HOUSE BILL NO. 1407

1   AN ACT TO AMEND SECTION 63-16-7, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE TAX ASSESSORS TO ACCESS THE ELECTRONIC MOTOR VEHICLE
3 INSURANCE VERIFICATION SYSTEM; TO REENACT AND AMEND SECTION
4 63-16-9, MISSISSIPPI CODE OF 1972, WHICH WAS REPEALED BY OPERATION
5 OF LAW IN 2015, TO REQUIRE MOTOR VEHICLE LIABILITY INSURANCE
6 COVERAGE IN AT LEAST THE MINIMUM AMOUNTS REQUIRED BY LAW BEFORE A
7 MOTOR VEHICLE OWNER MAY RENEW A REGISTRATION; TO AMEND SECTION
8 17-25-19, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE BOARD OF
9 SUPERVISORS OF ANY COUNTY OR THE GOVERNING AUTHORITY OF ANY
10 MUNICIPALITY FROM ENACTING OR ENFORCING ORDINANCES AUTHORIZING THE
11 USE OF AUTOMATED RECORDING EQUIPMENT OR SYSTEMS TO ENFORCE
12 COMPLIANCE WITH AUTOMOBILE INSURANCE REQUIREMENTS; TO BRING
13 FORWARD SECTION 63-16-3, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE
14 OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

16   **SECTION 1.** Section 63-16-7, Mississippi Code of 1972, is

17 amended as follows:

18   63-16-7. (1) The Department of Public Safety, hereinafter

19 referred to in this section as "department," shall administer and

20 enforce the provisions of this chapter, as applicable, and shall

21 make rules necessary for the administration of the motor vehicle

22 insurance verification system created under Section 63-16-3.

23   (2) The rules must:

24   (a) Establish standards and procedures for accessing

25 the system by authorized personnel of the department, the courts,

26 law enforcement personnel, tax assessors and any other entities

27 authorized by the department that are consistent with

28 specifications and standards of the Insurance Industry Committee

29 on Motor Vehicle Administration and other applicable industry

30 standards;

31   (b) Provide for the suspension of a driver's license

32 when required by this chapter;

33   (c) Prohibit the reinstatement of a driver's license

34 unless the applicable fines have been paid; and

35   (d) Provide for insurance information from insurers,

36 not more often than every thirty (30) days, to identify motor

37 vehicle insurance policy information; however, no insurer shall be

38 required to provide such information in a format other than those

39 set forth by the Insurance Industry Committee on Motor Vehicle

40 Administration "Insurance Data Transfer Guide," as amended.

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

42   (a) Assist authorized users in interpreting responses

43 received from the motor vehicle insurance verification system and

44 determining the appropriate action to be taken as a result of a

45 response; and

46   (b) Otherwise clarify system operations and business

47 rules.

48   **SECTION 2.** Section 63-16-9, Mississippi Code of 1972, which

49 was repealed by operation of law in 2015, is reenacted and amended

50 as follows:

51   63-16-9. Every owner of a motor vehicle in this state shall

52 comply with the motor vehicle liability insurance coverage in at

53 least the minimum amounts required under Section 63-15-3(j) before

54 that owner may *** * *** renew a registration for a motor

55 vehicle *** * *.** The owner must also maintain continuous coverage

56 in at least the minimum amounts required under Section 63-15-3(j)

57 throughout the registration period. *** * *** The Department of

58 Revenue shall promulgate rules and regulations necessary to

59 enforce this section.

60   **SECTION 3.** Section 17-25-19, Mississippi Code of 1972, is

61 amended as follows:

62   17-25-19. (1) (a) Neither the board of supervisors of any

63 county nor the governing authority of any municipality shall

64 adopt, enact or enforce any ordinance authorizing the use of

65 automated recording equipment or system to enforce compliance with

66 automobile insurance requirements, traffic signals, traffic speeds

67 or other traffic laws, rules or regulations on any public street,

68 road or highway within this state or to impose or collect any

69 civil or criminal fine, fee or penalty for any such violation.

70   (b) Any county or municipality using automated

71 recording equipment or system shall remove the equipment or system

72 before October 1, 2009.

73   (c) Any county or municipality using automated

74 recording equipment or system to enforce compliance with

75 automobile insurance requirements shall remove the equipment or

76 system before October 1, 2024.

77   (2) For the purposes of this section, the term "automated

78 recording equipment or system" means a camera or optical device

79 installed to work in conjunction with a traffic control signal or

80 radar speed detection equipment, or both, and designed to record

81 images that depict the license plate attached to the rear of a

82 motor vehicle that is not operated in compliance with instructions

83 of the traffic control signal or the posted speed limit.

84   **SECTION 4.** Section 63-16-3, Mississippi Code of 1972, is

85 brought forward as follows:

86   63-16-3. (1) The Department of Public Safety, hereinafter

87 referred to in this section as "department," in cooperation with

88 the Commissioner of Insurance and the Department of Revenue, shall

89 establish an accessible common carrier-based motor vehicle

90 insurance verification system to verify the compliance of a motor

91 vehicle with motor vehicle liability policy requirements under the

92 Mississippi Motor Vehicle Safety-Responsibility Law.

93   (2) The department, in cooperation with the Department of

94 Revenue if applicable, may contract with a private vendor or

95 vendors to establish and maintain the system.

96   (3) The system must:

97   (a)   Send requests to insurers for verification of motor

98 vehicle liability insurance using electronic services established

99 by the insurers through the Internet, World Wide Web, or a similar

100 proprietary or common carrier electronic system in compliance with

101 the specifications and standards of the Insurance Industry

102 Committee on Motor Vehicle Administration and other applicable

103 industry standards;

104   (b)   Include appropriate provisions to secure its data

105 against unauthorized access and to maintain a record of all

106 requests and responses;

107   (c)   Be accessible, without fee, to authorized personnel

108 of the department, the courts, law enforcement personnel, and

109 other entities authorized by the department under the provisions

110 of Section 63-16-7;

111   (d)   Be able to interface with existing department

112 systems;

113   (e)   Be able to be accessed by authorized users via a

114 secure web browser;

115   (f)   Not more often than every thirty (30) days, receive

116 insurance information from insurers under specifications and

117 standards set forth in paragraph (a) of this subsection or other

118 data file formats as approved by the department to identify motor

119 vehicle insurance policy information; however, no insurer shall be

120 required to provide information in a format other than those set

121 forth by the Insurance Industry Committee on Motor Vehicle

122 Administration "Insurance Data Transfer Guide," as amended;

123   (g)   Provide a means by which low-volume insurers that

124 are unable to deploy an online interface with the system can

125 report insurance policy data to the department or their designee

126 for inclusion in the system;

127   (h)   Provide a means to track separately or distinguish

128 motor vehicles that are subject to a certificate of insurance

129 under Section 63-15-39 or 63-15-41, a certificate of

130 self-insurance under Section 63-15-53, a bond under Section

131 63-15-49, or a certificate of deposit of money or securities under

132 Section 63-15-51;

133   (i)   Distinguish motor vehicles that are exempt from the

134 provisions of this chapter;

135   (j)   Be available twenty-four (24) hours a day, seven

136 (7) days a week, subject to reasonable allowances for scheduled

137 maintenance or temporary system failures, to verify the insurance

138 status of any motor vehicle in a manner prescribed by the

139 department; and

140   (k)   Be installed and operational not later than March

141 1, 2016, followed by an appropriate testing period of not less

142 than six (6) months.

143   (4)   Every insurer shall cooperate with the department and

144 the Insurance Department in establishing and maintaining the

145 system and shall provide motor vehicle liability policy status and

146 information to verify liability coverage for a motor vehicle

147 insured by that company that is registered in this state.

148　　　(5)　Records and information gathered by or stored in the

149 system are exempt from the Mississippi Public Records Act of 1983.

150　　　**SECTION 5.**　This act shall take effect and be in force from

151 and after July 1, 2024.

~ OFFICIAL ~

ST:　Proof of motor vehicle insurance; require before motor vehicle owner may renew registration.