MISSISSIPPI LEGISLATURE REGULAR SESSION 2011

By: Representative Moak

To: Insurance; Judiciary B

HOUSE BILL NO. 521

AN ACT TO CREATE NEW SECTION 63-15-8, MISSISSIPPI CODE OF 1972, TO REQUIRE A SIGNATURE THAT A PERSON HAS MOTOR VEHICLE LIABILITY INSURANCE IN AN AMOUNT EQUAL TO OR GREATER THAN THAT REQUIRED UNDER THE MISSISSIPPI MOTOR VEHICLE SAFETY RESPONSIBILITY LAW OR THAT THE PERSON ACCEPTS FINANCIAL RESPONSIBILITY FOR ACTIONS FOR WHICH HE IS AT FAULT THAT OCCUR ON THE HIGHWAYS, ROADS AND STREETS OF THIS STATE BEFORE THAT PERSON MAY RECEIVE A MOTOR VEHICLE LICENSE TAG; TO PROVIDE THAT THE SIGNED STATEMENT MAY BE USED IN A LEGAL ACTION AGAINST THAT PERSON BY A PLAINTIFF IF THAT PERSON IS FOUND AT FAULT IN A MOTOR VEHICLE ACCIDENT OCCURRING IN THIS STATE; TO AMEND SECTION 63-15-4, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE MUNICIPAL COURT OR COURT OF THE COUNTY HAVING JURISDICTION OF A VIOLATION OF FAILURE TO HAVE PROOF OF MOTOR VEHICLE LIABILITY INSURANCE SHALL RETAIN JURISDICTION FOR AT LEAST ONE YEAR FROM THE DATE OF THE VIOLATION; TO AMEND SECTION 83-11-101, MISSISSIPPI CODE OF 1972, TO REQUIRE INSURERS OFFERING AUTOMOBILE LIABILITY INSURANCE TO PROVIDE THE INSURED WITH WRITTEN NOTICE OF THE UNINSURED MOTORIST COVERAGE AMOUNT AND RATE BEING OFFERED AT THE TIME OF ISSUING OR RENEWING COVERAGE; TO REQUIRE THE INSURER TO HAVE THE INSURED SIGN AND DATE A COPY OF THE WRITTEN NOTICE BEFORE ISSUING OR RENEWING COVERAGE; TO MANDATE INSURERS OFFERING AUTOMOBILE LIABILITY INSURANCE TO OFFER UNINSURED MOTORIST COVERAGE IN AT LEAST AN AMOUNT EQUAL TO THE MINIMUM LIABILITY COVERAGE SET FORTH IN THE MISSISSIPPI MOTOR VEHICLE SAFETY RESPONSIBILITY LAW; AND FOR RELATED PURPOSES.

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

SECTION 1. The following shall be codified as Section 63-15-8, Mississippi Code of 1972:

63-15-8. (1) Every owner of a motor vehicle in this state shall sign a statement that he has motor vehicle liability insurance as required by this chapter or that he accepts financial responsibility for acts occurring on the highways, roads and streets of this state for which he is at fault before such owner may receive a license tag for a motor vehicle or renew a license tag. However, any owner of a motor vehicle exempted from the proof of insurance requirement pursuant to Section 63-15-4(1) shall be exempted from the provisions of this section.

(2) The signed statement required under subsection (1) of this section may be used in a legal action against that person by a plaintiff if that person is found at fault in a motor vehicle accident occurring in this state.

SECTION 2. Section 63-15-4, Mississippi Code of 1972, is amended as follows:

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

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

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

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

(d) Implements of husbandry.

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

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

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

insurance card is in the motor vehicle unless the stop is part of such roadblock.

(4) Failure of the owner or the operator of a motor vehicle to have the insurance card in the motor vehicle is a misdemeanor and, upon conviction, is punishable by a fine of Five Hundred Dollars ($500.00) and suspension of driving privilege for a period of one (1) year or until the owner of the motor vehicle shows proof of liability insurance that is in compliance with the liability limits required by Section 63-15-3(j). Fraudulent use of an insurance card shall be punishable in accordance with Section 97-7-10. The funds from such fines shall be deposited in the State General Fund in the State Treasury. However, if such fines are levied in a municipal court, fifty percent (50%) of the funds from such fines shall be deposited in the general fund of the municipality. If such fines are levied in any of the courts of the county, fifty percent (50%) of the funds from such fines shall be deposited in the general fund of the county.

(5) If, at the hearing date or the date of payment of the fine, the motor vehicle owner shows proof of motor vehicle liability insurance in the amounts required by Section 63-15-3(j), the fine shall be reduced to One Hundred Dollars ($100.00). If the owner shows proof that such insurance was in effect at the time of citation, the case shall be dismissed as to the defendant with prejudice and all court costs shall be waived against the defendant.

(6) The municipal court or court of the county having jurisdiction of a violation under this section shall retain jurisdiction for at least one (1) year from the date of the violation.

SECTION 3. Section 83-11-101, Mississippi Code of 1972, is amended as follows:

83-11-101. (1) No automobile liability insurance policy or contract shall be issued or delivered after January 1, 1967,

unless it contains an endorsement or provisions undertaking to pay the insured all sums which he shall be legally entitled to recover as damages for bodily injury or death from the owner or operator of an uninsured motor vehicle, within limits which shall be no less than those set forth in the Mississippi Motor Vehicle Safety Responsibility Law, as amended, under provisions approved by the Commissioner of Insurance; however, at the option of the insured, the uninsured motorist limits may be increased to limits not to exceed those provided in the policy of bodily injury liability insurance of the insured or such lesser limits as the insured elects to carry over the minimum requirement set forth by this section. The insurer must provide the insured with written notice specifying the amount of uninsured motorist insurance coverage and the insurance rate that is being offered to the insured when the insured obtains or renews automobile liability insurance coverage. The insurer must have the insured sign and date a copy of that written notice before the insured may obtain or renew automobile liability insurance coverage.

(2) No automobile liability insurance policy or contract shall be issued or delivered after January 1, 1980, unless it contains an endorsement or provisions undertaking to pay the insured all sums which he shall be legally entitled to recover as damages for property damage from the owner or operator of an uninsured motor vehicle, within limits which shall be no less than those set forth in the Mississippi Motor Vehicle Safety Responsibility Law, as amended, under provisions approved by the Commissioner of Insurance; however, at the option of the insured, the uninsured motorist limits may be increased to limits not to exceed those provided in the policy of property damage liability insurance of the insured or such lesser limits as the insured elects to carry over the minimum requirement set forth by this section. The insurer must provide the insured with written notice specifying the amount of uninsured motorist insurance coverage and

the insurance rate that is being offered to the insured when the insured obtains or renews automobile liability insurance coverage. The insurer must have the insured sign and date a copy of that written notice before the insured may obtain or renew automobile liability insurance coverage.

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

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SECTION 4. This act shall take effect and be in force from and after July 1, 2011.