

SECOND REGULAR SESSION

HOUSE BILL NO. 1996

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PRATT.

Read 1st time February 6, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4738L.01I

AN ACT

To amend chapters 379 and 537, RSMo, by adding thereto two new sections relating to the assignment of comparative fault for operating a motorcycle.

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

Section A. Chapters 379 and 537, RSMo, are amended by adding thereto two new sections, to be known as sections 379.130 and 537.055, to read as follows:

379.130. 1. When investigating an accident or settling an automobile insurance policy claim, no insurer, agent, producer, or claims adjuster of an insurer shall assign a percentage of fault to a party based upon the sole fact that the party was operating a motorcycle in an otherwise legal manner.

2. A violation of this section shall be an unfair trade practice as defined by sections 375.930 to 375.948, RSMo, and shall be subject to all of the provisions and penalties provided by such sections.

3. As used in this section, the term "insurer" shall mean any insurance company, association or exchange authorized to issue policies of automobile insurance in the state of Missouri. The term "automobile insurance policy" shall mean a policy providing automobile liability coverage, uninsured motorists coverage, automobile medical payments coverage or automobile physical damage coverage insuring a private passenger automobile owned by an individual or partnership.

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.

**537.055. In any action to recover damages arising out of the ownership, common
2 maintenance, or operation of a motor vehicle, the fact that one of the parties was operating
3 a motorcycle shall not, in and of itself, be considered evidence of comparative negligence.**

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