

SECOND REGULAR SESSION

HOUSE BILL NO. 1721

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JETTON.

Read 1st time April 7, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4896L.011

AN ACT

To amend chapter 303, RSMo, by adding thereto one new section relating to limitation on recovery of damages for motor vehicle accidents.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 303, RSMo, is amended by adding thereto one new section, to be known as section 303.028, to read as follows:

303.028. 1. Except as provided in subsection 3 of this section, no person shall recover damages arising out of the operation or use of a motor vehicle if any of the following applies:

(1) The injured person was at the time of the accident operating the vehicle in violation of section 577.010 or 577.012, RSMo, and pleads guilty or nolo contendere to or is found guilty of such offense;

(2) The injured person is the owner of a vehicle involved in the accident and such vehicle was being operated in violation of section 303.025; or

(3) The injured person is the operator of a vehicle involved in the accident and the operator is the owner of a vehicle registered in violation of section 303.025.

2. Except as provided in subsection 3 of this section, an insurer shall not be liable, directly or indirectly, under a policy of motor vehicle liability or uninsured motorist insurance to indemnify for the losses of an injured person as described in subsection 1 of this section.

3. If a person described in subdivision (2) or (3) of subsection 1 of this section is injured by a motorist who at the time of the accident was operating a vehicle in violation of section 577.010 or 577.012, RSMo, and such motorist pleads guilty or nolo contendere to, or is found guilty of such offense, the injured person shall not be prohibited under subsection 1 of this section from recovering such damages.