMPOSE CIVIL PENALTIES BECAUSE OF SUCH FAILURE; TO PROVIDE THE REQUIREMENTS FOR REINSTATEMENT OF A SUSPENDED LICENSE; TO PROVIDE THAT MONIES FROM THE COMMISSIONER'S CIVIL PENALTIES SHALL BE DEPOSITED INTO A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE MOTORIST IDENTIFICATION DATABASE FUND; TO PROVIDE THAT MONIES IN THE SPECIAL FUND MAY BE USED BY THE DEPARTMENT OF PUBLIC SAFETY, UPON APPROPRIATION BY THE LEGISLATURE, FOR THE PURPOSE OF DEFRAYING EXPENSES AND COSTS FOR THE MOTOR VEHICLE INSURANCE VERIFICATION SYSTEM; TO PROVIDE THAT MONIES IN THE SPECIAL FUND IN EXCESS OF THE AMOUNT NEEDED TO DEFRAY THE EXPENSES AND COSTS OF THE VERIFICATION SYSTEM REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL BE TRANSFERRED TO THE MOTOR VEHICLE AD VALOREM TAX REDUCTION FUND; TO AMEND SECTION 63-15-4, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES" without my approval, and assign the following reasons for my veto.

House Bill 620 requires the Department of Public Safety, in cooperation with the Department of Revenue and the Department of Insurance, to establish and maintain a system that provides access to liability insurance policy status information in order to verify motor vehicle liability insurance coverage; however, it is not clear how much this system will cost and whether the civil penalties imposed by the Department of Public Safety will pay for the costs and expenses of the system. I think further analysis of how much the system will cost to establish and operate on a 24-hour a day/7 day a week basis and how much we expect to collect in penalties is warranted.

Furthermore, I am concerned that this bill tasks the Department of Public Safety with patrolling for uninsured motor vehicles in addition to patrolling for violations of highway traffic safety laws. The Department of Public Safety's mission is to catch operators of vehicles, not owners, who violate the law, yet this bill requires the Department to suspend the driver's license of the owner of the vehicle if the officer does not believe the vehicle is insured.

With the exception of one section, House Bill 620 has a July 1, 2011 effective date. This does not give the appropriate state agency authorities time to analyze the costs and develop a system that works and pays for itself. Let me be clear – I am supportive of the concept. I believe this bill can be fixed by clearly delineating the duties and responsibilities of the appropriate agencies, including the Department of Public Safety, the Department of Insurance and the Department of Revenue. Once the language in the bill is cleaned up, these agencies will be able to develop a workable system to verify motor vehicle liability insurance coverage of the vehicles on the highway. Toward that end, I am amenable to including this in the next special session.

For these reasons, I am vetoing House Bill 620.

Respectfully submitted,

HALEY BARBOUR  
GOVERNOR