

By: Kirby, King, Simmons, Jackson, Harvey, Stogner, Hamilton, Lee, Carmichael, Nunnelee, Chaney, Furniss, Dickerson, Gollott, Little, Hewes, Burton, Smith, White (29th), Johnson (19th), White (5th), Browning, Jordan, Harden To: Insurance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2039

1 AN ACT TO AMEND THE MISSISSIPPI MOTOR VEHICLE SAFETY
2 RESPONSIBILITY LAW BY CREATING A NEW SECTION TO BE CODIFIED AS
3 SECTION 63-15-4, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
4 COMPULSORY MOTOR VEHICLE LIABILITY INSURANCE; TO PROVIDE THAT
5 CERTAIN VEHICLES SHALL BE EXEMPT FROM THE REQUIREMENT OF
6 MAINTAINING MOTOR VEHICLE LIABILITY INSURANCE; TO PROVIDE THAT THE
7 PERSONS INSURED UNDER LIABILITY INSURANCE SHALL BE RESPONSIBLE FOR
8 MAINTAINING AN INSURANCE CARD IN EACH INSURED MOTOR VEHICLE AS
9 EVIDENCE OF COVERAGE; TO PROVIDE FOR THE DESIGN OF SUCH CARD BY
10 THE DEPARTMENT OF PUBLIC SAFETY AND FOR THE FURNISHING OF SUCH
11 CARD BY THE INSURANCE COMPANY; TO PRESCRIBE PENALTIES FOR
12 VIOLATIONS OF THE PROVISIONS OF THIS ACT; TO PROHIBIT THE
13 FRAUDULENT USE OF AN INSURANCE CARD AND PRESCRIBE PENALTIES
14 THEREFOR; TO REQUIRE PROOF OF COMPLIANCE WITH THE MOTOR VEHICLE
15 SAFETY RESPONSIBILITY LAW BEFORE REGISTRATION OF A MOTOR VEHICLE;
16 TO AMEND SECTIONS 63-15-3 AND 63-15-11, MISSISSIPPI CODE OF 1972,
17 TO INCREASE FINANCIAL RESPONSIBILITY REQUIREMENTS; TO AMEND
18 SECTION 63-15-29, MISSISSIPPI CODE OF 1972, TO DELETE THE
19 REQUIREMENT THAT A DISCHARGE IN BANKRUPTCY DOES NOT RELIEVE THE
20 JUDGMENT DEBTOR OF OBLIGATIONS UNDER THIS CHAPTER; TO AMEND
21 SECTIONS 63-15-13, 63-15-31, 63-15-37, 63-15-39, 63-15-41,
22 63-15-43, 63-15-51 AND 83-11-101, MISSISSIPPI CODE OF 1972, TO
23 CONFORM THERETO; TO CREATE A NEW CODE SECTION TO REQUIRE PROOF OF
24 A VALID DRIVER'S LICENSE BEFORE REGISTRATION OF A MOTOR VEHICLE;
25 AND FOR RELATED PURPOSES.

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

27 SECTION 1. The following shall be codified as Section

28 63-15-4, Mississippi Code of 1972:

29 63-15-4. (1) It is unlawful to operate a motor vehicle in
30 this state unless a policy of motor vehicle liability insurance in
31 at least the minimum amounts required for proof of financial
32 responsibility under Section 63-15-3, Mississippi Code of 1972, is
33 in effect to insure against losses which may arise out of the
34 operation of such vehicle.

35 (2) The following vehicles are exempt from the requirement
36 of subsection (1) of this section:

37 (a) Vehicles exempt by Section 63-15-5, Mississippi

38 Code of 1972;

39 (b) Vehicles for which a bond or a certificate of
40 deposit of money or securities in at least the minimum amounts
41 required for proof of financial responsibility is on file with the
42 department;

43 (c) Vehicles that are self-insured under Section
44 63-15-53, Mississippi Code of 1972; and

45 (d) Implements of husbandry.

46 (3) (a) Every motor vehicle operated in this state and
47 required by this section to be insured under a motor vehicle
48 liability insurance policy shall have an insurance card maintained
49 in the vehicle as evidence of insurance. The insured parties
50 shall be responsible for maintaining the insurance card in each
51 vehicle.

52 (b) The department shall design the insurance card to
53 be maintained in the vehicle.

54 (c) (i) An insurance company issuing a policy of motor
55 vehicle liability insurance as required by this section shall
56 furnish to the insured an insurance card of the design adopted by
57 the department, and shall furnish an insurance card for each
58 vehicle at the time the insurance policy becomes effective.

59 (ii) One (1) insurance card must be furnished for
60 each motor vehicle insured by the policy, and must have an
61 expiration date clearly designated thereon to correspond with the
62 expiration date of the policy of motor vehicle liability
63 insurance. Upon renewal of the policy, the insurance company
64 shall furnish to the insured parties a replacement insurance card
65 with the expiration date of the renewal policy for each insured
66 motor vehicle.

67 (4) The issuance of a policy, or an insurance card as
68 required in this section, is not a warranty or a guarantee by an
69 insurance company or agent that the policy will remain in force
70 and effect and shall not create liability on the part of the

71 insurance company or agent for any policy that has been terminated
72 or canceled.

73 (5) Every peace officer, driver's license examiner or other
74 authorized agent or officer of the department, and other law
75 enforcement officers authorized to inspect drivers' licenses or
76 investigate motor vehicle accidents may inspect the insurance card
77 required under this section or investigate the reason for the lack
78 of such insurance card in any motor vehicle traveling on a public
79 road or highway.

80 (6) Failure to maintain a policy of motor vehicle liability
81 insurance as required under this section is a misdemeanor
82 punishable by a fine of One Hundred Dollars (\$100.00). A second
83 or subsequent offense within a period of three (3) years from a
84 prior offense is a misdemeanor punishable by a fine of Five
85 Hundred Dollars (\$500.00).

86 (7) The requirements of this section and the penalties
87 provided herein are in addition to and not in lieu of the
88 requirements and penalties as otherwise provided by this chapter.

89 SECTION 2. [JMR1](1) It shall be unlawful for any person:

90 (a) To display, cause or permit to be displayed, or
91 have in his possession, any fictitious, fraudulently altered or
92 fraudulently obtained insurance card;

93 (b) To display or represent any insurance card not
94 issued to him as being his own insurance card;

95 (c) To photograph, photostat, duplicate or in any way
96 reproduce, manufacture, sell or distribute or alter any insurance
97 card, or facsimile thereof, in such a manner that it could be
98 mistaken for a valid insurance card; or

99 (d) To display or have in his possession any
100 photograph, photostat, duplicate, reproduction or facsimile of an
101 insurance card unless authorized by law.

102 (2) Any person convicted of a violation of paragraphs
103 (a), (b) or (d) of subsection (1) of this section shall be guilty

104 of a misdemeanor and shall be punished by a fine of Five Hundred
105 Dollars (\$500.00).

106 (3) Any person convicted of a violation of paragraph (c) of
107 subsection (1) of this section shall be punished as follows:

108 (a) A first offense shall be a misdemeanor punishable
109 by a fine of Five Hundred Dollars (\$500.00).

110 (b) A second offense shall be a misdemeanor punishable
111 by a fine of not less than One Thousand Dollars (\$1,000.00) nor
112 more than Five Thousand Dollars (\$5,000.00) or by imprisonment for
113 not more than one (1) year, or both such fine and imprisonment.

114 (c) A third offense shall be a misdemeanor punishable
115 by a fine of not less than Five Thousand Dollars (\$5,000.00) or by
116 imprisonment for one (1) year or both such fine and imprisonment.

117 SECTION 3. (1) Each person who applies for registration of
118 a motor vehicle, or who applies for renewal of a registration,
119 shall provide proof of compliance with the requirement of the
120 Motor Vehicle Safety Responsibility Law, Section 63-15-1 et seq.,
121 and shall declare in writing that the applicant will remain in
122 compliance during the time for which the registration, the renewal
123 of registration.

124 (2) The Commissioner of Public Safety shall adopt rules to
125 implement the provisions of this section. The rules shall provide
126 that documentation of insurance or other security shall be
127 required for proof of compliance. The rules shall require that
128 the original or a copy of one of the following documents be
129 produced as documentation of insurance: an insurance card, an
130 insurance policy, or the declarations page of the insurance policy
131 showing coverages.

132 (3) The provisions of this section shall not apply to motor
133 vehicle dealer tags as regulated by the Motor Vehicle Dealer Tag
134 Permit Law, Section 27-19-301 et. seq., nor to license tags for
135 government-owned vehicles exempt from the Motor Vehicle Safety
136 Responsibility Law as provided in Section 63-15-5.

137 (4) The provisions of this section shall not apply to
138 renewals of registration by mail.

139 SECTION 4. Section 63-15-3, Mississippi Code of 1972, is
140 amended as follows:

141 63-15-3. The following words and phrases, when used in this
142 chapter, shall, for the purposes of this chapter, have the
143 meanings respectively ascribed to them in this section, except in
144 those instances where the context clearly indicates a different
145 meaning:

146 (a) "Department" means the Department of Public
147 Safety * * *, acting directly or through its authorized officers
148 and agents * * *.

149 (b) "Insurance card" means a card or like document
150 designed by the department as required pursuant to Section
151 63-15-4, Mississippi Code of 1972.

152 (c) "Highway" means the entire width between property
153 lines of any road, street, way, thoroughfare, or bridge in the
154 State of Mississippi not privately owned or controlled, when any
155 part * * * is open to the public for vehicular traffic and over
156 which the state has legislative jurisdiction under its police
157 power.

158 (d) "Judgment" means any judgment which is final by
159 expiration, without appeal, of the time within which an appeal
160 might have been perfected, or by final affirmation on appeal,
161 rendered by a court of competent jurisdiction of any state or of
162 the United States, upon a cause of action arising out of the
163 ownership, maintenance or use of any motor vehicle, for damages,
164 including damages for care and loss of services, because of bodily
165 injury to or death of any person, or for damages because of injury
166 to or destruction of property, including the loss of use thereof,
167 or upon a cause of action on an agreement of settlement for such
168 damages.

169 (e) "License" means any driver's, operator's,

170 commercial operator's, or chauffeur's license, temporary
171 instruction permit or temporary license, or restricted license,
172 issued under the laws of the State of Mississippi pertaining to
173 the licensing of persons to operate motor vehicles.

174 (f) "Motor vehicle" means every self-propelled vehicle
175 (other than traction engines, road rollers and graders, tractor
176 cranes, power shovels, well drillers and implements of husbandry)
177 which is designed for use upon a highway, including trailers and
178 semitrailers designed for use with such vehicles, and every
179 vehicle which is propelled by electric power obtained from
180 overhead wires but not operated upon rails.

181 For purposes of this definition, "implements of husbandry"
182 shall not include trucks, pickup trucks, trailers and semitrailers
183 designed for use with such trucks and pickup trucks.

184 (g) "Nonresident" means any person who is not a
185 resident of the State of Mississippi.

186 (h) "Nonresident's operating privilege" means the
187 privilege conferred upon a nonresident by the laws of Mississippi
188 pertaining to the operation by him of a motor vehicle, or the use
189 of a motor vehicle owned by him, in the State of Mississippi.

190 (i) "Operator" means any person who is in actual
191 physical control of a motor vehicle.

192 (j) "Owner" means a person who holds the legal title of
193 a motor vehicle; if a motor vehicle is the subject of an agreement
194 for the conditional sale or lease * * * with the right of purchase
195 upon performance of the conditions stated in the agreement and
196 with an immediate right of possession vested in the conditional
197 vendee or lessee or if a mortgagor of a vehicle is entitled to
198 possession, then such conditional vendee or lessee or mortgagor is
199 the owner for the purpose of this chapter.

200 (k) "Person" means a * * * person, firm, copartnership,
201 association or corporation.

202 (l) "Proof of financial responsibility" means proof of

203 ability to respond in damages for liability, on account of
204 accidents occurring subsequent to the effective date of said
205 proof, arising out of the ownership, maintenance or use of a motor
206 vehicle, in the amount of Twenty-five Thousand Dollars
207 (\$25,000.00) because of bodily injury to or death of one (1)
208 person in any one (1) accident, and subject to the limit for one
209 (1) person, in the amount of Fifty Thousand Dollars (\$50,000.00)
210 because of bodily injury to or death of two (2) or more persons in
211 any one (1) accident, and in the amount of Twenty-five Thousand
212 Dollars (\$25,000.00) because of injury to or destruction of
213 property of others in any one (1) accident.

214 (m) "Registration" means a certificate or certificates
215 and registration plates issued under the laws of this state
216 pertaining to the registration of motor vehicles.

217 (n) "State" means any state, territory or possession of
218 the United States, the District of Columbia, or any province of
219 the Dominion of Canada.

220 (o) "Policy of motor vehicle liability insurance" as
221 used in this chapter, except for Sections 63-15-37 through
222 63-15-43, means an owner's or an operator's policy of motor
223 vehicle liability insurance, in at least the minimum amounts
224 required for proof of financial responsibility under Section
225 63-15-3, that provides liability coverage as stated therein for
226 liability arising out of the ownership, maintenance or use of
227 designated or described motor vehicles, subject to all of the
228 terms, conditions, exclusions and endorsements contained in the
229 policy, issued by an insurance company duly authorized to write
230 motor vehicle liability insurance. Such policy is not subject to
231 the provisions and limitations applicable to a "certified motor
232 vehicle liability policy" contained in Section 63-15-43. Section
233 63-15-43, which restricts, limits and defines provisions of a
234 "certified motor vehicle liability policy" provided as proof of
235 financial responsibility following an accident, shall not apply to

236 a policy of motor vehicle liability insurance provided in
237 compliance with Section 63-15-4(1). The liability of the
238 insurance company with respect to a policy of motor vehicle
239 liability insurance provided in compliance with Section 63-15-4(1)
240 shall be subject to the conditions, exclusions, terms and
241 provisions contained in such policy.

242 SECTION 5. Section 63-15-11, Mississippi Code of 1972, is
243 amended as follows:

244 63-15-11. (1) If twenty (20) days after the receipt of a
245 report of a motor vehicle accident in this state which has
246 resulted in bodily injury or death, or damage to the property of
247 any one (1) person in excess of Two Hundred Fifty Dollars
248 (\$250.00), the department does not have on file evidence
249 satisfactory to it that the person who would otherwise be required
250 to file security under subsection (2) of this section has been
251 finally adjudicated not to be liable, or has executed a duly
252 acknowledged written agreement providing for the payment of an
253 agreed amount in installments with respect to all claims for
254 injuries or damages resulting from the accident, the department
255 shall determine the amount of security which shall be sufficient
256 in its judgment to satisfy any judgment or judgments for damages
257 resulting from such accident as may be recovered against each
258 operator or owner.

259 (2) The department shall, within sixty (60) days after the
260 receipt of such report of a motor vehicle accident, suspend the
261 license of each operator and all registrations of each owner of a
262 motor vehicle in any manner involved in such accident, and if such
263 operator is a nonresident the privilege of operating a motor
264 vehicle within this state, and if such owner is a nonresident the
265 privilege of the use within this state of any motor vehicle owned
266 by him, unless such operator or owner or both shall deposit
267 security in the sum so determined by the department and shall also
268 furnish proof of financial responsibility. Notice of such

269 suspension shall be sent by the department to such operator and
270 owner not less than ten (10) days prior to the effective date of
271 such suspension and shall state the amount required as security.
272 If erroneous information is given the department with respect to
273 the matters set forth in paragraphs (a), (b) and (c) of subsection
274 (4) of this section, the department shall take appropriate action
275 as hereinbefore provided, within sixty (60) days after it receives
276 the correct information * * *.

277 (3) Any person so notified of suspension may, within ten
278 (10) days after receipt of such notification, make a written
279 request to the department for a hearing, and such request shall
280 operate as a stay of any suspension pending the outcome of such
281 hearing. For the purposes of this section, the scope of such
282 hearing shall cover the issues of whether there is a reasonable
283 probability of a judgment being rendered against such person in a
284 lawsuit arising out of the accident and whether such person is
285 exempt from the requirement of depositing security under
286 subsection (4) of this section. At such hearing the department
287 may also consider the amount of security required to be deposited,
288 if any. The hearing shall be in accordance with rules and
289 regulations * * * adopted by the department and furnished to the
290 operator or owner with the notice of suspension. For the purposes
291 of this section, a "hearing" may consist of a determination of
292 such issues by the department based solely on written reports
293 submitted by the operator or owner and by investigatory officers,
294 if the owner or operator, in his written request to the department
295 for a hearing, has expressly consented to such * * * hearing and
296 that the department has consented thereto.

297 Any person whose suspension has been sustained may appeal as
298 provided in Section 63-15-7. However, the suspension shall not be
299 stayed by the department or any court while such appeal is
300 pending.

301 (4) Subsections (1) and (2) of this section do not apply:

302 (a) to the operator or owner if the owner had in effect at the
303 time of such accident a liability policy with respect to the motor
304 vehicle involved in such accident; (b) to the operator, if not the
305 owner of the motor vehicle, if there was in effect at the time of
306 such accident a liability policy with respect to his operation of
307 motor vehicles not owned by him; (c) to the operator or owner if
308 the liability of the operator or owner for damages resulting from
309 such accident is, in the judgment of the department, covered by
310 any other form of liability insurance policy or bond of a surety
311 company authorized to do business in this state; or (d) to any
312 person qualifying as a self-insurer under Section 63-15-53, or to
313 any person operating a motor vehicle for such self-insurer * * *.

314 No such policy shall be effective under this section unless
315 issued by an insurance company or surety company authorized to
316 write motor vehicle liability insurance in this state, except that
317 if such motor vehicle was not registered in this state, or was a
318 motor vehicle which was registered elsewhere than in this state at
319 the effective date of the policy or the most recent renewal
320 thereof, such policy shall not be effective under this section
321 unless the insurance company or surety company if not authorized
322 to do business in this state shall execute a power of attorney
323 authorizing the department to accept service on its behalf of
324 notice or process in any action upon such policy arising out of
325 such accident. However, every such policy shall be subject, if
326 the accident has resulted in bodily injury or death, to a minimum
327 limit, exclusive of interest and cost, of an amount required for
328 proof of financial responsibility * * *.

329 SECTION 6. Section 63-15-13, Mississippi Code of 1972, is
330 amended as follows:

331 63-15-13. The requirements as to security and suspension for
332 failure to deposit security in Section 63-15-11, shall not apply:

333 (1) to the operator or owner of a motor vehicle, properly insured
334 as required by this chapter, involved in an accident wherein no

335 injury or damage was caused to the person or property of anyone
336 other than such operator or owner; or (2) if, prior to the date
337 that the department would otherwise suspend license and
338 registration or nonresident's operating and use privilege under
339 Section 63-15-11, there shall be filed with the department
340 evidence satisfactory to it that the person who would otherwise
341 have to file security has been finally adjudicated not to be
342 liable or has executed a duly acknowledged written agreement
343 providing for the payment of an agreed amount in installments,
344 with respect to all claims for injuries or damages resulting from
345 the accident and that the person was properly insured as otherwise
346 required by this chapter.

347 Nevertheless, the requirements as to furnishing proof of
348 financial responsibility and suspension for failure to furnish
349 same in Section 63-15-11, shall apply notwithstanding any
350 provision of this section.

351 SECTION 7. Section 63-15-29, Mississippi Code of 1972, is
352 amended as follows:

353 63-15-29. * * * A license and nonresident's operating
354 privilege shall remain * * * suspended and shall not be renewed,
355 nor shall any such license be thereafter issued in the name of
356 such person, including any such person not previously licensed,
357 unless and until every such judgment is stayed, satisfied in full
358 or to the extent required and until the * * * person gives proof
359 of financial responsibility subject to the exemptions stated in
360 Sections 63-15-27 and 63-15-33.

361 * * *

362 SECTION 8. Section 63-15-31, Mississippi Code of 1972, is
363 amended as follows:

364 63-15-31. Judgments referred to in this chapter shall, for
365 the purpose of this chapter only, be deemed satisfied:

366 (a) When Twenty-five Thousand Dollars (\$25,000.00) has
367 been credited upon any judgment or judgments rendered in excess of

368 that amount because of bodily injury to or death of one (1) person
369 as the result of any one (1) accident; or

370 (b) When, subject to such limit of Twenty-five Thousand
371 Dollars (\$25,000.00) because of bodily injury to or death of one
372 (1) person, the sum of Fifty Thousand Dollars (\$50,000.00) has
373 been credited upon any judgment or judgments rendered in excess of
374 that amount because of bodily injury to or death of two (2) or
375 more persons as the result of any one (1) accident; or

376 (c) When Twenty-five Thousand Dollars (\$25,000.00) has
377 been credited upon any judgment or judgments rendered in excess of
378 that amount because of injury to or destruction of property of
379 others as a result of any one (1) accident.

380 However, payments made in settlement of any claims because of
381 bodily injury, death or property damage arising from a motor
382 vehicle accident shall be credited in reduction of the amounts
383 provided for in this section.

384 SECTION 9. Section 63-15-37, Mississippi Code of 1972, is
385 amended as follows:

386 63-15-37. Proof of financial responsibility when required
387 under this chapter with respect to a motor vehicle or with respect
388 to a person who is not the owner of a motor vehicle may be given
389 by filing:

390 1. A written confirmation from the insurer of a
391 certified motor vehicle liability insurance policy as provided in
392 Section 63-15-39 or Section 63-15-41; or

393 2. A bond as provided in Section 63-15-49; or

394 3. A certificate of deposit of money or securities as
395 provided in Section 63-15-51; or

396 4. A certificate of self-insurance as provided in
397 Section 63-15-53, supplemented by an agreement by the self-insurer
398 that, with respect to accidents occurring while the certificate is
399 in force, he will pay the same judgments and in the same amounts
400 that an insurer would have been obligated to pay under an owner's

401 motor vehicle liability policy if it had issued such a policy to
402 said self-insurer.

403 SECTION 10. Section 63-15-39, Mississippi Code of 1972, is
404 amended as follows:

405 63-15-39. **Certified motor vehicle liability insurance policy**
406 **as proof of financial responsibility; residents.**

407 Proof of financial responsibility may be furnished by filing
408 with the department the written confirmation of any insurance
409 company duly authorized to write motor vehicle liability insurance
410 in this state certifying that there is in effect a certified motor
411 vehicle liability insurance policy for the benefit of the person
412 required to furnish proof of financial responsibility that
413 complies with the requirements of Section 63-15-43. Such
414 confirmation shall give the effective date of such certified motor
415 vehicle liability policy, which date shall be the same as the
416 effective date of the confirmation, and shall designate by
417 explicit description or by appropriate reference all motor
418 vehicles covered thereby, unless the certified policy is issued to
419 a person who is not the owner of a motor vehicle.

420 SECTION 11. Section 63-15-41, Mississippi Code of 1972, is
421 amended as follows:

422 63-15-41. **Certified motor vehicle liability insurance policy**
423 **as proof of financial responsibility; nonresidents.**

424 (1) The nonresident owner of a motor vehicle, the owner or
425 operator of which is not licensed in this state, may give proof of
426 financial responsibility by filing with the department * * *
427 written confirmation of an insurance company authorized to
428 transact business in the state in which the motor vehicle or motor
429 vehicles described in such confirmation are registered, or if such
430 nonresident does not own a motor vehicle, then in the state in
431 which the insured resides, provided such confirmation otherwise
432 conforms to the provisions of this chapter. The department shall
433 accept the same upon condition that said insurance company

434 complies with the following provisions with respect to the
435 certified policies so confirmed:

436 (a) Said insurance company shall execute a power of
437 attorney authorizing the department to accept service on its
438 behalf of notice or process in any action arising out of a motor
439 vehicle accident in this state;

440 (b) Said insurance company shall agree in writing that
441 such certified policies shall be deemed to conform with the laws
442 of this state relating to the terms of certified motor vehicle
443 liability policies issued herein.

444 (2) If any insurance company not authorized to transact
445 business in this state, which has qualified to furnish proof of
446 financial responsibility, defaults in any said undertakings or
447 agreements, the department shall not thereafter accept as proof
448 any confirmation of said company whether theretofore filed or
449 thereafter tendered as proof, so long as such default continues.

450 SECTION 12. Section 63-15-43, Mississippi Code of 1972, is
451 amended as follows:

452 63-15-43. (1) A "certified motor vehicle liability policy"
453 as the term is used in Sections 63-15-39 and 63-15-41 means an
454 owner's or an operator's policy of liability insurance, certified
455 as provided in Section 63-15-39 or Section 63-15-41, as proof of
456 financial responsibility, and issued, except as otherwise provided
457 in Section 63-15-41, by an insurance company duly authorized to
458 write motor vehicle liability insurance in this state, to or for
459 the benefit of the * * * insured.

460 (2) Such owner's certified motor vehicle liability insurance
461 policy:

462 (a) Shall designate by explicit description or by
463 appropriate reference all motor vehicles * * * to which coverage
464 is extended.

465 (b) Shall pay on behalf of the insured * * * and any
466 other person, as insured, using any such motor vehicle or motor

467 vehicles with the express or implied permission of such named
468 insured, all sums which the insured shall become legally obligated
469 to pay as damages arising out of the ownership, maintenance or use
470 of such motor vehicle or motor vehicles within the United States
471 of America or the Dominion of Canada, subject to limits exclusive
472 of interest and costs, required for proof of financial
473 responsibility for each * * * motor vehicle * * *.

474 (3) Such certified motor vehicle liability insurance policy
475 shall pay on behalf of the insured named therein all sums which
476 the insured shall become legally obligated to pay as damages
477 arising out of the use by him of any motor vehicle not owned by
478 him, within the same territorial limits and subject to the same
479 limits of liability as are set forth above with respect to an
480 owner's policy of liability insurance.

481 (4) Such certified motor vehicle liability policy shall
482 state the name and address of the named insured, the coverage
483 afforded by the policy, the premium charged therefor, the policy
484 period and the limits of liability, and shall contain an agreement
485 or be endorsed that insurance is * * * in accordance with the
486 coverage defined in this chapter as respects bodily injury and
487 death or property damage, or both, and is subject to all the
488 provisions of this chapter.

489 (5) Such certified motor vehicle liability policy shall not
490 insure:

491 (a) Any obligation for which the insured or any company
492 as his insurer may be held liable under any workers' compensation
493 law;

494 (b) Any liability on account of bodily injury to or
495 death of any employee of the insured while engaged in the
496 employment, other than domestic, of the insured, or in domestic
497 employment if benefits * * * are either payable or required to be
498 provided under any workers' compensation law; or

499 (c) Any liability because of injury to or destruction

500 of property owned by, rented to, in charge of or transported by
501 the insured.

502 (6) Every certified motor vehicle liability policy shall be
503 subject to the following provisions which need not be contained
504 therein:

505 (a) The liability of the insurance company for the
506 insurance required by this chapter shall become absolute whenever
507 injury or damage covered by the certified motor vehicle liability
508 policy occurs; the certified policy may not be canceled or
509 annulled as to such liability by any agreement between the
510 insurance company and the insured after the occurrence of the
511 injury or damage; no statement made by the insured or on his
512 behalf and no violation of the certified policy shall defeat or
513 void the certified policy;

514 (b) The satisfaction by the insured of a judgment for
515 such injury or damage shall not be a condition precedent to the
516 right or duty of the insurance company to make payment on account
517 of such injury or damage;

518 (c) The insurance company shall have the right to
519 settle any claim covered by the certified policy, and if such
520 settlement is made in good faith, the amount * * * shall be
521 deductible from the limits of liability specified in paragraph (b)
522 of subsection (2) of this section; or

523 (d) The certified policy, the written application
524 therefor, if any, and any rider or endorsement which does not
525 conflict with this chapter shall constitute the entire contract
526 between the parties.

527 (7) Any certified policy which grants the coverage required
528 for a certified motor vehicle liability policy may also grant any
529 lawful coverage in excess of or in addition to the coverage
530 specified for a certified motor vehicle liability policy, and such
531 excess or additional coverage shall not be subject to * * * this
532 chapter. If a certified policy * * * grants such excess or

533 additional coverage, the term "certified motor vehicle liability
534 policy" shall apply only to that part of the coverage which is
535 required by this section.

536 (8) Any certified motor vehicle liability policy may provide
537 that the insured shall reimburse the insurance company for any
538 payment the insurance company would not have been obligated to
539 make under the terms of the certified policy except for the
540 provisions of this chapter.

541 (9) Any certified motor vehicle liability policy may provide
542 for the prorating of the insurance thereunder with other valid and
543 collectible insurance.

544 (10) The requirements for a certified motor vehicle
545 liability policy may be fulfilled by the policies of one or more
546 insurance companies which policies together meet such
547 requirements.

548 (11) Any binder issued pending the issuance of a certified
549 motor vehicle liability policy shall be deemed to fulfill the
550 requirements for such a policy.

551 (12) This section as it defines, restricts and limits the
552 provisions of a "certified motor vehicle liability policy,"
553 applies only to policies issued and certified as proof of
554 financial responsibility following an accident as required by
555 Section 63-15-11(2) and Section 63-15-15, and as provided in
556 Section 63-15-37, Section 63-15-39 or Section 63-15-41. This
557 section shall not apply to a policy of motor vehicle liability
558 insurance issued as proof of financial responsibility in
559 compliance with Section 63-15-4.

560 SECTION 13. Section 63-15-51, Mississippi Code of 1972, is
561 amended as follows:

562 63-15-51. (1) Proof of financial responsibility may be
563 evidenced by the certificate of the State Treasurer that the
564 person named therein has deposited with him * * * in cash, or
565 securities such as may legally be purchased by savings banks or

566 for trust funds in an amount required for proof of financial
567 responsibility. The State Treasurer shall not accept any such
568 deposit and issue a certificate therefor and the department shall
569 not accept such certificate unless accompanied by evidence that
570 there are no unsatisfied judgments of any character against the
571 depositor in the county where the depositor resides.

572 (2) Such deposit shall be held by the State Treasurer to
573 satisfy, in accordance with * * * this chapter, any execution on a
574 judgment issued against such person making the deposit, for
575 damages, including damages for care and loss of services, because
576 of bodily injury to or death of any person, or for damages because
577 of injury to or destruction of property, including the loss of use
578 thereof, resulting from the ownership, maintenance, use or
579 operation of a motor vehicle after such deposit was made. Money
580 or securities so deposited shall not be subject to attachment or
581 execution unless such attachment or execution shall arise out of a
582 suit for damages as aforesaid.

583 SECTION 14. Section 83-11-101, Mississippi Code of 1972, is
584 amended as follows:

585 83-11-101. (1) No automobile liability insurance policy or
586 contract shall be issued or delivered after January 1, 1967,
587 unless it contains an endorsement or provisions undertaking to pay
588 the insured all sums which he shall be legally entitled to recover
589 as damages for bodily injury or death from the owner or operator
590 of an uninsured motor vehicle, within limits which shall be no
591 less than those set forth in Section 63-15-3(1), under provisions
592 approved by the Commissioner of Insurance; however, at the option
593 of the insured, the uninsured motorist limits may be increased to
594 limits not to exceed those provided in the policy of bodily injury
595 liability insurance of the insured or such lesser limits as the
596 insured elects to carry over the minimum requirement set forth by
597 this section. The coverage herein required shall not be
598 applicable where any insured named in the policy shall reject the

599 coverage in writing and provided further, that unless the named
600 insured requests such coverage in writing, such coverage need not
601 be provided in any renewal policy where the named insured had
602 rejected the coverage in connection with a policy previously
603 issued to him by the same insurer.

604 (2) No automobile liability insurance policy or contract
605 shall be issued or delivered after January 1, 1980, unless it
606 contains an endorsement or provisions undertaking to pay the
607 insured all sums which he shall be legally entitled to recover as
608 damages for property damage from the owner or operator of an
609 uninsured motor vehicle, within limits which shall be no less than
610 those set forth in Section 63-15-3(1), under provisions approved
611 by the Commissioner of Insurance; however, at the option of the
612 insured, the uninsured motorist limits may be increased to limits
613 not to exceed those provided in the policy of property damage
614 liability insurance of the insured or such lesser limits as the
615 insured elects to carry over the minimum requirement set forth by
616 this section. The coverage herein required shall not be
617 applicable where any insured named in the policy shall reject the
618 coverage in writing and provided further, that unless the named
619 insured requests such coverage in writing, such coverage need not
620 be provided in any renewal policy where the named insured had
621 rejected the coverage in connection with a policy previously
622 issued to him by the same insurer.

623 The property damage provision may provide an exclusion for
624 the first Two Hundred Dollars (\$200.00) of such property damage;
625 however, the uninsured motorist provision need not insure any
626 liability for property damage, for which loss the policyholder has
627 been compensated by insurance or otherwise.

628 (3) The insured may reject the property damage liability
629 insurance coverage required by subsection (2) and retain the
630 bodily injury liability insurance coverage required by subsection
631 (1), but if the insured rejects the bodily injury liability

632 coverage he may not retain the property damage liability coverage.
633 No insured may have property damage liability insurance coverage
634 under this section unless he also has bodily injury liability
635 insurance coverage under this section.

636 SECTION 15. (1) Each person who applies for registration of
637 a motor vehicle, or who applies for renewal of a registration,
638 shall provide proof of a valid driver's license.

639 (2) The Commissioner of Public Safety shall adopt rules to
640 implement the provisions of this section. The rules shall
641 prescribe the types of documentation necessary for proof of a
642 valid driver's license and may provide exemptions to the
643 provisions of this section.

644 (3) The provisions of this section shall not apply to
645 renewals of registration by mail.

646 SECTION 16. This act shall take effect and be in force from
647 and after January 1, 2001.