

By: Representative Darnell

To: Insurance

HOUSE BILL NO. 1327

1 AN ACT TO PROVIDE THAT CERTAIN NONCOMPLIANT MOTORISTS FOR
2 AUTOMOBILE LIABILITY INSURANCE WAIVE A CAUSE OF ACTION, AND
3 OTHERWISE MAY NOT COLLECT, FOR ECONOMIC OR NONECONOMIC LOSS
4 AGAINST A PERSON WHO IS IN COMPLIANCE WITH THE MISSISSIPPI MOTOR
5 VEHICLE SAFETY-RESPONSIBILITY LAW DUE TO A MOTOR VEHICLE ACCIDENT
6 IN WHICH THE DRIVER COMPLIANT FOR AUTOMOBILE LIABILITY INSURANCE
7 IS ALLEGED TO BE AT FAULT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** (1) A noncompliant motorist for automobile
10 liability insurance as provided in the Mississippi Motor Vehicle
11 Safety-Responsibility Law waives and is thus without a cause of
12 action, and otherwise may not collect, for economic or noneconomic
13 loss resulting from a motor vehicle accident from or against a
14 person or entity that is in compliance with the Mississippi Motor
15 Vehicle Safety-Responsibility Law and is alleged to be at fault.
16 For purposes of this section, the term "noncompliant motorist for
17 automobile liability insurance as provided in the Mississippi
18 Motor Vehicle Safety-Responsibility Law" shall include uninsured
19 drivers, uninsured permissive drivers and uninsured nonpermissive
20 drivers.



21 Such waiver shall not apply if it is proven that the accident
22 was caused, in whole or in part, by a compliant insured
23 tort-feasor motorist who was operating the involved motor vehicle
24 under the influence of drugs or alcohol, or who has been convicted
25 of manslaughter, or simple or aggravated assault arising out of
26 the motor vehicle accident.

27 (2) The provisions of this section shall not apply to a
28 noncompliant motorist whose immediately previous insurance policy
29 meeting the requirements of the Mississippi Motor Vehicle
30 Safety-Responsibility Law was terminated or nonrenewed for failure
31 to pay the premium, unless notice of termination or nonrenewal for
32 failure to pay such premium was provided by such insurer at least
33 six (6) months prior to the time of the accident.

34 (3) In an action against a person who is in compliance with
35 the Mississippi Motor Vehicle Safety-Responsibility Law by a
36 person deemed to have waived recovery under subsection (1) of this
37 section:

38 (a) Any award in favor of such person shall be reduced
39 by an amount equal to the portion of the award representing
40 compensation for economic and noneconomic losses; and

41 (b) The trier of fact shall not be informed, directly
42 or indirectly, of such waiver or of its effect on the total amount
43 of such person's recovery.

44 (4) Nothing in this section shall be construed to preclude
45 recovery against an alleged tort-feasor for economic loss.



46 (5) Only passengers in the uninsured motor vehicle who knew
47 or should have known that he or she was a passenger of a
48 noncompliant motorist for automobile liability insurance as
49 provided in the Mississippi Motor Vehicle Safety-Responsibility
50 Law are subject to such recovery limitation.

51 **SECTION 2.** This act shall take effect and be in force from
52 and after July 1, 2022.

