

By: Representative Chism

To: Insurance

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 325

1 AN ACT TO AMEND SECTION 63-15-4, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE PENALTIES FOR THE CRIME OF FAILURE TO HAVE AN INSURANCE
3 CARD; TO AMEND SECTION 63-16-13, MISSISSIPPI CODE OF 1972, TO
4 PROVIDE THAT ANY MONIES IN EXCESS OF THE AMOUNT NEEDED TO DEFRAY
5 THE EXPENSES AND COSTS OF THE VERIFICATION SYSTEM REMAINING IN THE
6 UNINSURED MOTORIST IDENTIFICATION FUND AT THE END OF A FISCAL YEAR
7 SHALL BE TRANSFERRED TO A SPECIAL FUND CREATED IN THE STATE
8 TREASURY FOR THE PURPOSE OF FUNDING A HIGHWAY PATROL TROOPER
9 SCHOOL; TO CHANGE THE VIOLATION FROM A CIVIL VIOLATION TO A
10 CRIMINAL OFFENSE FOR FAILURE TO HAVE MANDATORY MOTOR VEHICLE
11 LIABILITY INSURANCE; TO AMEND SECTION 99-19-73, MISSISSIPPI CODE
12 OF 1972, TO CREATE STATE ASSESSMENTS FOR THE UNINSURED MOTORIST
13 IDENTIFICATION FUND; TO BRING FORWARD SECTION 63-16-5, MISSISSIPPI
14 CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED
15 PURPOSES.

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

17 **SECTION 1.** Section 63-15-4, Mississippi Code of 1972, is
18 amended as follows:

19 63-15-4. (1) The following vehicles are exempted from the
20 requirements of this section:

- 21 (a) Motor vehicles exempted by Section 63-15-5;
- 22 (b) Motor vehicles for which a bond or a certificate of
- 23 deposit of money or securities in at least the minimum amounts



24 required for proof of financial responsibility is on file with the
25 department;

26 (c) Motor vehicles that are self-insured under Section
27 63-15-53; and

28 (d) Implements of husbandry.

29 (2) (a) Every motor vehicle operated in this state shall
30 have a motor vehicle liability insurance policy that covers the
31 vehicle and is in compliance with the liability limits required by
32 Section 63-15-3(j). The insured parties shall be responsible for
33 maintaining the insurance on each motor vehicle.

34 (b) An insurance company issuing a policy of motor
35 vehicle liability insurance as required by this section shall
36 furnish to the insured an insurance card for each motor vehicle at
37 the time the insurance policy becomes effective. The insurance
38 card may be furnished in either paper or electronic format as
39 chosen by the insured. Acceptable electronic formats include
40 display of electronic images on a cellular phone or any other type
41 of electronic device. Beginning on July 1, 2013, insurers shall
42 furnish commercial auto coverage customers with an insurance card
43 clearly marked with the identifier, "Commercial Auto Insurance" or
44 "Fleet" or similar language, to reflect that the vehicle is
45 insured under a commercial auto policy.

46 (3) Upon stopping a motor vehicle at a roadblock where all
47 passing motorists are checked as a method to enforce traffic laws
48 or upon stopping a motor vehicle for any other statutory



49 violation, a law enforcement officer, who is authorized to issue
50 traffic citations, shall verify that the insurance card required
51 by this section is in the motor vehicle or is displayed by
52 electronic image on a cellular phone or other type of electronic
53 device. However, no driver shall be stopped or detained solely
54 for the purpose of verifying that the motor vehicle is covered by
55 liability insurance in the amounts required under Section
56 63-15-3(j) unless the stop is part of such roadblock. If the law
57 enforcement officer uses the verification system created in
58 Section 63-16-3 and receives a response from the system verifying
59 that the owner of the motor vehicle has liability insurance in the
60 amounts required under Section 63-15-3(j), then the officer shall
61 not issue a citation under this section notwithstanding any
62 failure to display an insurance card by the owner or operator.

63 (4) Failure of the owner or the operator of a motor vehicle
64 to have the insurance card in the motor vehicle, or to display the
65 insurance card by electronic image on a cellular phone or other
66 type of electronic device, is a misdemeanor and, upon conviction,
67 is punishable by a fine of * * * One Hundred Dollars (\$100.00) and
68 suspension of driving privilege for a period of one (1) year or
69 until the owner of the motor vehicle shows proof of liability
70 insurance that is in compliance with the liability limits required
71 by Section 63-15-3(j) and has paid the fines and assessments
72 imposed and the driver's license reinstatement fees imposed by the
73 Department of Public Safety. Fraudulent use of an insurance card



74 shall be punishable in accordance with Section 97-7-10. * * * If
75 such fines are levied in a municipal court, * * * the funds from
76 such fines shall be deposited in the general fund of the
77 municipality. If such fines are levied in any of the courts of
78 the county, * * * the funds from such fines shall be deposited in
79 the general fund of the county. A person convicted of a criminal
80 offense under this subsection (4) shall not be convicted of
81 a * * * criminal offense under Section 63-16-13(1) arising from
82 the same incident.

83 (5) If, at the hearing date or the date of payment of the
84 fine * * * the owner shows proof that such insurance was in effect
85 at the time of citation, the case shall be dismissed as to the
86 defendant with prejudice and all court costs shall be waived
87 against the defendant.

88 (6) No law enforcement officer may access any function,
89 feature or other electronic image on a person's cellular phone or
90 other type of electronic device when enforcing the provisions of
91 this section except for the electronic image of an insurance card
92 shown to the officer.

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

95 63-16-13. (1) If the operator of a motor vehicle being
96 operated on the public roads, streets or highways of the State of
97 Mississippi or registered in the State of Mississippi has been
98 found failing to have motor vehicle liability insurance in at



99 least the minimum amounts required under Section 63-15-3(j), * * *
100 it is a misdemeanor and, upon conviction, is punishable by a fine
101 of One Hundred Dollars (\$100.00) and suspension of driving
102 privilege for a period of one (1) year or until the owner of the
103 motor vehicle shows proof of liability insurance that is in
104 compliance with the liability limits required by Section
105 63-15-3(j) and has paid the fines and assessments imposed and the
106 driver's license reinstatement fees imposed by the Department of
107 Public Safety. If such fines are levied in a municipal court, the
108 funds from such fines shall be deposited in the general fund of
109 the municipality. If such fines are levied in any of the courts
110 of the county, the funds from such fines shall be deposited in the
111 general fund of the county. A person convicted of a * * *
112 criminal offense under this subsection (1) shall not be convicted
113 of a criminal offense under Section 63-15-4(4) arising from the
114 same incident.

115 (2) (a) There is created in the State Treasury a special
116 fund to be designated as the "Uninsured Motorist Identification
117 Fund." The fund shall consist of monies deposited therein as
118 provided under subsection (1) of this section and monies from any
119 other source designated for deposit into such fund. Unexpended
120 amounts remaining in the fund at the end of a fiscal year shall
121 not lapse into the State General Fund, and any interest earned or
122 investment earnings on amounts in the fund shall be deposited to
123 the credit of the fund; however, one-half (1/2) of any monies in



124 excess of the amount needed to defray the expenses and costs of
125 the verification system created under Section 63-16-3 remaining in
126 the fund at the end of a fiscal year shall be transferred to * * *
127 a special fund created in the State Treasury for the purpose of
128 funding a Highway Patrol Trooper School, and one-half (1/2) of any
129 monies in excess of the amount needed to defray the expenses and
130 costs of the verification system created under Section 63-16-3
131 remaining in the fund at the end of a fiscal year shall be
132 transferred to the Mississippi Trauma Care Systems Fund created
133 under Section 41-59-75.

134 (b) Monies in the * * * Uninsured Motorist
135 Identification Fund may be used by the Department of Public
136 Safety, upon appropriation by the Legislature, only for the
137 purpose of defraying expenses and costs for the motor vehicle
138 insurance verification system created under Section 63-16-3. In
139 addition, at any time during a fiscal year, if the Department of
140 Public Safety determines that funds in the Law Enforcement
141 Officers and Fire Fighters Death Benefits Trust Fund created under
142 Section 45-2-1 are insufficient, the department may request the
143 State Fiscal Officer to transfer funds from the Uninsured Motorist
144 Identification Fund. The State Fiscal Officer may make an
145 appropriate transfer if he determines that the funds in the Law
146 Enforcement Officers and Fire Fighters Death Benefits Trust Fund
147 are insufficient and the funds in the Uninsured Motorist
148 Identification Fund will be sufficient for defraying the expenses



149 and costs for the motor vehicle insurance verification system
150 created under Section 63-16-3. Monies in the fund used for the
151 purposes described in this paragraph (b) shall be in addition to
152 other funds available from any other source for such purposes.

153 **SECTION 3.** Section 99-19-73, Mississippi Code of 1972, is
154 amended as follows:

155 99-19-73. (1) **Traffic violations.** In addition to any
156 monetary penalties and any other penalties imposed by law, there
157 shall be imposed and collected the following state assessment from
158 each person upon whom a court imposes a fine or other penalty for
159 any violation in Title 63, Mississippi Code of 1972, except
160 offenses relating to the Mississippi Implied Consent Law (Section
161 63-11-1 et seq.) and offenses relating to vehicular parking or
162 registration:

163 FUND	AMOUNT
164 State Court Education Fund.....	[Deleted]
165 State Prosecutor Education Fund.....	[Deleted]
166 Vulnerable Persons Training, 167 Investigation and Prosecution Trust Fund.....	[Deleted]
168 Child Support Prosecution Trust Fund.....	[Deleted]
169 Driver Training Penalty Assessment Fund.....	[Deleted]
170 Law Enforcement Officers Training Fund.....	[Deleted]
171 Spinal Cord and Head Injury Trust Fund 172 (for all moving violations).....	[Deleted]
173 Emergency Medical Services Operating Fund.....	[Deleted]



174 Mississippi Leadership Council on Aging Fund.....[Deleted]

175 Law Enforcement Officers and Fire Fighters

176 Death Benefits Trust Fund.....[Deleted]

177 Law Enforcement Officers and Fire Fighters

178 Disability Benefits Trust Fund.....[Deleted]

179 State Prosecutor Compensation Fund for the purpose

180 of providing additional compensation for

181 district attorneys and their legal assistants.....[Deleted]

182 Crisis Intervention Mental Health Fund.....[Deleted]

183 Drug Court Fund.....[Deleted]

184 Judicial Performance Fund.....[Deleted]

185 Capital Defense Counsel Fund.....[Deleted]

186 Indigent Appeals Fund.....[Deleted]

187 Capital Post-Conviction Counsel Fund.....[Deleted]

188 Victims of Domestic Violence Fund.....[Deleted]

189 Public Defenders Education Fund.....[Deleted]

190 Domestic Violence Training Fund.....[Deleted]

191 Attorney General's Cyber Crime Unit.....[Deleted]

192 Children's Safe Center Fund.....[Deleted]

193 DuBard School for Language Disorders Fund.....[Deleted]

194 Children's Advocacy Centers Fund.....[Deleted]

195 Judicial System Operation Fund.....[Deleted]

196 GENERAL FUND.....\$ 90.50

197 (2) **Implied Consent Law violations.** In addition to any

198 monetary penalties and any other penalties imposed by law, there



199 shall be imposed and collected the following state assessment from
200 each person upon whom a court imposes a fine or any other penalty
201 for any violation of the Mississippi Implied Consent Law (Section
202 63-11-1 et seq.):

203	FUND	AMOUNT
204	Crime Victims' Compensation Fund.....	[Deleted]
205	State Court Education Fund.....	[Deleted]
206	State Prosecutor Education Fund.....	[Deleted]
207	Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....	[Deleted]
208	Child Support Prosecution Trust Fund.....	[Deleted]
209	Driver Training Penalty Assessment Fund.....	[Deleted]
210	Law Enforcement Officers Training Fund.....	[Deleted]
211	Emergency Medical Services Operating Fund.....	[Deleted]
212	Mississippi Alcohol Safety Education Program Fund.....	[Deleted]
213	Federal-State Alcohol Program Fund.....	[Deleted]
214	Mississippi Forensics Laboratory Implied Consent Law Fund.....	[Deleted]
215	Spinal Cord and Head Injury Trust Fund.....	[Deleted]
216	Capital Defense Counsel Fund.....	[Deleted]
217	Indigent Appeals Fund.....	[Deleted]
218	Capital Post-Conviction Counsel Fund.....	[Deleted]
219	Victims of Domestic Violence Fund.....	[Deleted]
220	Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....	[Deleted]
221		
222		
223		



249 Hunter Education and Training Program Fund.....[Deleted]
 250 Law Enforcement Officers and Fire Fighters
 251 Death Benefits Trust Fund.....[Deleted]
 252 Law Enforcement Officers and Fire Fighters
 253 Disability Benefits Trust Fund.....[Deleted]
 254 State Prosecutor Compensation Fund for the purpose
 255 of providing additional compensation for district
 256 attorneys and their legal assistants.....[Deleted]
 257 Crisis Intervention Mental Health Fund.....[Deleted]
 258 Drug Court Fund.....[Deleted]
 259 Capital Defense Counsel Fund.....[Deleted]
 260 Indigent Appeals Fund.....[Deleted]
 261 Capital Post-Conviction Counsel Fund.....[Deleted]
 262 Victims of Domestic Violence Fund.....[Deleted]
 263 Public Defenders Education Fund.....[Deleted]
 264 Domestic Violence Training Fund.....[Deleted]
 265 Attorney General's Cyber Crime Unit.....[Deleted]
 266 GENERAL FUND.....\$ 89.00

267 (4) [Deleted]

268 (5) **Speeding, reckless and careless driving violations.** In
 269 addition to any assessment imposed under subsection (1) or (2) of
 270 this section, there shall be imposed and collected the following
 271 state assessment from each person upon whom a court imposes a fine
 272 or other penalty for driving a vehicle on a road or highway:

273 (a) At a speed that exceeds the posted speed limit by



274 at least ten (10) miles per hour but not more than twenty (20)
275 miles per hour.....\$10.00

276 (b) At a speed that exceeds the posted speed limit by
277 at least twenty (20) miles per hour but not more than thirty (30)
278 miles per hour.....\$20.00

279 (c) At a speed that exceeds the posted speed limit by
280 thirty (30) miles per hour or more.....\$30.00

281 (d) In violation of Section 63-3-1201, which is the
282 offense of reckless driving.....\$10.00

283 (e) In violation of Section 63-3-1213, which is the
284 offense of careless driving.....\$10.00

285 All assessments collected under this subsection shall be
286 deposited into the State General Fund.

287 (6) **Other misdemeanors.** In addition to any monetary
288 penalties and any other penalties imposed by law, there shall be
289 imposed and collected the following state assessment from each
290 person upon whom a court imposes a fine or other penalty for any
291 misdemeanor violation not specified in subsection (1), (2) or (3)
292 of this section, except offenses relating to vehicular parking or
293 registration:

294 FUND	AMOUNT
295 Crime Victims' Compensation Fund.....	\$[Deleted]
296 State Court Education Fund.....	[Deleted]
297 State Prosecutor Education Fund.....	[Deleted]
298 Vulnerable Persons Training, Investigation	



299 and Prosecution Trust Fund.....[Deleted]

300 Child Support Prosecution Trust Fund.....[Deleted]

301 Law Enforcement Officers Training Fund.....[Deleted]

302 Capital Defense Counsel Fund.....[Deleted]

303 Indigent Appeals Fund.....[Deleted]

304 Capital Post-Conviction Counsel Fund.....[Deleted]

305 Victims of Domestic Violence Fund.....[Deleted]

306 State Crime Stoppers Fund.....[Deleted]

307 Law Enforcement Officers and Fire Fighters

308 Death Benefits Trust Fund.....[Deleted]

309 Law Enforcement Officers and Fire Fighters

310 Disability Benefits Trust Fund.....[Deleted]

311 State Prosecutor Compensation Fund for the purpose

312 of providing additional compensation for

313 district attorneys and their legal assistants.....[Deleted]

314 Crisis Intervention Mental Health Fund.....[Deleted]

315 Drug Court Fund.....[Deleted]

316 Judicial Performance Fund.....[Deleted]

317 Statewide Victims' Information and

318 Notification System Fund.....[Deleted]

319 Public Defenders Education Fund.....[Deleted]

320 Domestic Violence Training Fund.....[Deleted]

321 Attorney General's Cyber Crime Unit.....[Deleted]

322 Information Exchange Network Fund.....[Deleted]

323 Motorcycle Officer Training Fund.....[Deleted]



324 Civil Legal Assistance Fund.....[Deleted]
325 Justice Court Collections Fund.....[Deleted]
326 Municipal Court Collections Fund.....[Deleted]
327 GENERAL FUND.....\$121.75

328 (7) **Other felonies.** In addition to any monetary penalties
329 and any other penalties imposed by law, there shall be imposed and
330 collected the following state assessment from each person upon
331 whom a court imposes a fine or other penalty for any felony
332 violation not specified in subsection (1), (2) or (3) of this
333 section:

334 FUND	AMOUNT
335 Crime Victims' Compensation Fund.....	.\$[Deleted]
336 State Court Education Fund.....	[Deleted]
337 State Prosecutor Education Fund.....	[Deleted]
338 Vulnerable Persons Training, Investigation 339 and Prosecution Trust Fund.....	[Deleted]
340 Child Support Prosecution Trust Fund.....	[Deleted]
341 Law Enforcement Officers Training Fund.....	[Deleted]
342 Capital Defense Counsel Fund.....	[Deleted]
343 Indigent Appeals Fund.....	[Deleted]
344 Capital Post-Conviction Counsel Fund.....	[Deleted]
345 Victims of Domestic Violence Fund.....	[Deleted]
346 Criminal Justice Fund.....	[Deleted]
347 Law Enforcement Officers and Fire Fighters 348 Death Benefits Trust Fund.....	[Deleted]



349 Law Enforcement Officers and Fire Fighters
350 Disability Benefits Trust Fund.....[Deleted]
351 State Prosecutor Compensation Fund for the purpose
352 of providing additional compensation for
353 district attorneys and their legal assistants.....[Deleted]
354 Crisis Intervention Mental Health Fund.....[Deleted]
355 Drug Court Fund.....[Deleted]
356 Statewide Victims' Information and
357 Notification System Fund.....[Deleted]
358 Public Defenders Education Fund.....[Deleted]
359 Domestic Violence Training Fund.....[Deleted]
360 Attorney General's Cyber Crime Unit.....[Deleted]
361 Forensics Laboratory DNA Identification System Fund.....[Deleted]
362 GENERAL FUND.....\$280.50

363 (8) **Additional assessments on certain violations:**

364 (a) **Railroad crossing violations.** In addition to any
365 monetary penalties and any other penalties imposed by law, there
366 shall be imposed and collected the following state assessment in
367 addition to all other state assessments due under this section
368 from each person upon whom a court imposes a fine or other penalty
369 for any violation involving railroad crossings under Section
370 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249:

371 Operation Lifesaver Fund.....\$25.00

372 (b) **Drug violations.** In addition to any monetary
373 penalties and any other penalties imposed by law, there shall be



374 imposed and collected the following state assessment in addition
375 to all other state assessments due under this section from each
376 person upon whom a court imposes a fine or other penalty for any
377 violation of Section 41-29-139:

378 Drug Evidence Disposition Fund.....\$25.00

379 (c) Motor vehicle liability insurance violations. In
380 addition to any monetary penalties and any other penalties imposed
381 by law, there shall be imposed and collected the following state
382 assessment in addition to all other state assessments due under
383 this section from each person upon whom a court imposes a fine or
384 other penalty for any violation of Section 63-15-4(4) or Section
385 63-16-13(1):

386 Uninsured Motorist Identification Fund:

387 First offense.....\$200.00

388 Second offense.....\$300.00

389 Third or subsequent offense.....\$400.00

390 (9) If a fine or other penalty imposed is suspended, in
391 whole or in part, such suspension shall not affect the state
392 assessment under this section. No state assessment imposed under
393 the provisions of this section may be suspended or reduced by the
394 court.

395 (10) (a) After a determination by the court of the amount
396 due, it shall be the duty of the clerk of the court to promptly
397 collect all state assessments imposed under the provisions of this



398 section. The state assessments imposed under the provisions of
399 this section may not be paid by personal check.

400 (b) It shall be the duty of the chancery clerk of each
401 county to deposit all state assessments collected in the circuit,
402 county and justice courts in the county on a monthly basis with
403 the State Treasurer pursuant to appropriate procedures established
404 by the State Auditor. The chancery clerk shall make a monthly
405 lump-sum deposit of the total state assessments collected in the
406 circuit, county and justice courts in the county under this
407 section, and shall report to the Department of Finance and
408 Administration the total number of violations under each
409 subsection for which state assessments were collected in the
410 circuit, county and justice courts in the county during that
411 month.

412 (c) It shall be the duty of the municipal clerk of each
413 municipality to deposit all the state assessments collected in the
414 municipal court in the municipality on a monthly basis with the
415 State Treasurer pursuant to appropriate procedures established by
416 the State Auditor. The municipal clerk shall make a monthly
417 lump-sum deposit of the total state assessments collected in the
418 municipal court in the municipality under this section, and shall
419 report to the Department of Finance and Administration the total
420 number of violations under each subsection for which state
421 assessments were collected in the municipal court in the
422 municipality during that month.



423 (11) It shall be the duty of the Department of Finance and
424 Administration to deposit on a monthly basis all state assessments
425 into the State General Fund or proper special fund in the State
426 Treasury. The Department of Finance and Administration shall
427 issue regulations providing for the proper allocation of these
428 funds.

429 (12) The State Auditor shall establish by regulation
430 procedures for refunds of state assessments, including refunds
431 associated with assessments imposed before July 1, 1990, and
432 refunds after appeals in which the defendant's conviction is
433 reversed. The Auditor shall provide in the regulations for
434 certification of eligibility for refunds and may require the
435 defendant seeking a refund to submit a verified copy of a court
436 order or abstract by which the defendant is entitled to a refund.
437 All refunds of state assessments shall be made in accordance with
438 the procedures established by the Auditor.

439 **SECTION 4.** Section 63-16-5, Mississippi Code of 1972, is
440 brought forward as follows:

441 63-16-5. (1) A law enforcement officer or authorized
442 employee of a law enforcement agency may, during the course of a
443 traffic stop or accident investigation, access the verification
444 system established under Section 63-16-3 to verify whether a motor
445 vehicle is covered by a valid motor vehicle liability policy in at
446 least the minimum amounts required under Section 63-15-3(j).



447 (2) The response received from the system supersedes an
448 insurance card produced by a motor vehicle operator, and
449 notwithstanding the display of an insurance card by the operator,
450 the law enforcement officer may issue a complaint and notice to
451 appear to the operator for a violation of the Mississippi Motor
452 Vehicle Safety-Responsibility Law. A law enforcement officer may
453 exercise discretion in issuing a citation during the first sixty
454 (60) days after proof of temporary insurance is issued by an
455 insurance company, if the verification system shows that the
456 insured's policy is expired and the operator provides proof of
457 insurance with a new insurance company or a new insurance card.

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

463 **SECTION 5.** This act shall take effect and be in force from
464 and after its passage.

