

By: Senator(s) Tate

To: Judiciary, Division B

SENATE BILL NO. 2556

1 AN ACT TO AMEND SECTION 63-1-5, MISSISSIPPI CODE OF 1972, TO  
 2 INCREASE THE PENALTIES FOR DRIVING OR OPERATING A MOTOR VEHICLE  
 3 WITHOUT FIRST SECURING AN OPERATOR'S LICENSE; TO AMEND SECTION  
 4 63-15-4, MISSISSIPPI CODE OF 1972, TO INCREASE THE PENALTIES FOR  
 5 THE FAILURE OF AN OWNER OR OPERATOR OF A MOTOR VEHICLE TO HAVE A  
 6 VEHICLE LIABILITY INSURANCE CARD IN THE MOTOR VEHICLE DURING  
 7 OPERATION; TO AMEND SECTION 63-3-401, MISSISSIPPI CODE OF 1972, TO  
 8 INCREASE THE PENALTIES FOR A DRIVER WHO FAILS TO STOP HIS OR HER  
 9 VEHICLE THAT IS INVOLVED IN AN ACCIDENT RESULTING IN INJURY TO OR  
 10 THE DEATH OF A PERSON; TO AMEND SECTION 63-3-403, MISSISSIPPI CODE  
 11 OF 1972, TO SPECIFY A PENALTY FOR A DRIVER WHO FAILS TO STOP HIS  
 12 OR HER VEHICLE THAT IS INVOLVED IN AN ACCIDENT RESULTING ONLY IN  
 13 DAMAGE TO ANY OTHER VEHICLE; AND FOR RELATED PURPOSES.

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

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

17 63-1-5. (1) (a) No person shall drive or operate a motor  
 18 vehicle or an autocycle as defined in Section 63-3-103 upon the  
 19 highways of the State of Mississippi without first securing an  
 20 operator's license to drive on the highways of the state, unless  
 21 specifically exempted by Section 63-1-7.

22 (b) The types of operator's licenses are:

23 (i) Class R;



24 (ii) Class D;  
25 (iii) Class A, B or C commercial license governed  
26 by Article 5 of this chapter; and  
27 (iv) Interlock-restricted license as prescribed in  
28 Section 63-11-31.

29 (2) (a) Every person who makes application for an original  
30 license or a renewal license to operate any single vehicle with a  
31 gross weight rating of less than twenty-six thousand one (26,001)  
32 pounds or any vehicle towing a vehicle with a gross vehicle weight  
33 rating not in excess of ten thousand (10,000) pounds other than  
34 vehicles included in Class C, vehicles which require a special  
35 endorsement, or to operate a vehicle as a common carrier by motor  
36 vehicle, taxicab, passenger coach, dray, contract carrier or  
37 private commercial carrier as defined in Section 27-19-3, other  
38 than those vehicles for which a Class A, B or C license is  
39 required under Article 5 of this chapter, may, in lieu of the  
40 Class R regular driver's license, apply for and obtain a Class D  
41 driver's license. The fee for the issuance of a Class D driver's  
42 license shall be as set forth in Section 63-1-43 and the Class D  
43 license shall be valid for the term prescribed in Section 63-1-47.  
44 Except as required under Article 5 of this chapter, no driver of a  
45 pickup truck shall be required to have a Class D or a commercial  
46 license regardless of the purpose for which the pickup truck is  
47 used.



48 (b) Persons operating vehicles listed in paragraph (a)  
49 of this subsection for private purposes or in emergencies need not  
50 obtain a Class D license.

51 (3) An interlock-restricted license allows a person to drive  
52 only a motor vehicle equipped with an \* \* \* ignition-interlock  
53 device.

54 (4) A person who violates this section is guilty of a  
55 misdemeanor and, upon conviction, may be punished by imprisonment  
56 for not less than \* \* \* four (4) days nor more than \* \* \* nine (9)  
57 months, by a fine of not less than \* \* \* Three Hundred Dollars  
58 (\$300.00) nor more than \* \* \* Seven Hundred Fifty Dollars  
59 (\$750.00), or by both a fine and imprisonment.

60 **SECTION 2.** Section 63-15-4, Mississippi Code of 1972, is  
61 amended as follows:

62 63-15-4. (1) The following vehicles are exempted from the  
63 requirements of this section:

64 (a) Motor vehicles exempted by Section 63-15-5;

65 (b) Motor vehicles for which a bond or a certificate of  
66 deposit of money or securities in at least the minimum amounts  
67 required for proof of financial responsibility is on file with the  
68 department;

69 (c) Motor vehicles that are self-insured under Section  
70 63-15-53; and

71 (d) Implements of husbandry.



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

77           (b)   An insurance company issuing a policy of motor  
78 vehicle liability insurance as required by this section shall  
79 furnish to the insured an insurance card for each motor vehicle at  
80 the time the insurance policy becomes effective. The insurance  
81 card may be furnished in either paper or electronic format as  
82 chosen by the insured. Acceptable electronic formats include  
83 display of electronic images on a cellular phone or any other type  
84 of electronic device. Beginning on July 1, 2013, insurers shall  
85 furnish commercial auto coverage customers with an insurance card  
86 clearly marked with the identifier, "Commercial Auto Insurance" or  
87 "Fleet" or similar language, to reflect that the vehicle is  
88 insured under a commercial auto policy.

89           (3)   Upon stopping a motor vehicle at a roadblock where all  
90 passing motorists are checked as a method to enforce traffic laws  
91 or upon stopping a motor vehicle for any other statutory  
92 violation, a law enforcement officer, who is authorized to issue  
93 traffic citations, shall verify that the insurance card required  
94 by this section is in the motor vehicle or is displayed by  
95 electronic image on a cellular phone or other type of electronic  
96 device. However, no driver shall be stopped or detained solely



97 for the purpose of verifying that the motor vehicle is covered by  
98 liability insurance in the amounts required under Section  
99 63-15-3(j) unless the stop is part of such roadblock. If the law  
100 enforcement officer uses the verification system created in  
101 Section 63-16-3 and receives a response from the system verifying  
102 that the owner of the motor vehicle has liability insurance in the  
103 amounts required under Section 63-15-3(j), then the officer shall  
104 not issue a citation under this section notwithstanding any  
105 failure to display an insurance card by the owner or operator.

106 (4) Failure of the owner or the operator of a motor vehicle  
107 to have the insurance card in the motor vehicle, or to display the  
108 insurance card by electronic image on a cellular phone or other  
109 type of electronic device, is a misdemeanor and, upon conviction,  
110 is punishable by a fine of \* \* \* Two Hundred Dollars (\$200.00) and  
111 suspension of driving privilege for a period of one (1) year or  
112 until the owner of the motor vehicle shows proof of liability  
113 insurance that is in compliance with the liability limits required  
114 by Section 63-15-3(j) and has paid the fines and assessments  
115 imposed and the driver's license reinstatement fees imposed by the  
116 Department of Public Safety. A judge shall determine whether the  
117 defendant is indigent, and if a determination of indigence is  
118 made, shall authorize the reinstatement of that person's driver's  
119 license upon proof of mandatory liability insurance subject to  
120 compliance with a payment plan for any fines, assessments and/or  
121 fees. Fraudulent use of an insurance card shall be punishable in



122 accordance with Section 97-7-10. If such fines are levied in a  
123 municipal court, the funds from such fines shall be deposited in  
124 the general fund of the municipality. If such fines are levied in  
125 any of the courts of the county, the funds from such fines shall  
126 be deposited in the general fund of the county. A person  
127 convicted of a criminal offense under this subsection (4) shall  
128 not be convicted of a criminal offense under Section 63-16-13(1)  
129 arising from the same incident.

130 (5) If, at the hearing date or the date of payment of the  
131 fine the owner shows proof that such insurance was in effect at  
132 the time of citation, the case shall be dismissed as to the  
133 defendant with prejudice and all court costs shall be waived  
134 against the defendant.

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

140 **SECTION 3.** Section 63-3-401, Mississippi Code of 1972, is  
141 amended as follows:

142 63-3-401. (1) The driver of any vehicle involved in an  
143 accident resulting in injury to or death of any person shall  
144 immediately stop such vehicle at the scene of such accident or as  
145 close thereto as possible but shall then forthwith return to and



146 in every event shall remain at the scene of the accident until he  
147 has fulfilled the requirements of Section 63-3-405.

148 (2) Every stop under the provisions of subsection (1) of  
149 this section shall be made without obstructing traffic or  
150 endangering the life of any person more than is necessary.

151 (3) Except as provided in subsection (4) of this section, if  
152 any driver of a vehicle involved in an accident that results in  
153 injury to any person willfully fails to stop or to comply with the  
154 requirements of subsection (1) of this section, then such person,  
155 upon conviction, shall be punished by imprisonment for not less  
156 than \* \* \* sixty (60) days nor more than \* \* \* two (2) years, or  
157 by fine of not less than \* \* \* Two Hundred Fifty Dollars (\$250.00)  
158 nor more than Five Thousand Dollars (\$5,000.00), or by both such  
159 fine and imprisonment.

160 (4) If any driver of a vehicle involved in an accident that  
161 results in the death of another or the mutilation, disfigurement,  
162 permanent disability or the destruction of the tongue, eye, lip,  
163 nose or any other limb, organ or member of another willfully fails  
164 to stop or to comply with the requirements under the provisions of  
165 subsection (1) of this section, then such person, upon conviction,  
166 shall be guilty of a felony and shall be punished by imprisonment  
167 for not less than five (5) nor more than twenty (20) years, or by  
168 fine of not less than One Thousand Dollars (\$1,000.00) nor more  
169 than Ten Thousand Dollars (\$10,000.00), or by both such fine and  
170 imprisonment.



171 (5) The commissioner shall revoke the driver's license of  
172 any person convicted under this section.

173 **SECTION 4.** Section 63-3-403, Mississippi Code of 1972, is  
174 amended as follows:

175 63-3-403. (1) The driver of any vehicle involved in an  
176 accident resulting only in damage to a vehicle which is driven or  
177 attended by any person shall immediately stop such vehicle at the  
178 scene of such accident or as close thereto as possible but shall  
179 forthwith return to and in every event shall remain at the scene  
180 of such accident until he has fulfilled the requirements of  
181 Section 63-3-405. Every such stop shall be made without  
182 obstructing traffic more than is necessary.

183 (2) Any person failing to stop or comply with said  
184 requirements under such circumstances shall be guilty of a  
185 misdemeanor. Upon conviction, the defendant shall be punished by  
186 imprisonment for not less than five (5) days nor more than thirty  
187 (30) days, or by fine of not less than One Hundred Dollars  
188 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by both  
189 a fine and imprisonment.

190 **SECTION 5.** This act shall take effect and be in force from  
191 and after July 1, 2022.

