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To: Insurance

HOUSE BILL NO. 754

1 AN ACT TO CREATE THE "AUTOMOBILE LIABILITY INSURANCE PERSONAL  
2 RESPONSIBILITY ACT OF 2000"; TO PROVIDE THAT THOSE PERSONS WHO ARE  
3 CONVICTED OF CERTAIN OFFENSES OR WHO ARE UNABLE TO PRODUCE PROOF  
4 OF FINANCIAL RESPONSIBILITY AS REQUIRED BY LAW SHALL NOT RECOVER  
5 DAMAGES FOR NONECONOMIC LOSSES FROM INJURIES SUFFERED AS A RESULT  
6 OF THE OPERATION OR USE OF A MOTOR VEHICLE; AND FOR RELATED  
7 PURPOSES.

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

9 SECTION 1. (1) This act may be cited as the "Automobile  
10 Liability Insurance Personal Responsibility Act of 2000."

11 (2) Except as provided in subsection (4) of the section, in  
12 any action to recover damages arising out of the operation or use  
13 of a motor vehicle, a person shall not recover noneconomic losses  
14 including, but not limited to, pain and suffering, if any of the  
15 following apply:

16 (a) The injured person was at the time of the accident  
17 operating the vehicle in violation of Section 63-11-1 et seq. and  
18 was convicted of that offense.

19 (b) The injured person was the owner of an uninsured  
20 vehicle involved in the accident and is unable to produce proof of  
21 financial responsibility as required by Section 63-15-1 et seq.

22 (c) The injured person was the operator of the vehicle  
23 involved in the accident and was operating the vehicle in

24 violation of Section 63-1-57 and was convicted of that offense.

25 (d) The injured person was the operator of a vehicle, a  
26 passenger in a vehicle or a pedestrian and his or her injuries  
27 were in any way proximately caused by his or her commission of any  
28 felony, or immediate flight therefrom, and the injured person has  
29 been duly convicted of that felony.

30 (3) Except as provided in subsection (4) of this section, an  
31 insurer shall not be liable directly or indirectly under a policy  
32 of liability or uninsured motorist insurance to indemnify for the  
33 noneconomic losses of any person injured as described in  
34 subsection (2) of this section.

35 (4) If a person described in paragraph (b) or (c) of  
36 subsection (2) of this section was injured by a motorist who at  
37 the time of the accident was operating a vehicle in violation of  
38 Section 63-11-1 et seq. and was convicted of that offense, the  
39 injured person shall not be precluded from recovering noneconomic  
40 losses including, but not limited to, pain and suffering.

41 (5) Notwithstanding any provision of law to the contrary, if  
42 a person injured in a motor vehicle accident has been formally  
43 charged with the violation of a criminal felony in connection with  
44 the accident, but a final determination of guilt or innocence has  
45 not been made, liability and uninsured motorist insurers, to whom  
46 a claim for damages has been presented, shall advise the injured  
47 party that settlement of the claim shall be pended until a final  
48 judgment of guilt or innocence is rendered on the violation  
49 charges. The injured party claiming damages shall provide  
50 evidence of the outcome of any criminal charges.

51 (6) This section shall apply to all motor vehicle accidents  
52 occurring on or after July 1, 2000.

53 SECTION 2. This act shall take effect and be in force from  
54 and after July 1, 2000.