

3/29/15

3:05 P.M.

Chapter No. 421
15/SS26/R535SG
LR 1TB1RC

SENATE BILL NO. 2380

Originated in Senate

Liz Welch

Secretary

SENATE BILL NO. 2380

AN ACT TO AMEND SECTION 63-15-4, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN INSURANCE CARD MAY BE DISPLAYED BY ELECTRONIC IMAGE ON A CELLULAR PHONE OR OTHER TYPE OF ELECTRONIC DEVICE WHEN PROVIDING PROOF OF AUTO LIABILITY INSURANCE; AND FOR RELATED PURPOSES.

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

SECTION 1. 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) Motor vehicles exempted by Section 63-15-5;
- (b) Motor 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) Motor 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 * * * a motor vehicle liability insurance policy that covers the vehicle and is in compliance with the liability limits required by Section 63-15-3(j). The insured parties shall be responsible for maintaining the insurance * * * on each motor 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 motor vehicle at the time the insurance policy becomes effective. The insurance card may be furnished in either paper or electronic format as chosen by the insured. Acceptable electronic formats include display of electronic images on a cellular phone or any other type of electronic device. Beginning on July 1, 2013, insurers shall furnish commercial auto coverage customers with an insurance card clearly marked with the identifier, "Commercial Auto Insurance" or "Fleet" or similar language, to reflect that the vehicle is insured under a commercial auto policy.

(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 or is displayed by electronic image on a cellular phone or other type of electronic

device. However, no driver shall be stopped or detained solely for the purpose of verifying that * * * the motor vehicle is covered by liability insurance in the amounts required under Section 63-15-3(j) unless the stop is part of such roadblock. If the law enforcement officer uses the verification system created in Section 63-16-3 and receives a response from the system verifying that the owner of the motor vehicle has liability insurance in the amounts required under Section 63-15-3(j), then the officer shall not issue a citation under this section notwithstanding any failure to display an insurance card by the owner or operator.

(4) Failure of the owner or the operator of a motor vehicle to have the insurance card in the motor vehicle, or to display the insurance card by electronic image on a cellular phone or other type of electronic device, 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. A person convicted of a criminal offense under this subsection (4) shall not be convicted of a civil violation under Section 63-16-13(1) arising from the same incident.

(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) No law enforcement officer may access any function, feature or other electronic image on a person's cellular phone or other type of electronic device when enforcing the provisions of this section except for the electronic image of an insurance card shown to the officer.

SECTION 2. This act shall take effect and be in force from and after July 1, 2015.

PASSED BY THE SENATE
March 16, 2015



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 4, 2015



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

3/29/15
3:05pm