

By: Representative Formby

To: Insurance

HOUSE BILL NO. 1238

1 AN ACT TO AMEND SECTION 63-15-4, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO MAINTAIN A DATABASE OF
3 INSURED MOTORISTS AND TO REQUIRE A RANDOM SAMPLING OF LICENSED
4 DRIVERS TO RESPOND TO AN INSURANCE QUESTIONNAIRE SHOWING PROOF OF
5 LIABILITY INSURANCE AS REQUIRED BY THE MOTOR VEHICLE
6 SAFETY-RESPONSIBILITY ACT; TO REQUIRE LAW ENFORCEMENT OFFICERS TO
7 REMOVE THE VEHICLE TAG FROM LAWFULLY DETAINED VEHICLES IF THE
8 OWNER OR OPERATOR DOES NOT SHOW THE REQUIRED PROOF OF INSURANCE;
9 TO AMEND SECTION 63-1-46, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR
10 A FEE FOR REINSTATEMENT OF LICENSE SUBSEQUENT TO SUSPENSION OR
11 REVOCATION PURSUANT TO THE MOTOR VEHICLE SAFETY-RESPONSIBILITY
12 ACT; TO PROVIDE THAT A PORTION OF THE FINES LEVIED IN MUNICIPAL
13 COURT ON PERSONS WHO DO NOT HAVE PROOF OF MOTOR VEHICLE LIABILITY
14 INSURANCE SHALL BE DEPOSITED IN THE GENERAL FUND OF THE
15 MUNICIPALITY; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** Section 63-15-4, Mississippi Code of 1972, is
18 amended as follows:

19 63-15-4. (1) The following vehicles are exempted from the
20 requirements of this section:

21 (a) Vehicles exempted by Section 63-15-5;

22 (b) Vehicles for which a bond or a certificate of
23 deposit of money or securities in at least the minimum amounts
24 required for proof of financial responsibility is on file with the
25 department;

26 (c) Vehicles that are self-insured under Section
27 63-15-53; and

28 (d) Implements of husbandry.

29 (2) (a) Every motor vehicle operated in this state shall
30 have an insurance card maintained in the vehicle as proof of
31 liability insurance that is in compliance with the liability
32 limits required by Section 63-15-3(j). The insured parties shall
33 be responsible for maintaining the insurance card in each vehicle.

34 (b) An insurance company issuing a policy of motor
35 vehicle liability insurance as required by this section shall
36 furnish to the insured an insurance card for each vehicle at the
37 time the insurance policy becomes effective.

38 (c) The Department of Public Safety shall maintain a
39 database of insured motorists. An insurance company issuing a
40 policy of motor vehicle liability insurance as required by this
41 section shall furnish to the Department of Public Safety
42 information on each policy written for each insured motorist
43 within thirty (30) business days of issuing the coverage. The
44 insurance company shall notify the Department of Public Safety
45 within fifteen (15) business days when liability insurance or
46 security is recalled, reinstated, terminated or if there is a
47 changed binder on vehicles registered in Mississippi. The
48 Commissioner of Insurance shall notify the Department of Public
49 Safety when an authorized company ceases to do business in
50 Mississippi due to bankruptcy or liquidation.

51 (d) The Commissioner of Public Safety shall prescribe
52 rules and the method under which a random sampling of licensed
53 drivers/vehicle owners who are over twenty-one (21) years of age
54 are required to respond to an insurance questionnaire showing
55 proof of liability insurance as required by this section. If the
56 licensed driver/vehicle owner fails to respond within thirty (30)
57 days from receipt of the questionnaire, a warning notice shall be
58 mailed to the licensed driver/vehicle owner who shall have fifteen
59 (15) business days from receipt of the warning to respond to the
60 questionnaire. If the licensed driver/vehicle owner fails to
61 respond to the questionnaire or the warning, his driver's license
62 shall be suspended and a reinstatement fee in the amount of
63 Twenty-five Dollars (\$25.00) shall be charged to reinstate the
64 driver's license. The licensed driver/vehicle owner whose
65 driver's license has been suspended for failure to respond to the
66 questionnaire shall have the right to a hearing before a

67 Mississippi Highway Safety Patrol hearing officer who shall review
68 the merits of the suspension and make a determination on the
69 status.

70 (3) Upon stopping a motor vehicle for any other statutory
71 violation, a law enforcement officer, who is authorized to issue
72 traffic citations, shall verify that the insurance card required
73 by this section is in the motor vehicle. However, no driver shall
74 be stopped or detained solely for the purpose of verifying that an
75 insurance card is in the motor vehicle unless the stop is part of
76 an authorized vehicle checkpoint. If the owner or operator of the
77 motor vehicle does not show proof of insurance as required by this
78 section and the law enforcement officer is not able to verify the
79 existence of such insurance at the time of the stop, the law
80 enforcement officer shall remove the tag from the vehicle and
81 place a "no proof of insurance" sticker on the back windshield.
82 The tag removed from the vehicle and a copy of the citation issued
83 shall be delivered to the Highway Safety Patrol District Office or
84 a permanent full-time Department of Public Safety driver's license
85 station by the issuing law enforcement officer, or his designee,
86 as authorized by the Commissioner of Public Safety, within ten
87 (10) business days of the date of ticket issuance. After ten (10)
88 business days, the motor vehicle owner or the operator of the
89 vehicle shall have fifteen (15) business days to show proof of
90 insurance in a manner prescribed by the Commissioner of Public
91 Safety and pay a fee of Fifty Dollars (\$50.00) to reclaim the tag.
92 Upon receipt of the required proof of insurance, the tag may be
93 mailed to the licensed driver/vehicle owner for a charge not to
94 exceed the actual cost of mailing. If the motor vehicle owner or
95 operator does not show proof of insurance and pay the fee within
96 the fifteen (15) business days, the individual's driver's license
97 shall be suspended.

98 (4) Failure of the owner or the operator of a motor vehicle
99 to have the insurance card in the motor vehicle is a misdemeanor

100 and, upon conviction, is punishable by a fine of Five Hundred
101 Dollars (\$500.00) and suspension of driving privilege for a period
102 of one (1) year or until the owner of the motor vehicle shows
103 proof of liability insurance that is in compliance with the
104 liability limits required by Section 63-15-3(j) for the first
105 offense. Second and subsequent convictions shall be punishable by
106 a fine of One Thousand Dollars (\$1,000.00) and suspension of
107 driving privilege for a period of one (1) year. Fraudulent use of
108 an insurance card shall be punishable in accordance with Section
109 97-7-10. Except as otherwise provided herein, the funds from such
110 finances shall be deposited in the State General Fund in the State
111 Treasury; however, three percent (3%) of the funds collected for
112 violations of this section shall be deposited into a special fund
113 in the State Treasury to the credit of the Department of Public
114 Safety for the purpose of administering this section. If such
115 finances are levied in a municipal court, twenty-five percent (25%)
116 of the remaining funds from such fines shall be deposited in the
117 General Fund of the municipality.

118 (5) If, at the hearing date or the date of payment of the
119 fine, the motor vehicle owner shows proof of motor vehicle
120 liability insurance which was in effect on the date of the
121 citation in the amounts required by Section 63-15-3(j), the fine
122 shall be waived; if the motor vehicle owner shows proof of motor
123 vehicle liability insurance which went into effect after the date
124 of the citation in the amounts required by Section 63-15-3(j), the
125 fine shall be reduced to Two Hundred Fifty Dollars (\$250.00) for
126 the first offense and Five Hundred Dollars (\$500.00) for any
127 second or subsequent offense; however, the penalty providing for
128 the suspension of the driving privilege shall not be reduced.

129 **SECTION 2.** Section 63-1-46, Mississippi Code of 1972, is
130 amended as follows:

131 63-1-46. (1) A fee of Twenty-five Dollars (\$25.00) shall be
132 charged for the reinstatement of a license issued pursuant to this

133 article to every person whose license has been validly suspended,
134 revoked or cancelled. This fee shall be in addition to the fee
135 provided for in Section 63-1-43, Mississippi Code of 1972.

136 (2) The funds received under the provisions of subsection
137 (1) of this section shall be deposited into the State General Fund
138 in accordance with Section 45-1-23, Mississippi Code of 1972.

139 (3) In addition to the fee provided for in subsection (1) of
140 this section, an additional fee of Seventy-five Dollars (\$75.00)
141 shall be charged for the reinstatement of a license issued
142 pursuant to this article to every person whose license has been
143 suspended or revoked under the provisions of the Mississippi
144 Implied Consent Law or as a result of a conviction of a violation
145 of the Uniform Controlled Substances Law under the provisions of
146 Section 63-1-71.

147 (4) In addition to the fee provided for in subsection (1) of
148 this section, an additional fee of Seventy-five Dollars (\$75.00)
149 shall be charged for the reinstatement of a license issued
150 pursuant to this article to every person whose license has been
151 suspended or revoked for a first offense under Section 63-15-4(4),
152 and an additional fee of Three Hundred Dollars (\$300.00) for any
153 second or subsequent offense under Section 63-15-4(4).

154 (5) The procedure for the reinstatement of a license issued
155 pursuant to this article that has been suspended for being out of
156 compliance with an order for support, as defined in Section
157 93-11-153, and the payment of any fees for the reinstatement of a
158 license suspended for that purpose, shall be governed by Section
159 93-11-157 or 93-11-163, as the case may be.

160 **SECTION 3.** This act shall take effect and be in force from
161 and after July 1, 2005.