

House Amendments to Senate Bill No. 2623

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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, and shall stand repealed from and after
224 June 30, 2021.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

HR26\SB2623A.J

Andrew Ketchings
Clerk of the House of Representatives