

By: Representative Chism

To: Insurance

HOUSE BILL NO. 324

1 AN ACT TO AMEND SECTION 63-16-5, MISSISSIPPI CODE OF 1972, TO
 2 REQUIRE THE COMMISSIONER OF PUBLIC SAFETY TO DEVELOP PROCEDURES
 3 FOR THE DEPARTMENT OF PUBLIC SAFETY TO REVIEW EACH MOTOR VEHICLE
 4 INCIDENT TO DETERMINE IF THE DRIVER OF A MOTOR VEHICLE INVOLVED IN
 5 THE INCIDENT WAS FOUND IN VIOLATION AND CITED FOR FAILURE TO HAVE
 6 THE MINIMUM REQUIRED MOTOR VEHICLE LIABILITY INSURANCE OR PROOF OF
 7 SUCH; TO PROVIDE FOR PENALTIES IF THE DEPARTMENT INDEPENDENTLY
 8 DETERMINES, USING THE MISSISSIPPI VEHICLE INSURANCE VERIFICATION
 9 SYSTEM, THAT THE MOTOR VEHICLE VIOLATED MINIMUM LIABILITY
 10 INSURANCE REQUIREMENTS AT THE TIME OF THE MOTOR VEHICLE INCIDENT;
 11 TO AMEND SECTION 63-16-13, MISSISSIPPI CODE OF 1972, TO CONFORM;
 12 AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 63-16-5, Mississippi Code of 1972, is
 15 amended as follows:

16 63-16-5. (1) A law enforcement officer or authorized
 17 employee of a law enforcement agency may, during the course of a
 18 traffic stop or accident investigation, access the verification
 19 system established under Section 63-16-3 to verify whether a motor
 20 vehicle is covered by a valid motor vehicle liability policy in at
 21 least the minimum amounts required under Section 63-15-3(j).

22 (2) The response received from the system supersedes an
 23 insurance card produced by a motor vehicle operator, and



24 notwithstanding the display of an insurance card by the operator,
25 the law enforcement officer may issue a complaint and notice to
26 appear to the operator for a violation of the Mississippi Motor
27 Vehicle Safety-Responsibility Law. A law enforcement officer may
28 exercise discretion in issuing a citation during the first sixty
29 (60) days after proof of temporary insurance is issued by an
30 insurance company, if the verification system shows that the
31 insured's policy is expired and the operator provides proof of
32 insurance with a new insurance company or a new insurance card.

33 (3) Except upon reasonable cause to believe that a driver
34 has violated another traffic regulation or that the driver's motor
35 vehicle is unsafe or not equipped as required by law, a law
36 enforcement officer may not use the verification system to stop a
37 driver for operating a motor vehicle in violation of this chapter.

38 (4) (a) "Motor vehicle incident" means an incident
39 involving the driver of a motor vehicle when a traffic citation or
40 written warning was issued by a law enforcement officer or the
41 driver of a motor vehicle was involved in an accident and an
42 accident report was filed.

43 (b) The Commissioner of Public Safety shall develop
44 procedures for the Department of Public Safety to review each
45 motor vehicle incident to determine if the driver of a motor
46 vehicle involved in the incident was found in violation and cited
47 under Section 63-15-4(4) or Section 63-16-13(1).



48 (c) If the department determines that the driver of a
49 motor vehicle was found in violation and cited under Section
50 63-15-4(4) or Section 63-16-13(1), related to the motor vehicle
51 incident, this subsection (4) shall have no further application to
52 the driver.

53 (d) If the department determines that the driver of a
54 motor vehicle was not given a citation under Section 63-15-4(4) or
55 Section 63-16-13(1) at the time of the motor vehicle incident, the
56 department shall make an independent determination whether the
57 motor vehicle was covered under motor vehicle liability insurance
58 in at least the minimum amounts required under Section 63-15-3(j)
59 at the time of the motor vehicle incident. The department shall
60 utilize the Mississippi Vehicle Insurance Verification System in
61 order to make such determination.

62 (e) All city and county law enforcement agencies and
63 courts throughout the state shall cooperate with the department in
64 providing their motor vehicle incident records that are not
65 already in the possession of the department. This shall be done
66 in a timely manner as specified by the department.

67 (f) If, using the Mississippi Motor Vehicle Insurance
68 Verification System, the department makes the determination that
69 the motor vehicle was not covered under motor vehicle liability
70 insurance in at least the minimum amounts required under Section
71 63-15-3(j) at the time of the motor vehicle incident and the
72 driver was not cited, the Commissioner of Public Safety, or



73 authorized agent, shall suspend the motor vehicle operator's
74 driving privilege and impose a civil penalty in an amount of Three
75 Hundred Dollars (\$300.00) upon a first violation, in an amount of
76 Four Hundred Dollars (\$400.00) upon a second violation and in an
77 amount of Five Hundred Dollars (\$500.00) upon a third or
78 subsequent violation. If suspended, the driving privilege shall
79 not be reinstated until the operator has motor vehicle liability
80 insurance in at least the minimum amounts required under Section
81 63-15-3(j) and has paid the civil penalties imposed and the
82 driver's license reinstatement fees imposed by the Department of
83 Public Safety. Any person shall have the right to appeal in a
84 court of proper jurisdiction any suspension or civil penalty under
85 this section on the issue of whether the vehicle was in compliance
86 with the minimum motor vehicle liability requirements at the time
87 of the motor vehicle incident. If the matter is appealed and a
88 violation is found, then the court shall not reduce, suspend or
89 suspend the execution of any penalty imposed under the provisions
90 of this subsection, in whole or in part. It shall be the duty of
91 the county prosecuting attorney, an attorney employed under the
92 provisions of Section 19-3-49, or in the event there is no such
93 prosecuting attorney for the county, the duty of the district
94 attorney to represent the state in any appeal held under this
95 subsection. Civil penalties collected under this subsection shall
96 be deposited into the Uninsured Motorist Identification Fund
97 created under Section 63-16-13(2). However, if a citation had



98 been issued at the motor vehicle incident and the appeal of such
99 civil penalty would have been under the proper jurisdiction of a
100 municipal court, One Hundred Dollars (\$100.00) of the funds from
101 such civil penalty shall be deposited in the general fund of that
102 municipality. If a citation had been issued at the motor vehicle
103 incident and the appeal of such civil penalty would have been
104 under the proper jurisdiction of any of the courts of a county,
105 One Hundred Dollars (\$100.00) of the funds from such civil penalty
106 shall be deposited in the general fund of that county.

107 (g) The notice of suspension and civil penalty, which
108 shall be effective thirty (30) days after the date of notice,
109 shall be sent by first class United States mail to the address in
110 the records of the department or otherwise available to the
111 department on a traffic citation or accident report. The
112 department's review of motor vehicle incidents under the
113 provisions of this subsection (4) may not be made for motor
114 vehicle incidents that occurred more than six (6) months prior to
115 the review. The Commissioner of Public Safety shall promulgate
116 regulations necessary to implement this subsection (4).

117 **SECTION 2.** Section 63-16-13, Mississippi Code of 1972, is
118 amended as follows:

119 63-16-13. (1) If the operator of a motor vehicle being
120 operated on the public roads, streets or highways of the State of
121 Mississippi or registered in the State of Mississippi has been
122 found failing to have motor vehicle liability insurance in at



123 least the minimum amounts required under Section 63-15-3(j), a
124 court of proper jurisdiction shall suspend the operator's driving
125 privilege and shall impose a civil penalty in an amount of Three
126 Hundred Dollars (\$300.00) upon a first violation, in an amount of
127 Four Hundred Dollars (\$400.00) upon a second violation and in an
128 amount of Five Hundred Dollars (\$500.00) upon a third or
129 subsequent violation. If suspended, the driving privilege shall
130 not be reinstated until the operator has motor vehicle liability
131 insurance in at least the minimum amounts required under Section
132 63-15-3(j) and has paid the civil penalties imposed and driver's
133 license reinstatement fees imposed by the Department of Public
134 Safety. Any person shall have the right to appeal any suspension
135 or civil penalty under this section in a court of proper
136 jurisdiction. If the matter is appealed and a violation is found,
137 then the court shall not reduce, suspend or suspend the execution
138 of any penalty imposed under the provisions of this subsection, in
139 whole or in part. It shall be the duty of the county prosecuting
140 attorney, an attorney employed under the provisions of Section
141 19-3-49, or in the event there is no such prosecuting attorney for
142 the county, the duty of the district attorney to represent the
143 state in any appeal held under this subsection. Civil penalties
144 collected under this subsection shall be deposited into the
145 special fund created under subsection (2) of this section.
146 However, if the appeal of such civil penalty would be under the
147 proper jurisdiction of a municipal court, One Hundred Dollars



148 (\$100.00) of the funds from such civil penalty shall be deposited
149 in the general fund of that municipality. If the appeal of such
150 civil penalty would be under the proper jurisdiction of any of the
151 courts of a county, One Hundred Dollars (\$100.00) of the funds
152 from such civil penalty shall be deposited in the general fund of
153 that county. A person convicted of a civil violation under this
154 subsection (1) shall not be convicted of a criminal offense under
155 Section 63-15-4(4) arising from the same incident.

156 (2) (a) There is created in the State Treasury a special
157 fund to be designated as the "Uninsured Motorist Identification
158 Fund." The fund shall consist of monies deposited therein as
159 provided under subsection (1) of this section and monies from any
160 other source designated for deposit into such fund. Unexpended
161 amounts remaining in the fund at the end of a fiscal year shall
162 not lapse into the State General Fund, and any interest earned or
163 investment earnings on amounts in the fund shall be deposited to
164 the credit of the fund; however, one-half (1/2) of any monies in
165 excess of the amount needed to defray the expenses and costs of
166 the verification system created under Section 63-16-3 remaining in
167 the fund at the end of a fiscal year shall be transferred to the
168 Motor Vehicle Ad Valorem Tax Reduction Fund created under Section
169 27-51-105, and one-half (1/2) of any monies in excess of the
170 amount needed to defray the expenses and costs of the verification
171 system created under Section 63-16-3 remaining in the fund at the



172 end of a fiscal year shall be transferred to the Mississippi
173 Trauma Care Systems Fund created under Section 41-59-75.

174 (b) Monies in the special fund may be used by the
175 Department of Public Safety, upon appropriation by the
176 Legislature, only for the purpose of defraying expenses and costs
177 for the motor vehicle insurance verification system created under
178 Section 63-16-3, including the expenses and costs of administering
179 the requirements of Section 63-16-5(4). In addition, at any time
180 during a fiscal year, if the Department of Public Safety
181 determines that funds in the Law Enforcement Officers and Fire
182 Fighters Death Benefits Trust Fund created under Section 45-2-1
183 are insufficient, the department may request the State Fiscal
184 Officer to transfer funds from the Uninsured Motorist
185 Identification Fund. The State Fiscal Officer may make an
186 appropriate transfer if he determines that the funds in the Law
187 Enforcement Officers and Fire Fighters Death Benefits Trust Fund
188 are insufficient and the funds in the Uninsured Motorist
189 Identification Fund will be sufficient for defraying the expenses
190 and costs for the motor vehicle insurance verification system
191 created under Section 63-16-3. Monies in the fund used for the
192 purposes described in this paragraph (b) shall be in addition to
193 other funds available from any other source for such purposes.

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

