

By: Representative Bell (65th)

To: Insurance;
Transportation

HOUSE BILL NO. 92

1 AN ACT TO AMEND SECTION 63-15-3, MISSISSIPPI CODE OF 1972, TO
2 INCREASE THE MINIMUM MANDATORY MOTOR VEHICLE LIABILITY INSURANCE
3 REQUIRED FOR COMMERCIAL MOTOR VEHICLES; TO PROVIDE A COMBINED
4 SINGLE LIMIT OPTION FOR COMMERCIAL MOTOR VEHICLES; TO DEFINE
5 COMMERCIAL MOTOR VEHICLES; TO AMEND SECTION 83-11-101, MISSISSIPPI
6 CODE OF 1972, TO ELIMINATE THE OPTION TO REJECT MANDATORY
7 UNINSURED MOTORIST COVERAGE FOR COMMERCIAL MOTOR VEHICLES; AND FOR
8 RELATED PURPOSES.

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

10 **SECTION 1.** Section 63-15-3, Mississippi Code of 1972, is
11 amended as follows:

12 63-15-3. The following words and phrases, when used in this
13 chapter, shall, for the purposes of this chapter, have the
14 meanings respectively ascribed to them in this section, except in
15 those instances where the context clearly indicates a different
16 meaning:

17 (a) "Highway" means the entire width between property
18 lines of any road, street, way, thoroughfare or bridge in the
19 State of Mississippi not privately owned or controlled, when any
20 part thereof is open to the public for vehicular traffic and over



21 which the state has legislative jurisdiction under its police
22 power.

23 (b) "Judgment" means any judgment which shall have
24 become final by expiration, without appeal, of the time within
25 which an appeal might have been perfected, or by final affirmation
26 on appeal, rendered by a court of competent jurisdiction of any
27 state or of the United States, upon a cause of action arising out
28 of the ownership, maintenance or use of any motor vehicle, for
29 damages, including damages for care and loss of services, because
30 of bodily injury to or death of any person, or for damages because
31 of injury to or destruction of property, including the loss of use
32 thereof, or upon a cause of action on an agreement of settlement
33 for such damages.

34 (c) "Motor vehicle" means every self-propelled vehicle
35 (other than traction engines, road rollers and graders, tractor
36 cranes, power shovels, well drillers, implements of husbandry and
37 electric personal assistive mobility device as defined in Section
38 63-3-103) which is designed for use upon a highway, including
39 trailers and semitrailers designed for use with such vehicles, and
40 every vehicle which is propelled by electric power obtained from
41 overhead wires but not operated upon rails.

42 For purposes of this definition, "implements of husbandry"
43 shall not include trucks, pickup trucks, trailers and semitrailers
44 designed for use with such trucks and pickup trucks.



45 (d) "License" means any driver's, operator's,
46 commercial operator's, or chauffeur's license, temporary
47 instruction permit or temporary license, or restricted license,
48 issued under the laws of the State of Mississippi pertaining to
49 the licensing of persons to operate motor vehicles.

50 (e) "Nonresident" means every person who is not a
51 resident of the State of Mississippi.

52 (f) "Nonresident's operating privilege" means the
53 privilege conferred upon a nonresident by the laws of Mississippi
54 pertaining to the operation by him of a motor vehicle, or the use
55 of a motor vehicle owned by him, in the State of Mississippi.

56 (g) "Operator" means every person who is in actual
57 physical control of a motor vehicle.

58 (h) "Owner" means a person who holds the legal title of
59 a motor vehicle; in the event a motor vehicle is the subject of an
60 agreement for the conditional sale or lease thereof with the right
61 of purchase upon performance of the conditions stated in the
62 agreement and with an immediate right of possession vested in the
63 conditional vendee or lessee or in the event a mortgagor of a
64 vehicle is entitled to possession, then such conditional vendee or
65 lessee or mortgagor shall be deemed the owner for the purpose of
66 this chapter.

67 (i) "Person" means every natural person, firm,
68 copartnership, association or corporation.



69 (j) "Proof of financial responsibility" means proof of
70 ability to respond in damages for liability, on account of
71 accidents occurring subsequent to the effective date of said
72 proof, arising out of the ownership, maintenance or use of, for a
73 noncommercial motor vehicle, in the amount of Twenty-five Thousand
74 Dollars (\$25,000.00) because of bodily injury to or death of one
75 (1) person in any one (1) accident, and subject to said limit for
76 one (1) person, in the amount of Fifty Thousand Dollars
77 (\$50,000.00) because of bodily injury to or death of two (2) or
78 more persons in any one (1) accident, and in the amount of
79 Twenty-five Thousand Dollars (\$25,000.00) because of injury to or
80 destruction of property of others in any one (1) accident; and for
81 a commercial motor vehicle, either (i) in the amount of One
82 Hundred Thousand Dollars (\$100,000.00) because of bodily injury to
83 or death of one (1) person in any one (1) accident, and subject to
84 said limit for one (1) person, in the amount of Three Hundred
85 Thousand Dollars (\$300,000.00) because of bodily injury to or
86 death of two (2) or more persons in any one (1) accident, and in
87 the amount of One Hundred Thousand Dollars (\$100,000.00) because
88 of injury to or destruction of property of others in any one (1)
89 accident, or (ii) in an amount of Seven Hundred Fifty Thousand
90 Dollars (\$750,000.00) as a combined single limit of liability
91 because of bodily injury to or death of one (1) or more persons
92 and injury to or destruction of property of others in any one (1)
93 accident. In addition, proof of financial responsibility for all



94 commercial motor vehicles shall include medical payments coverage
95 in an amount of One Thousand Dollars (\$1,000.00) or more.

96 Liability insurance required under this paragraph (j) may contain
97 exclusions and limitations on coverage as long as the exclusions
98 and limitations language or form has been filed with and approved
99 by the Commissioner of Insurance.

100 (k) "Registration" means a certificate or certificates
101 and registration plates issued under the laws of this state
102 pertaining to the registration of motor vehicles.

103 (l) "Department" means the Department of Public Safety
104 of the State of Mississippi, acting directly or through its
105 authorized officers and agents, except in such sections of this
106 chapter in which some other state department is specifically
107 named.

108 (m) "State" means any state, territory or possession of
109 the United States, the District of Columbia, or any province of
110 the Dominion of Canada.

111 (n) "Commercial motor vehicle" means a motor vehicle
112 with a gross vehicle weight rating over ten thousand (10,000)
113 pounds.

114 **SECTION 2.** Section 83-11-101, Mississippi Code of 1972, is
115 amended as follows:

116 83-11-101. (1) No automobile liability insurance policy or
117 contract shall be issued or delivered after January 1, 1967,
118 unless it contains an endorsement or provisions undertaking to pay



119 the insured all sums which he shall be legally entitled to recover
120 as damages for bodily injury or death from the owner or operator
121 of an uninsured motor vehicle, within limits which shall be no
122 less than those set forth in the Mississippi Motor Vehicle Safety
123 Responsibility Law, as amended, under provisions approved by the
124 Commissioner of Insurance; however, at the option of the insured,
125 the uninsured motorist limits may be increased to limits not to
126 exceed those provided in the policy of bodily injury liability
127 insurance of the insured or such lesser limits as the insured
128 elects to carry over the minimum requirement set forth by this
129 section. The coverage herein required shall not be applicable
130 where any insured named in the policy shall reject the coverage in
131 writing and provided further, that unless the named insured
132 requests such coverage in writing, such coverage need not be
133 provided in any renewal policy where the named insured had
134 rejected the coverage in connection with a policy previously
135 issued to him by the same insurer. However, the coverage herein
136 required may not be rejected for a commercial motor vehicle as
137 defined in Section 63-15-3(n).

138 (2) No automobile liability insurance policy or contract
139 shall be issued or delivered after January 1, 1980, unless it
140 contains an endorsement or provisions undertaking to pay the
141 insured all sums which he shall be legally entitled to recover as
142 damages for property damage from the owner or operator of an
143 uninsured motor vehicle, within limits which shall be no less than



144 those set forth in the Mississippi Motor Vehicle Safety
145 Responsibility Law, as amended, under provisions approved by the
146 Commissioner of Insurance; however, at the option of the insured,
147 the uninsured motorist limits may be increased to limits not to
148 exceed those provided in the policy of property damage liability
149 insurance of the insured or such lesser limits as the insured
150 elects to carry over the minimum requirement set forth by this
151 section. The coverage herein required shall not be applicable
152 where any insured named in the policy shall reject the coverage in
153 writing and provided further, that unless the named insured
154 requests such coverage in writing, such coverage need not be
155 provided in any renewal policy where the named insured had
156 rejected the coverage in connection with a policy previously
157 issued to him by the same insurer. However, the coverage herein
158 required may not be rejected for a commercial motor vehicle as
159 defined in Section 63-15-3(n).

160 The property damage provision may provide an exclusion for
161 the first Two Hundred Dollars (\$200.00) of such property damage;
162 however, the uninsured motorist provision need not insure any
163 liability for property damage, for which loss the policyholder has
164 been compensated by insurance or otherwise.

165 (3) The insured may reject the property damage liability
166 insurance coverage required by subsection (2) and retain the
167 bodily injury liability insurance coverage required by subsection
168 (1), but if the insured rejects the bodily injury liability



169 coverage he may not retain the property damage liability coverage.
170 No insured may have property damage liability insurance coverage
171 under this section unless he also has bodily injury liability
172 insurance coverage under this section. However, the coverage
173 required in subsections (1) and (2) of this section may not be
174 rejected for a commercial motor vehicle as defined in Section
175 63-15-3(n).

176 (4) In the course of the sale or issuance of any automobile
177 liability insurance policy, insurers shall inform the named
178 insured or applicant, on a form approved by the Department of
179 Insurance, of the benefits of and reasons for electing to purchase
180 uninsured motorist coverage. If the insured named in the policy
181 wishes to reject uninsured motorist coverage, such form shall be
182 signed by or on behalf of the named insured. If this form is
183 signed by or on behalf of the named insured, it is binding upon
184 all persons insured by the automobile liability insurance policy
185 and it shall be presumed that there was an informed, knowing
186 rejection and waiver of uninsured motorist coverage.

187 **SECTION 3.** This act shall take effect and be in force from
188 and after July 1, 2018.

