

By: Senator(s) Michel

To: Insurance

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2623

1 AN ACT TO REENACT SECTIONS 63-16-1, 63-16-3, 63-16-5,  
2 63-16-7, 63-16-11 AND 63-16-13, MISSISSIPPI CODE OF 1972, WHICH  
3 CREATE THE PUBLIC SAFETY VERIFICATION AND ENFORCEMENT ACT; TO  
4 AMEND SECTION 63-16-15, MISSISSIPPI CODE OF 1972, TO EXTEND THE  
5 DATE OF THE REPEALER ON THE PRECEDING SECTIONS; AND FOR RELATED  
6 PURPOSES.

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

8 **SECTION 1.** Section 63-16-1, Mississippi Code of 1972, is  
9 reenacted as follows:

10 63-16-1. This chapter shall be known as the "Public Safety  
11 Verification and Enforcement Act."

12 **SECTION 2.** Section 63-16-3, Mississippi Code of 1972, is  
13 reenacted as follows:

14 63-16-3. (1) The Department of Public Safety, hereinafter  
15 referred to in this section as "department," in cooperation with  
16 the Commissioner of Insurance and the Department of Revenue, shall  
17 establish an accessible common carrier-based motor vehicle  
18 insurance verification system to verify the compliance of a motor  
19 vehicle with motor vehicle liability policy requirements under the  
20 Mississippi Motor Vehicle Safety-Responsibility Law.



21           (2) The department, in cooperation with the Department of  
22 Revenue if applicable, may contract with a private vendor or  
23 vendors to establish and maintain the system.

24           (3) The system must:

25                 (a) Send requests to insurers for verification of motor  
26 vehicle liability insurance using electronic services established  
27 by the insurers through the internet, World Wide Web, or a similar  
28 proprietary or common carrier electronic system in compliance with  
29 the specifications and standards of the Insurance Industry  
30 Committee on Motor Vehicle Administration and other applicable  
31 industry standards;

32                 (b) Include appropriate provisions to secure its data  
33 against unauthorized access and to maintain a record of all  
34 requests and responses;

35                 (c) Be accessible, without fee, to authorized personnel  
36 of the department, the courts, law enforcement personnel, and  
37 other entities authorized by the department under the provisions  
38 of Section 63-16-7;

39                 (d) Be able to interface with existing department  
40 systems;

41                 (e) Be able to be accessed by authorized users via a  
42 secure web browser;

43                 (f) Not more often than every thirty (30) days, receive  
44 insurance information from insurers under specifications and  
45 standards set forth in paragraph (a) of this subsection or other



46 data file formats as approved by the department to identify motor  
47 vehicle insurance policy information; however, no insurer shall be  
48 required to provide information in a format other than those set  
49 forth by the Insurance Industry Committee on Motor Vehicle  
50 Administration "Insurance Data Transfer Guide," as amended;

51 (g) Provide a means by which low-volume insurers that  
52 are unable to deploy an online interface with the system can  
53 report insurance policy data to the department or their designee  
54 for inclusion in the system;

55 (h) Provide a means to track separately or distinguish  
56 motor vehicles that are subject to a certificate of insurance  
57 under Section 63-15-39 or 63-15-41, a certificate of  
58 self-insurance under Section 63-15-53, a bond under Section  
59 63-15-49, or a certificate of deposit of money or securities under  
60 Section 63-15-51;

61 (i) Distinguish motor vehicles that are exempt from the  
62 provisions of this chapter;

63 (j) Be available twenty-four (24) hours a day, seven  
64 (7) days a week, subject to reasonable allowances for scheduled  
65 maintenance or temporary system failures, to verify the insurance  
66 status of any motor vehicle in a manner prescribed by the  
67 department; and

68 (k) Be installed and operational not later than March  
69 1, 2016, followed by an appropriate testing period of not less  
70 than six (6) months.



71 (4) Every insurer shall cooperate with the department and  
72 the Insurance Department in establishing and maintaining the  
73 system and shall provide motor vehicle liability policy status and  
74 information to verify liability coverage for a motor vehicle  
75 insured by that company that is registered in this state.

76 **SECTION 3.** Section 63-16-5, Mississippi Code of 1972, is  
77 reenacted as follows:

78 63-16-5. (1) A law enforcement officer or authorized  
79 employee of a law enforcement agency may, during the course of a  
80 traffic stop or accident investigation, access the verification  
81 system established under Section 63-16-3 to verify whether a motor  
82 vehicle is covered by a valid motor vehicle liability policy in at  
83 least the minimum amounts required under Section 63-15-3(j).

84 (2) The response received from the system supersedes an  
85 insurance card produced by a motor vehicle operator, and  
86 notwithstanding the display of an insurance card by the operator,  
87 the law enforcement officer may issue a complaint and notice to  
88 appear to the operator for a violation of the Mississippi Motor  
89 Vehicle Safety-Responsibility Law. A law enforcement officer may  
90 exercise discretion in issuing a citation during the first sixty  
91 (60) days after proof of temporary insurance is issued by an  
92 insurance company, if the verification system shows that the  
93 insured's policy is expired and the operator provides proof of  
94 insurance with a new insurance company or a new insurance card.



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

100           **SECTION 4.** Section 63-16-7, Mississippi Code of 1972, is  
101 reenacted as follows:

102           63-16-7. (1) The Department of Public Safety, hereinafter  
103 referred to in this section as "department," shall administer and  
104 enforce the provisions of this chapter, as applicable, and shall  
105 make rules necessary for the administration of the motor vehicle  
106 insurance verification system created under Section 63-16-3.

107           (2) The rules must:

108           (a) Establish standards and procedures for accessing  
109 the system by authorized personnel of the department, the courts,  
110 law enforcement personnel and any other entities authorized by the  
111 department that are consistent with specifications and standards  
112 of the Insurance Industry Committee on Motor Vehicle  
113 Administration and other applicable industry standards;

114           (b) Provide for the suspension of a driver's license  
115 when required by this chapter;

116           (c) Prohibit the reinstatement of a driver's license  
117 unless the applicable fines have been paid; and

118           (d) Provide for insurance information from insurers,  
119 not more often than every thirty (30) days, to identify motor



120 vehicle insurance policy information; however, no insurer shall be  
121 required to provide such information in a format other than those  
122 set forth by the Insurance Industry Committee on Motor Vehicle  
123 Administration "Insurance Data Transfer Guide," as amended.

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

125 (a) Assist authorized users in interpreting responses  
126 received from the motor vehicle insurance verification system and  
127 determining the appropriate action to be taken as a result of a  
128 response; and

129 (b) Otherwise clarify system operations and business  
130 rules.

131 **SECTION 5.** Section 63-16-11, Mississippi Code of 1972, is  
132 reenacted as follows:

133 63-16-11. (1) This chapter shall not apply to any motor  
134 vehicle that:

135 (a) Has commercial auto coverage;

136 (b) Is qualified for a fleet registration;

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

140 (d) Is included in an insurance binder that has not  
141 been entered into the system at the time the verification system  
142 is accessed;

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



145 (f) Has a gross vehicle weight of sixteen thousand  
146 (16,000) pounds or greater.

147 (2) For the purposes of this chapter, "commercial auto  
148 coverage" is defined as any coverage provided to an insured,  
149 regardless of number of vehicles or entity covered, under a  
150 commercial coverage form and rated from a commercial manual  
151 approved by the Department of Insurance. This chapter shall not  
152 apply to vehicles insured under commercial auto coverage; however,  
153 insurers of such vehicles may participate on a voluntary basis.

154 **SECTION 6.** Section 63-16-13, Mississippi Code of 1972, is  
155 reenacted as follows:

156 63-16-13. (1) If the operator of a motor vehicle being  
157 operated on the public roads, streets or highways of the State of  
158 Mississippi or registered in the State of Mississippi has been  
159 found failing to have motor vehicle liability insurance in at  
160 least the minimum amounts required under Section 63-15-3(j), it is  
161 a misdemeanor and, upon conviction, is punishable by a fine of One  
162 Hundred Dollars (\$100.00) and suspension of driving privilege for  
163 a period of one (1) year or until the owner of the motor vehicle  
164 shows proof of liability insurance that is in compliance with the  
165 liability limits required by Section 63-15-3(j) and has paid the  
166 fines and assessments imposed and the driver's license  
167 reinstatement fees imposed by the Department of Public Safety. A  
168 judge shall determine whether the defendant is indigent, and if a  
169 determination of indigence is made, shall authorize the



170 reinstatement of that person's driver's license upon proof of  
171 mandatory liability insurance subject to compliance with a payment  
172 plan for any fines, assessments and/or fees. If such fines are  
173 levied in a municipal court, the funds from such fines shall be  
174 deposited in the general fund of the municipality. If such fines  
175 are levied in any of the courts of the county, the funds from such  
176 fines shall be deposited in the general fund of the county. A  
177 person convicted of a criminal offense under this subsection (1)  
178 shall not be convicted of a criminal offense under Section  
179 63-15-4(4) arising from the same incident.

180 (2) (a) There is created in the State Treasury a special  
181 fund to be designated as the "Uninsured Motorist Identification  
182 Fund." The fund shall consist of monies deposited therein as  
183 provided under subsection (1) of this section and monies from any  
184 other source designated for deposit into such fund. Unexpended  
185 amounts remaining in the fund at the end of a fiscal year shall  
186 not lapse into the State General Fund, and any interest earned or  
187 investment earnings on amounts in the fund shall be deposited to  
188 the credit of the fund; however, one-half (1/2) of any monies in  
189 excess of the amount needed to defray the expenses and costs of  
190 the verification system created under Section 63-16-3 remaining in  
191 the fund at the end of a fiscal year shall be transferred to a  
192 special fund created in the State Treasury for the purpose of  
193 funding a Highway Patrol Trooper School, and one-half (1/2) of any  
194 monies in excess of the amount needed to defray the expenses and





195 costs of the verification system created under Section 63-16-3  
196 remaining in the fund at the end of a fiscal year shall be  
197 transferred to the Mississippi Trauma Care Systems Fund created  
198 under Section 41-59-75.

199 (b) Monies in the Uninsured Motorist Identification  
200 Fund may be used by the Department of Public Safety, upon  
201 appropriation by the Legislature, only for the purpose of  
202 defraying expenses and costs for the motor vehicle insurance  
203 verification system created under Section 63-16-3. In addition,  
204 at any time during a fiscal year, if the Department of Public  
205 Safety determines that funds in the Law Enforcement Officers and  
206 Fire Fighters Death Benefits Trust Fund created under Section  
207 45-2-1 are insufficient, the department may request the State  
208 Fiscal Officer to transfer funds from the Uninsured Motorist  
209 Identification Fund. The State Fiscal Officer may make an  
210 appropriate transfer if he determines that the funds in the Law  
211 Enforcement Officers and Fire Fighters Death Benefits Trust Fund  
212 are insufficient and the funds in the Uninsured Motorist  
213 Identification Fund will be sufficient for defraying the expenses  
214 and costs for the motor vehicle insurance verification system  
215 created under Section 63-16-3. Monies in the fund used for the  
216 purposes described in this paragraph (b) shall be in addition to  
217 other funds available from any other source for such purposes.

218 **SECTION 7.** Section 63-16-15, Mississippi Code of 1972, is  
219 amended as follows:



220           63-16-15. Sections 63-16-1 through 63-16-13 shall stand  
221 repealed from and after July 1, \* \* \* 2025.

222           **SECTION 8.** This act shall take effect and be in force from  
223 and after July 1, 2021.

