

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1238

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

22 63-15-4. (1) The following vehicles are exempted from the
23 requirements of this section:

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

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

29 (c) Vehicles that are self-insured under Section
30 63-15-53; and

31 (d) Implements of husbandry.

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

37 (b) An insurance company issuing a policy of motor
38 vehicle liability insurance as required by this section shall

39 furnish to the insured an insurance card for each vehicle at the
40 time the insurance policy becomes effective.

41 (3) Upon stopping a motor vehicle at a roadblock where all
42 passing motorists are checked as a method to enforce traffic laws
43 or upon stopping a motor vehicle for any other statutory
44 violation, a law enforcement officer, who is authorized to issue
45 traffic citations, shall verify that the insurance card required
46 by this section is in the motor vehicle. However, no driver shall
47 be stopped or detained solely for the purpose of verifying that an
48 insurance card is in the motor vehicle unless the stop is part of
49 such roadblock.

50 (4) Failure of the owner or the operator of a motor vehicle
51 to have the insurance card in the motor vehicle is a misdemeanor
52 and, upon conviction, is punishable by a fine of One Thousand
53 Dollars (\$1,000.00) and suspension of driving privilege for a
54 period of one (1) year or until the owner of the motor vehicle
55 shows proof of liability insurance that is in compliance with the
56 liability limits required by Section 63-15-3(j). Fraudulent use
57 of an insurance card shall be punishable in accordance with
58 Section 97-7-10. The funds from such fines shall be deposited in
59 the State General Fund in the State Treasury. However, if such
60 fines are levied in a municipal court, twenty-five percent (25%)
61 of the funds from such fines shall be deposited in the general
62 fund of the municipality. If such fines are levied in any of the
63 courts of the county, twenty-five percent (25%) of the funds from
64 such fines shall be deposited in the general fund of the county.

65 (5) If, at the hearing date or the date of payment of the
66 fine, the motor vehicle owner shows proof of motor vehicle
67 liability insurance in the amounts required by Section 63-15-3(j),
68 the fine shall be reduced to Five Hundred Dollars (\$500.00). If
69 the owner shows proof that such insurance was in effect at the

70 time of citation, both the fine of Five Hundred Dollars (\$500.00)
71 and court costs shall be waived.

72 **SECTION 2.** Section 63-13-9, Mississippi Code of 1972, is
73 amended as follows:

74 63-13-9. (1) Such inspections shall be made of every such
75 vehicle, and such certificates shall be obtained with respect to
76 the mechanism, lights, tires, brakes and equipment as shall be
77 designated by the motor vehicle inspection department by rules and
78 regulations.

79 (2) No vehicle equipped with a liquefied petroleum or
80 natural gas carburetion system may be issued a certificate under
81 this chapter unless the vehicle shall have first been inspected
82 and approved by an inspector or qualified installer authorized by
83 the State Liquefied Compressed Gas Board to inspect and approve
84 the installation of such systems, and unless such approval is
85 exhibited to the person making the actual inspection under this
86 chapter.

87 (3) No certificate may be issued on a vehicle under this
88 chapter unless the vehicle owner/driver furnishes proof of motor
89 vehicle liability insurance as required by Section 63-15-1 et seq.
90 Proof of motor vehicle liability insurance as required by Section
91 63-15-1 et seq. shall be made by presenting the insurance card
92 issued by the insurer for the motor vehicle. The provisions of
93 this subsection shall not apply to any owner/driver of a motor
94 vehicle exempted from maintaining an insurance card pursuant to
95 Section 63-15-4(1).

96 (4) The Commissioner of Public Safety may suspend the
97 registration of any vehicle which he determines is in such unsafe
98 condition as to constitute a menace to safety and which, after
99 notice and demand, is not equipped as required in this chapter and
100 for which a required certificate has not been obtained.

101 **SECTION 3.** The following shall be codified as Section
102 63-15-8, Mississippi Code of 1972:

103 63-15-8. (1) Every owner of a motor vehicle in this state
104 shall furnish proof of motor vehicle liability insurance as
105 required by this chapter before the owner may receive a license
106 tag for a motor vehicle or renew a license tag. However, any
107 owner of a motor vehicle exempted from maintaining an insurance
108 card pursuant to Section 63-15-4(1) shall be exempted from the
109 provisions of this section. Proof of motor vehicle liability
110 insurance as required by this chapter shall be made by presenting
111 to the tax collector in person or by mail the insurance card, or a
112 copy thereof, issued by the insurer for the motor vehicle.

113 (2) Any person who presents or causes to be presented to the
114 tax collector or to any court of this state false evidence of
115 motor vehicle liability insurance as required by this chapter,
116 upon conviction, shall be guilty of perjury and shall be fined
117 Five Hundred Dollars (\$500.00) and shall be subject to
118 imprisonment for a period not exceeding one (1) year or both such
119 fine and imprisonment. This fine and imprisonment shall be waived
120 if the offender chooses to purchase, and provides proof of such
121 purchase by the court date, motor vehicle liability insurance for
122 a minimum of six (6) months' coverage in at least the minimum
123 amounts required under paragraph (j) of Section 63-15-3. Any
124 person convicted of filing false proof of motor vehicle liability
125 insurance as required by this chapter shall surrender to the
126 department his driver's license, license plates and registration
127 of the motor vehicle for which false proof was presented and the
128 procedure for the suspension of licenses provided in Section
129 63-15-11 relating to accidents shall be followed. Such driver's
130 license, license plates and registration shall be reinstated upon
131 payment of any fines and reinstatement fees, serving of a sentence
132 if applicable, and upon presentation of proof of purchase of

133 minimum motor vehicle liability insurance in accordance with the
134 provisions of this subsection. The district attorney of the
135 jurisdiction where any false evidence is presented shall prosecute
136 any violation of this section. Any person convicted under this
137 section shall be assessed with all costs of prosecution and all
138 court costs.

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) "Highway" means the entire width between property
147 lines of any road, street, way, thoroughfare or bridge in the
148 State of Mississippi not privately owned or controlled, when any
149 part thereof is open to the public for vehicular traffic and over
150 which the state has legislative jurisdiction under its police
151 power.

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

163 (c) "Motor vehicle" means every self-propelled vehicle
164 (other than traction engines, road rollers and graders, tractor

165 cranes, power shovels, well drillers, implements of husbandry and
166 electric personal assistive mobility device as defined in Section
167 63-3-103) which is designed for use upon a highway, including
168 trailers and semitrailers designed for use with such vehicles, and
169 every vehicle which is propelled by electric power obtained from
170 overhead wires but not operated upon rails.

171 For purposes of this definition, "implements of husbandry"
172 shall not include trucks, pickup trucks, trailers and semitrailers
173 designed for use with such trucks and pickup trucks.

174 (d) "License" means any driver's, operator's,
175 commercial operator's, or chauffeur's license, temporary
176 instruction permit or temporary license, or restricted license,
177 issued under the laws of the State of Mississippi pertaining to
178 the licensing of persons to operate motor vehicles.

179 (e) "Nonresident" means every person who is not a
180 resident of the State of Mississippi.

181 (f) "Nonresident's operating privilege" means the
182 privilege conferred upon a nonresident by the laws of Mississippi
183 pertaining to the operation by him of a motor vehicle, or the use
184 of a motor vehicle owned by him, in the State of Mississippi.

185 (g) "Operator" means every person who is in actual
186 physical control of a motor vehicle.

187 (h) "Owner" means a person who holds the legal title of
188 a motor vehicle; in the event a motor vehicle is the subject of an
189 agreement for the conditional sale or lease thereof with the right
190 of purchase upon performance of the conditions stated in the
191 agreement and with an immediate right of possession vested in the
192 conditional vendee or lessee or in the event a mortgagor of a
193 vehicle is entitled to possession, then such conditional vendee or
194 lessee or mortgagor shall be deemed the owner for the purpose of
195 this chapter.

196 (i) "Person" means every natural person, firm,
197 copartnership, association or corporation.

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

210 (k) "Registration" means a certificate or certificates
211 and registration plates issued under the laws of this state
212 pertaining to the registration of motor vehicles.

213 (l) "Department" means the Department of Public Safety
214 of the State of Mississippi, acting directly or through its
215 authorized officers and agents, except in such sections of this
216 chapter in which some other state department is specifically
217 named.

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

221 **SECTION 5.** Section 63-15-11, Mississippi Code of 1972, is
222 amended as follows:

223 63-15-11. (1) If twenty (20) days after the receipt of a
224 report of a motor vehicle accident in this state which has
225 resulted in bodily injury or death, or damage to the property of
226 any one (1) person in excess of Two Hundred Fifty Dollars
227 (\$250.00), the department does not have on file evidence

228 satisfactory to it that the person who would otherwise be required
229 to file security under subsection (2) of this section has been
230 finally adjudicated not to be liable, or has executed a duly
231 acknowledged written agreement providing for the payment of an
232 agreed amount in installments with respect to all claims for
233 injuries or damages resulting from the accident, the department
234 shall determine the amount of security which shall be sufficient
235 in its judgment to satisfy any judgment or judgments for damages
236 resulting from such accident as may be recovered against each
237 operator or owner.

238 (2) The department shall, within sixty (60) days after the
239 receipt of such report of a motor vehicle accident, suspend the
240 license of each operator and all registrations of each owner of a
241 motor vehicle in any manner involved in such accident, and if such
242 operator is a nonresident the privilege of operating a motor
243 vehicle within this state, and if such owner is a nonresident the
244 privilege of the use within this state of any motor vehicle owned
245 by him, unless such operator or owner or both shall deposit
246 security in the sum so determined by the department and shall also
247 furnish proof of financial responsibility. Notice of such
248 suspension shall be sent by the department to such operator and
249 owner not less than ten (10) days prior to the effective date of
250 such suspension and shall state the amount required as security.
251 Where erroneous information is given the department with respect
252 to the matters set forth in paragraphs (a), (b) and (c) of
253 subsection (4) of this section, it shall take appropriate action
254 as hereinbefore provided, within sixty (60) days after receipt by
255 it of correct information with respect to said matters.

256 (3) Any person so notified of suspension may, within ten
257 (10) days after receipt of such notification, make a written
258 request to the department for a hearing, and such request shall
259 operate as a stay of any suspension pending the outcome of such

260 hearing. For the purposes of this section, the scope of such
261 hearing shall cover the issues of whether there is a reasonable
262 probability of a judgment being rendered against such person in a
263 lawsuit arising out of the accident and whether such person is
264 exempt from the requirement of depositing security under
265 subsection (4) of this section. At such hearing the department
266 may also consider the amount of security required to be deposited,
267 if any. The hearing shall be in accordance with rules and
268 regulations which shall be adopted by the department and furnished
269 to the operator or owner with the notice of suspension. For the
270 purposes of this section, a "hearing" may consist of a
271 determination of such issues by the department based solely on
272 written reports submitted by the operator or owner and by
273 investigatory officers, provided that the owner or operator, in
274 his request to the department for a hearing, has expressly
275 consented to such type hearing and that the department has
276 consented thereto.

277 Any person whose suspension has been sustained shall have the
278 right to appeal as provided in Section 63-15-7. However, such
279 suspension shall not be stayed by the department or any court
280 while such appeal is pending.

281 (4) Subsections (1) and (2) of this section shall not apply:
282 (a) to such operator or owner if such owner had in effect at the
283 time of such accident a liability policy with respect to the motor
284 vehicle involved in such accident; (b) to such operator, if not
285 the owner of such motor vehicle, if there was in effect at the
286 time of such accident a liability policy with respect to his
287 operation of motor vehicles not owned by him; (c) to such operator
288 or owner if the liability of such operator or owner for damages
289 resulting from such accident is, in the judgment of the
290 department, covered by any other form of liability insurance
291 policy or bond of a surety company authorized to do business in

292 this state; (d) to any person qualifying as a self-insurer under
293 Section 63-15-53, or to any person operating a motor vehicle for
294 such self-insurer; (e) to the operator or the owner of a motor
295 vehicle legally parked at the time of the accident; (f) to the
296 owner of a motor vehicle if at the time of the accident the
297 vehicle was stolen; or (g) to any person for whom the department
298 has found in the hearing provided for in subsection (3) of this
299 section, that there is not a reasonable probability of a judgment
300 being rendered against such person in a lawsuit arising out of the
301 accident.

302 No such policy shall be effective under this section unless
303 issued by an insurance company or surety company authorized to
304 write motor vehicle liability insurance in this state, except that
305 if such motor vehicle was not registered in this state, or was a
306 motor vehicle which was registered elsewhere than in this state at
307 the effective date of the policy or the most recent renewal
308 thereof, such policy shall not be effective under this section
309 unless the insurance company or surety company if not authorized
310 to do business in this state shall execute a power of attorney
311 authorizing the department to accept service on its behalf of
312 notice or process in any action upon such policy arising out of
313 such accident. However, every such policy shall be subject, if
314 the accident has resulted in bodily injury or death, to a limit,
315 exclusive of interest and cost, of not less than Twenty-five
316 Thousand Dollars (\$25,000.00) because of bodily injury to or death
317 of one (1) person in any one (1) accident and, subject to said
318 limit for one (1) person, to a limit of not less than Fifty
319 Thousand Dollars (\$50,000.00) because of bodily injury to or death
320 of two (2) or more persons in any one (1) accident, and if the
321 accident has resulted in injury to or destruction of property, to
322 a limit of not less than Twenty-five Thousand Dollars (\$25,000.00)

323 because of injury to or destruction of property of others in any
324 one (1) accident.

325 **SECTION 6.** Section 63-15-31, Mississippi Code of 1972, is
326 amended as follows:

327 63-15-31. Judgments referred to in this chapter shall, for
328 the purpose of this chapter only, be deemed satisfied:

329 (a) When Twenty-five Thousand Dollars (\$25,000.00) has
330 been credited upon any judgment or judgments rendered in excess of
331 that amount because of bodily injury to or death of one (1) person
332 as the result of any one (1) accident; or

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

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

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

347 **SECTION 7.** Section 63-15-43, Mississippi Code of 1972, is
348 amended as follows:

349 63-15-43. (1) A "motor vehicle liability policy" as said
350 term is used in this chapter shall mean an owner's or an
351 operator's policy of liability insurance, certified as provided in
352 Section 63-15-39 or Section 63-15-41, as proof of financial
353 responsibility, and issued, except as otherwise provided in
354 Section 63-15-41, by an insurance company duly authorized to write

355 motor vehicle liability insurance in this state, to or for the
356 benefit of the person named therein as insured.

357 (2) Such owner's policy of liability insurance:

358 (a) Shall designate by explicit description or by
359 appropriate reference all motor vehicles with respect to which
360 coverage is thereby to be granted.

361 (b) Shall pay on behalf of the insured named therein
362 and any other person, as insured, using any such motor vehicle or
363 motor vehicles with the express or implied permission of such
364 named insured, all sums which the insured shall become legally
365 obligated to pay as damages arising out of the ownership,
366 maintenance or use of such motor vehicle or motor vehicles within
367 the United States of America or the Dominion of Canada, subject to
368 limits exclusive of interest and costs, with respect to each such
369 motor vehicle, as follows: Twenty-five Thousand Dollars
370 (\$25,000.00) because of bodily injury to or death of one (1)
371 person in any one (1) accident and, subject to said limit for one
372 (1) person, Fifty Thousand Dollars (\$50,000.00) because of bodily
373 injury to or death of two (2) or more persons in any one (1)
374 accident, and Twenty-five Thousand Dollars (\$25,000.00) because of
375 injury to or destruction of property of others in any one (1)
376 accident.

377 (3) Such operator's policy of liability insurance shall pay
378 on behalf of the insured named therein all sums which the insured
379 shall become legally obligated to pay as damages arising out of
380 the use by him of any motor vehicle not owned by him, within the
381 same territorial limits and subject to the same limits of
382 liability as are set forth above with respect to an owner's policy
383 of liability insurance.

384 (4) Such motor vehicle liability policy shall state the name
385 and address of the named insured, the coverage afforded by the
386 policy, the premium charged therefor, the policy period and the

387 limits of liability, and shall contain an agreement or be endorsed
388 that insurance is provided thereunder in accordance with the
389 coverage defined in this chapter as respects bodily injury and
390 death or property damage, or both, and is subject to all the
391 provisions of this chapter.

392 (5) Such motor vehicle liability policy shall not insure:

393 (a) Any obligation for which the insured or any company
394 as his insurer may be held liable under any workmen's compensation
395 law;

396 (b) Any liability on account of bodily injury to or
397 death of any employee of the insured while engaged in the
398 employment, other than domestic, of the insured, or in domestic
399 employment if benefits therefor are either payable or required to
400 be provided under any workmen's compensation law; or

401 (c) Any liability because of injury to or destruction
402 of property owned by, rented to, in charge of or transported by
403 the insured.

404 (6) Every motor vehicle liability policy shall be subject to
405 the following provisions which need not be contained therein:

406 (a) The liability of the insurance company with respect
407 to the insurance required by this chapter shall become absolute
408 whenever injury or damage covered by said motor vehicle liability
409 policy occurs; said policy may not be cancelled or annulled as to
410 such liability by any agreement between the insurance company and
411 the insured after the occurrence of the injury or damage; no
412 statement made by the insured or on his behalf and no violation of
413 said policy shall defeat or void said policy;

414 (b) The satisfaction by the insured of a judgment for
415 such injury or damage shall not be a condition precedent to the
416 right or duty of the insurance company to make payment on account
417 of such injury or damage;

418 (c) The insurance company shall have the right to
419 settle any claim covered by the policy, and if such settlement is
420 made in good faith, the amount thereof shall be deductible from
421 the limits of liability specified in paragraph (b) of subsection
422 (2) of this section; or

423 (d) The policy, the written application therefor, if
424 any, and any rider or endorsement which does not conflict with the
425 provisions of the chapter shall constitute the entire contract
426 between the parties.

427 (7) Any policy which grants the coverage required for a
428 motor vehicle liability policy may also grant any lawful coverage
429 in excess of or in addition to the coverage specified for a motor
430 vehicle liability policy, and such excess or additional coverage
431 shall not be subject to the provisions of this chapter. With
432 respect to a policy which grants such excess or additional
433 coverage, the term "motor vehicle liability policy" shall apply
434 only to that part of the coverage which is required by this
435 section.

436 (8) Any motor vehicle liability policy may provide that the
437 insured shall reimburse the insurance company for any payment the
438 insurance company would not have been obligated to make under the
439 terms of the policy except for the provisions of this chapter.

440 (9) Any motor vehicle liability policy may provide for the
441 prorating of the insurance thereunder with other valid and
442 collectible insurance.

443 (10) The requirements for a motor vehicle liability policy
444 may be fulfilled by the policies of one or more insurance
445 companies which policies together meet such requirements.

446 (11) Any binder issued pending the issuance of a motor
447 vehicle liability policy shall be deemed to fulfill the
448 requirements for such a policy.

449 **SECTION 8.** Sections 1 through 3 of this act shall take
450 effect and be in force from and after July 1, 2005. Sections 4
451 through 7 shall take effect and be in force from and after January
452 1, 2006, and shall apply to policies issued or renewed with an
453 effective date on or after January 1, 2006.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 63-15-4, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE LAW ENFORCEMENT OFFICERS TO VERIFY PROOF OF AUTO LIABILITY
3 INSURANCE AT ROADBLOCKS, AND TO PROVIDE THAT A PORTION OF THE
4 FINES LEVIED IN MUNICIPAL COURTS OR COURTS OF THE COUNTY ON
5 PERSONS WHO DO NOT HAVE AUTO LIABILITY INSURANCE SHALL BE
6 DEPOSITED IN THE GENERAL FUND OF THE MUNICIPALITY OR COUNTY; TO
7 AMEND SECTION 63-13-9, MISSISSIPPI CODE OF 1972, TO REQUIRE PROOF
8 OF AUTO LIABILITY INSURANCE BEFORE RECEIVING AN INSPECTION
9 STICKER; TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION
10 63-15-8, MISSISSIPPI CODE OF 1972, TO REQUIRE PROOF OF AUTO
11 LIABILITY INSURANCE BEFORE RECEIVING A LICENSE TAG; TO AMEND
12 SECTIONS 63-15-3, 63-15-11, 63-15-31 AND 63-15-43, MISSISSIPPI
13 CODE OF 1972, TO INCREASE THE STATUTORY MINIMUM FOR MOTOR VEHICLE
14 LIABILITY INSURANCE COVERAGE IN ANY ONE ACCIDENT FROM \$10,000.00
15 TO \$25,000.00 FOR BODILY INJURY TO OR DEATH OF ONE PERSON, FROM
16 \$20,000.00 TO \$50,000.00 FOR BODILY INJURY TO OR DEATH OF TWO OR
17 MORE PERSONS AND FROM \$5,000.00 TO \$25,000.00 FOR INJURY TO OR
18 DESTRUCTION OF PROPERTY OF OTHERS; AND FOR RELATED PURPOSES.