

SECOND REGULAR SESSION

HOUSE BILL NO. 1155

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES YATES (Sponsor), WILSON (130), KRAUS, DUSENBERG,
AVERY, MOORE, SUTHERLAND, WILSON (119) AND FISHER (Co-sponsors).

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STEPHEN S. DAVIS, Chief Clerk

3450L.02I

AN ACT

To repeal section 303.042, RSMo, and to enact in lieu thereof two new sections relating to the
uninsured motorist stipulation of benefits act.

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

Section A. Section 303.042, RSMo, is repealed and two new sections enacted in lieu
2 thereof, to be known as sections 303.042 and 303.390, to read as follows:

303.042. 1. The suspension shall become effective thirty days after the subject person
2 is deemed to have received the notice of suspension by ordinary mail as provided in section
3 303.041.

4 2. The period of suspension under this section shall be as follows:

5 (1) If the person's record shows no prior violation, the director shall terminate the
6 suspension upon payment of a reinstatement fee of [twenty] **one hundred** dollars and submission
7 of proof of insurance as prescribed in section 303.026 or some other form of proof of insurance
8 as prescribed by the director;

9 (2) If the person's record shows one prior violation within the immediately preceding two
10 years, the director shall terminate the suspension ninety days after its effective date upon
11 payment of a reinstatement fee of two hundred dollars and submission of proof of insurance as
12 prescribed in section 303.026 or some other form of proof of insurance as prescribed by the
13 director;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (3) If the person's record shows two or more prior violations, the period of suspension
15 shall terminate one year after its effective date upon payment of a reinstatement fee of four
16 hundred dollars and submission of proof of insurance as prescribed in section 303.026 or some
17 other form of proof of insurance as prescribed by the director.

18 3. In the event that proof of insurance required by this section has not been filed with the
19 department of revenue in accordance with this chapter prior to the end of the period of
20 suspension provided in this section, such period of suspension shall be extended until such proof
21 of insurance as prescribed by the director has been filed. In no event shall filing proof of
22 insurance as prescribed by the director reduce any period of suspension.

23 4. If the director determines that the proof of insurance submitted by a motor vehicle
24 owner or operator pursuant to this chapter is false, the director shall suspend the owner's vehicle
25 registration and operator's driving privilege. The director shall terminate the suspension one year
26 after the effective date upon payment by the owner or operator of a reinstatement fee of one
27 hundred fifty dollars and submission of proof of insurance as prescribed in section 303.026 or
28 some other form of proof of insurance as prescribed by the director.

29 5. In all cases involving a suspension as provided in this section, the director shall not
30 require an individual to file a certificate of insurance as provided in section 303.170 or section
31 303.180 or some other form of high-risk insurance in order to terminate the suspension,
32 excluding cases involving a motor vehicle accident where one or more parties involved in the
33 accident were uninsured.

**303.390. 1. This section shall be known and may be cited as the "Uninsured
2 Motorist Stipulation of Benefits Act of 2006".**

3 **2. An owner and operator of a motor vehicle who operates the motor vehicle on the**
4 **public highways of this state, or who knowingly permits the operation of the motor vehicle**
5 **on the public highways of this state, who fails to have in full force and effect a complying**
6 **liability policy providing at least the minimum liability coverage required by this state and**
7 **covering the motor vehicle at the time of an accident shall:**

8 **(1) Be deemed to have waived any right to recover against a complying policyholder**
9 **for noneconomic loss; and**

10 **(2) Recover, if at all, only for an award covering economic loss.**

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12 **Such waiver shall not apply if it can be proven that the accident was caused, wholly or in**
13 **part, by a tortfeasor's operating a motor vehicle under the influence of drugs or alcohol,**
14 **or who is convicted of vehicular assault or homicide. The provisions of this section shall**
15 **not apply to an uninsured motorist whose immediately previous insurance policy meeting**
16 **the requirements of section 303.190 was terminated or nonrenewed for failure to pay the**

17 premium, unless notice of termination or nonrenewal for failure to pay such premium was
18 provided by such insurer at least thirty days prior to the time of the accident.

19 **3. In an action against a complying policyholder by a person deemed to have**
20 **waived recovery under subsection 2 of this section:**

21 **(1) Any award in favor of such person shall be reduced by an amount equal to the**
22 **portion of the award representing compensation for noneconomic losses;**

23 **(2) The trier of fact shall not be informed, directly or indirectly, of such waiver or**
24 **of its effect on the total amount of such person's recovery.**

25 **4. Nothing in this section shall be construed to preclude recovery against an alleged**
26 **tortfeasor of benefits provided or economic loss coverage.**

27 **5. There is a rebuttable presumption of a knowing violation of the minimum**
28 **insurance requirements contained in subsection 2 of this section if such insurance has**
29 **lapsed, terminated, or otherwise been ineffective for a period of at least thirty days prior**
30 **to the accident.**

31 **6. Passengers in the uninsured motor vehicle are not subject to such waiver.**

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