

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1155
93RD GENERAL ASSEMBLY

Reported from the Committee on Insurance Policy February 13, 2006, with recommendation that the House Committee Substitute for House Bill No. 1155 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3450L.03C

AN ACT

To repeal sections 303.025 and 303.042, RSMo, and to enact in lieu thereof three new sections relating to the uninsured motorists, with penalty provisions.

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

Section A. Sections 303.025 and 303.042, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 303.025, 303.042, and 303.390, to read as
3 follows:

303.025. 1. No owner of a motor vehicle registered in this state, or required to be
2 registered in this state, shall operate, register or maintain registration of a motor vehicle, or
3 permit another person to operate such vehicle, unless the owner maintains the financial
4 responsibility which conforms to the requirements of the laws of this state. Furthermore, no
5 person shall operate a motor vehicle owned by another with the knowledge that the owner has
6 not maintained financial responsibility unless such person has financial responsibility which
7 covers the person's operation of the other's vehicle; however, no owner shall be in violation of
8 this subsection if he or she fails to maintain financial responsibility on a motor vehicle which is
9 inoperable or being stored and not in operation. The director may prescribe rules and regulations
10 for the implementation of this section.

11 2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner
12 provided for in section 303.160, or with a motor vehicle liability policy which conforms to the
13 requirements of the laws of this state.

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. Any person who violates this section **for a first offense** is guilty of a class [C] B
15 misdemeanor. **Any person who violates this section for a second or subsequent violation is**
16 **guilty of a class A misdemeanor and shall have his or her motor vehicle impounded.**

17 However, no person shall be found guilty of violating this section if the operator demonstrates
18 to the court that he or she met the financial responsibility requirements of this section at the time
19 the peace officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote
20 the citation. In addition to any other authorized punishment, the court shall notify the director
21 of revenue of any person convicted pursuant to this section and shall do one of the following:

22 (1) Enter an order suspending the driving privilege as of the date of the court order. If
23 the court orders the suspension of the driving privilege, the court shall require the defendant to
24 surrender to it any driver's license then held by such person. The length of the suspension shall
25 be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of
26 revenue the order of suspension of driving privilege and any license surrendered within ten days;

27 (2) Forward the record of the conviction for an assessment of four points; or

28 (3) In lieu of an assessment of points, render an order of supervision as provided in
29 section 302.303, RSMo. An order of supervision shall not be used in lieu of points more than
30 one time in any thirty-six-month period. Every court having jurisdiction pursuant to the
31 provisions of this section shall forward a record of conviction to the Missouri state highway
32 patrol, or at the written direction of the Missouri state highway patrol, to the department of
33 revenue, in a manner approved by the director of the department of public safety. The director
34 shall establish procedures for the record keeping and administration of this section.

35 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330
36 and 303.370 shall be construed as prohibiting the department of insurance from approving or
37 authorizing those exclusions and limitations which are contained in automobile liability
38 insurance policies and the uninsured motorist provisions of automobile liability insurance
39 policies.

40 5. If a court enters an order of suspension, the offender may appeal such order directly
41 pursuant to chapter 512, RSMo, and the provisions of section 302.311, RSMo, shall not apply.

 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;

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 punitive damages; and**

10 **(2) Recover, if at all, only for an award covering economic loss.**
11

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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