

By: Representative Chism

To: Insurance

HOUSE BILL NO. 548

1 AN ACT TO REQUIRE AN SR22 CERTIFICATE BE PROVIDED TO THE
 2 DEPARTMENT OF PUBLIC SAFETY TO REINSTATE A DRIVER'S LICENSE THAT
 3 HAS BEEN SUSPENDED UNDER THE IMPLIED CONSENT LAWS; TO REQUIRE AN
 4 SR22 CERTIFICATE BE PROVIDED TO THE DEPARTMENT OF PUBLIC SAFETY IF
 5 AN INDIVIDUAL OPERATING AN AUTOMOBILE CAUSED DAMAGES IN AN AMOUNT
 6 OVER FIVE HUNDRED DOLLARS AND DID NOT HAVE SUFFICIENT INSURANCE;
 7 TO BRING FORWARD SECTIONS 63-1-71, 63-15-37, 63-15-39, 63-15-41
 8 AND 63-15-61, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE
 9 AMENDMENT; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** (1) In order for an individual that has received
 12 a license suspension under the State of Mississippi's Implied
 13 Consent Laws to be eligible for reinstatement, he or she must
 14 provide to the Department of Public Safety, in addition to other
 15 requirements at law, proof of financial responsibility in the form
 16 of an SR22 certificate, that shall be in effect for not less than
 17 a period of three (3) years after issuance in accordance with the
 18 requirements as set forth in Section 63-15-61.

19 (2) If an individual operating an automobile caused damages
 20 including bodily injury, death or property damage in an amount
 21 greater than Five Hundred Dollars (\$500.00), and such individual



22 did not have insurance in at least the minimum amounts required
23 under the Mississippi Motor Vehicle Safety-Responsibility Law at
24 the time of such incident causing the damage, he or she must
25 provide to the Department of Public Safety to retain or reinstate
26 his or her driver's license, if it was suspended, in addition to
27 other requirements at law, proof of financial responsibility in
28 the form of an SR22 certificate, that shall be in effect for not
29 less than a period of three (3) years after issuance in accordance
30 with the requirements as set forth in Section 63-15-61.

31 **SECTION 2.** Section 63-1-71, Mississippi Code of 1972, is
32 brought forward as follows:

33 63-1-71. (1) In addition to any penalty authorized by the
34 Uniform Controlled Substances Law or any other statute indicating
35 the dispositions that can be ordered for an adjudication of
36 delinquency, every person convicted of, or entering a plea of nolo
37 contendere to, or adjudicated delinquent in a court of this state
38 for a violation of any offense defined in the Uniform Controlled
39 Substances Law, and every person convicted of, or entering a plea
40 of nolo contendere to, or adjudicated delinquent under the laws of
41 the United States, another state, a territory or possession of the
42 United States, the District of Columbia or the Commonwealth of
43 Puerto Rico of a violation for the use, distribution, possession,
44 manufacture, sale, barter, transfer or dispensing of a "controlled
45 substance," "counterfeit substance," "narcotic drug" or "drug," as
46 such terms are defined under Section 41-29-105, shall forthwith



47 forfeit his right to operate a motor vehicle over the highways of
48 this state for a period of six (6) months. Notwithstanding the
49 provisions of Section 63-11-30(2)(a) and in addition to any
50 penalty authorized by the Uniform Controlled Substances Law or any
51 other statute indicating the dispositions that can be ordered for
52 an adjudication of delinquency, every person convicted of driving
53 under the influence of a controlled substance, or entering a plea
54 of nolo contendere thereto, or adjudicated delinquent therefor, in
55 a court of this state, and every person convicted of driving under
56 the influence of a controlled substance, or entering a plea of
57 nolo contendere thereto, or adjudicated delinquent therefor, under
58 the laws of the United States, another state, a territory or
59 possession of the United States, the District of Columbia or the
60 Commonwealth of Puerto Rico, shall forthwith forfeit his right to
61 operate a motor vehicle over the highways of this state for a
62 period of not less than six (6) months. In the case of any person
63 who at the time of the imposition of sentence does not have a
64 driver's license or is less than fifteen (15) years of age, the
65 period of the suspension of driving privileges authorized herein
66 shall commence on the day the sentence is imposed and shall run
67 for a period of not less than six (6) months after the day the
68 person obtains a driver's license or reaches the age of fifteen
69 (15) years. If the driving privilege of any person is under
70 revocation or suspension at the time of any conviction or
71 adjudication of delinquency for a violation of any offense defined



72 in the Uniform Controlled Substances Law, the revocation or
73 suspension period imposed herein shall commence as of the date of
74 termination of the existing revocation or suspension.

75 (2) The court in this state before whom any person is
76 convicted of or adjudicated delinquent for a violation of an
77 offense under subsection (1) of this section shall collect
78 forthwith the Mississippi driver's license of the person and
79 forward such license to the Department of Public Safety along with
80 a report indicating the first and last day of the suspension or
81 revocation period imposed pursuant to this section. If the court
82 is for any reason unable to collect the license of the person, the
83 court shall cause a report of the conviction or adjudication of
84 delinquency to be filed with the Commissioner of Public Safety.
85 That report shall include the complete name, address, date of
86 birth, eye color and sex of the person and shall indicate the
87 first and last day of the suspension or revocation period imposed
88 by the court pursuant to this section. The court shall inform the
89 person orally and in writing that if the person is convicted of
90 personally operating a motor vehicle during the period of license
91 suspension or revocation imposed pursuant to this section, the
92 person shall, upon conviction, be subject to the penalties set
93 forth in Section 63-11-40. A person shall be required to
94 acknowledge receipt of the written notice in writing. Failure to
95 receive a written notice or failure to acknowledge in writing the
96 receipt of a written notice shall not be a defense to a subsequent



97 charge of a violation of Section 63-11-40. If the person is the
98 holder of a driver's license from another jurisdiction, the court
99 shall not collect the license but shall notify forthwith the
100 Commissioner of Public Safety who shall notify the appropriate
101 officials in the licensing jurisdiction. The court shall,
102 however, in accordance with the provisions of this section, revoke
103 the person's nonresident driving privilege in this state.

104 (3) The county court or circuit court having jurisdiction,
105 on petition, may reduce the suspension of driving privileges under
106 this section if the denial of which would constitute a hardship on
107 the offender. When the petition is filed, such person shall pay
108 to the circuit clerk of the court where the petition is filed a
109 fee of Twenty Dollars (\$20.00) for each year, or portion thereof,
110 of license revocation or suspension remaining under the original
111 sentence, which shall be deposited into the State General Fund to
112 the credit of a special fund hereby created in the State Treasury
113 to be used for alcohol or drug abuse treatment and education, upon
114 appropriation by the Legislature. This fee shall be in addition
115 to any other court costs or fees required for the filing of
116 petitions.

117 **SECTION 3.** Section 63-15-37, Mississippi Code of 1972, is
118 brought forward as follows:

119 63-15-37. Proof of financial responsibility when required
120 under this chapter with respect to a motor vehicle or with respect



121 to a person who is not the owner of a motor vehicle may be given
122 by filing:

123 1. A certificate of insurance as provided in
124 Section 63-15-39 or Section 63-15-41; or

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

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

128 4. A certificate of self-insurance as
129 provided in section 63-15-53, supplemented by an agreement by the
130 self-insurer that, with respect to accidents occurring while the
131 certificate is in force, he will pay the same judgments and in the
132 same amounts that an insurer would have been obligated to pay
133 under an owner's motor vehicle liability policy if it had issued
134 such a policy to said self-insurer.

135 **SECTION 4.** Section 63-15-39, Mississippi Code of 1972, is
136 brought forward as follows:

137 63-15-39. Proof of financial responsibility may be furnished
138 by filing with the department the written certificate of any
139 insurance company duly authorized to write motor vehicle liability
140 insurance in this state certifying that there is in effect a motor
141 vehicle liability policy for the benefit of the person required to
142 furnish proof of financial responsibility. Such certificate shall
143 give the effective date of such motor vehicle liability policy,
144 which date shall be the same as the effective date of the
145 certificate, and shall designate by explicit description or by



146 appropriate reference all motor vehicles covered thereby, unless
147 the policy is issued to a person who is not the owner of a motor
148 vehicle.

149 **SECTION 5.** Section 63-15-41, Mississippi Code of 1972, is
150 brought forward as follows:

151 63-15-41. (1) The nonresident owner of a motor vehicle, the
152 owner or operator of which is not licensed in this state, may give
153 proof of financial responsibility by filing with the department a
154 written certificate or certificates of an insurance company
155 authorized to transact business in the state in which the motor
156 vehicle or motor vehicles described in such certificate or
157 certificates are registered, or if such nonresident does not own a
158 motor vehicle, then in the state in which the insured resides,
159 provided such certificate otherwise conforms to the provisions of
160 this chapter. The department shall accept the same upon condition
161 that said insurance company complies with the following provisions
162 with respect to the policies so certified:

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

167 (b) Said insurance company shall agree in writing that
168 such policies shall be deemed to conform with the laws of this
169 state relating to the terms of motor vehicle liability policies
170 issued herein.



171 (2) If any insurance company not authorized to transact
172 business in this state, which has qualified to furnish proof of
173 financial responsibility, defaults in any said undertakings or
174 agreements, the department shall not thereafter accept as proof
175 any certificate of said company whether theretofore filed or
176 thereafter tendered as proof, so long as such default continues.

177 **SECTION 6.** Section 63-15-61, Mississippi Code of 1972, is
178 brought forward as follows:

179 63-15-61. In all cases, under this chapter, in which a
180 person is required to furnish proof of financial responsibility,
181 he shall maintain such proof for a period of three years, except
182 as otherwise required or permitted in this section. The
183 department shall, upon request, consent to the immediate
184 cancellation of any bond or certificate of insurance, or the
185 department shall direct and the State Treasurer shall return to
186 the person entitled thereto any money or securities deposited
187 pursuant to this chapter as proof of financial responsibility, or
188 the department shall waive the requirement of filing proof, in any
189 of the following events:

190 (a) At any time after three years from the date such
191 proof was required when, during the three-year period preceding
192 the request, the department has not received record of a
193 conviction or a forfeiture of bail which would require or permit
194 the suspension or revocation of the license or nonresident's



195 operating privilege of the person by or for whom such proof was
196 furnished; or

197 (b) In the event of the death of the person on whose
198 behalf such proof was filed or the permanent incapacity of such
199 person to operate a motor vehicle; or

200 (c) In the event the person who has given proof
201 surrenders his license to the department.

202 However, the department shall not consent to the cancellation
203 of any bond or the return of any money or securities in the event
204 any action for damages upon a liability covered by such proof is
205 then pending or any judgment upon any such liability is then
206 unsatisfied, or in the event the person who has filed such bond or
207 deposited such money or securities has, within one year
208 immediately preceding such request, been involved as an operator
209 or owner in any motor vehicle accident resulting in injury or
210 damage to the person or property of others. An affidavit of the
211 applicant as to the nonexistence of such facts, or that he has
212 been released from all of his liability, or has been finally
213 adjudicated not to be liable, for such injury or damage, shall be
214 sufficient evidence thereof in the absence of evidence to the
215 contrary in the records of the department.

216 Whenever any person whose proof has been cancelled or
217 returned under provision (c) of this section applies for a license
218 within a period of three years from the date proof was originally
219 required, any such application shall be refused unless the



220 applicant shall reestablish such proof for the remainder of such
221 three-year period.

222 **SECTION 7.** This act shall take effect and be in force from
223 and after July 1, 2015.

