

House _____ Amendment NO. _____

Offered By

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 317 & 319, Page 1, In the Title, Lines 3 through 4, by deleting all of said lines and inserting in lieu thereof the following:

"relating to personal liability"; and

Further amend said bill, Page 3, Section 303.024, Line 57, by inserting after all of said section and line the following:

"303.190. 1. A "motor vehicle liability policy" as said term is used in this chapter shall mean an owner's or an operator's policy of liability insurance, certified as provided in section 303.170 or section 303.180 as proof of financial responsibility, and issued, except as otherwise provided in section 303.180 by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

2. Such owner's policy of liability insurance:

(1) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted;

(2) Shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits, exclusive of interest and costs, with respect to each such motor vehicle, as follows: twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and ten thousand dollars because of injury to or destruction of property of others in any one accident; except that:

(a) For an insured with a single conviction of driving while intoxicated offense, such minimum coverage shall be as follows for two years after such conviction: one hundred thousand dollars because of bodily injury to or death of one person in any one accident, and subject to said limit for one person, three hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, and fifty thousand dollars because of injury to or destruction of property of others in any one accident; and

(b) For an insured with a second conviction of driving while intoxicated offense, such minimum coverage shall be as follows for five years after such conviction: two hundred fifty thousand dollars because of bodily injury to or death of one person in any one accident, and subject to said limit for one person, five hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, and one hundred thousand dollars because of injury to or destruction of property of others in any one accident; and

(c) For an insured with a third or subsequent conviction of driving while intoxicated offense,

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1 such minimum coverage shall be as follows: five hundred thousand dollars because of bodily injury
2 to or death of one person in any one accident, and subject to said limit for one person, one million
3 dollars because of bodily injury to or death of two or more persons in any one accident, and two
4 hundred thousand dollars because of injury to or destruction of property of others in any one
5 accident; and

6 (3) May exclude coverage against loss from liability imposed by law for damages arising out
7 of the use of such motor vehicles by a member of the named insured's household who is a
8 specifically excluded driver in the policy; except that, such exclusion shall not be applied
9 retrospectively.

10 3. Such operator's policy of liability insurance shall insure the person named as insured
11 therein against loss from the liability imposed upon him or her by law for damages arising out of the
12 use by him or her of any motor vehicle not owned by him or her, within the said territorial limits and
13 subject to the same limits of liability as are set forth above with respect to any owner's policy of
14 liability insurance.

15 4. Such motor vehicle liability policy shall state the name and address of the named insured,
16 the coverage afforded by the policy, the premium charged therefor, the policy period and the limits
17 of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in
18 accordance with the coverage defined in this chapter as respects bodily injury and death or property
19 damage, or both, and is subject to all the provisions of this chapter.

20 5. Such motor vehicle liability policy need not insure any liability pursuant to any workers'
21 compensation law nor any liability on account of bodily injury to or death of an employee of the
22 insured while engaged in the employment, other than domestic, of the insured, or while engaged in
23 the operation, maintenance or repair of any such motor vehicle nor any liability for damage to
24 property owned by, rented to, in charge of or transported by the insured.

25 6. Every motor vehicle liability policy shall be subject to the following provisions which
26 need not be contained therein:

27 (1) The liability of the insurance carrier with respect to the insurance required by this chapter
28 shall become absolute whenever injury or damage covered by said motor vehicle liability policy
29 occurs; said policy may not be canceled or annulled as to such liability by any agreement between
30 the insurance carrier and the insured after the occurrence of the injury or damage; no statement made
31 by the insured or on his or her behalf and no violation of said policy shall defeat or void said policy;

32 (2) The satisfaction by the insured of a judgment for such injury or damage shall not be a
33 condition precedent to the right or duty of the insurance carrier to make payment on account of such
34 injury or damage;

35 (3) The insurance carrier shall have the right to settle any claim covered by the policy, and if
36 such settlement is made in good faith, the amount thereof shall be deductible from the limits of
37 liability specified in subdivision (2) of subsection 2 of this section;

38 (4) The policy, the written application thereof, if any, and any rider or endorsement which
39 does not conflict with the provisions of this chapter shall constitute the entire contract between the
40 parties.

41 7. Any policy which grants the coverage required for a motor vehicle liability policy may
42 also grant any lawful coverage in excess of or in addition to the coverage specified for a motor
43 vehicle liability policy and such excess or additional coverage shall not be subject to the provisions
44 of this chapter. With respect to a policy which grants such excess or additional coverage the term
45 "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this
46 section.

47 8. Any motor vehicle liability policy may provide that the insured shall reimburse the
48 insurance carrier for any payment the insurance carrier would not have been obligated to make under

1 the terms of the policy except for the provisions of this chapter.

2 9. Any motor vehicle liability policy may provide for the prorating of the insurance
3 thereunder with other valid and collectible insurance.

4 10. The requirements of a motor vehicle liability policy may be fulfilled by the policies of
5 one or more insurance carriers which policies together meet such requirements.

6 11. Any binder issued pending the issuance of a motor vehicle liability policy shall be
7 deemed to fulfill the requirement for such a policy."; and

8
9 Further amend said bill, Page 8, Section 379.012, Line 48, by inserting after all of said section and
10 line the following:

11 "565.024. 1. A person commits the crime of involuntary manslaughter in the first degree if
12 he or she:

13 (1) Recklessly causes the death of another person; or

14 (2) While in an intoxicated condition operates a motor vehicle or vessel in this state and,
15 when so operating, acts with criminal negligence to cause the death of any person; or

16 (3) While in an intoxicated condition operates a motor vehicle or vessel in this state, and,
17 when so operating, acts with criminal negligence to:

18 (a) Cause the death of any person not a passenger in the vehicle or vessel operated by the
19 defendant, including the death of an individual that results from the defendant's vehicle leaving a
20 highway, as defined by section 301.010, or the highway's right-of-way; or vessel leaving the water;
21 or

22 (b) Cause the death of two or more persons; or

23 (c) Cause the death of any person while he or she has a blood alcohol content of at least
24 eighteen-hundredths of one percent by weight of alcohol in such person's blood; or

25 (4) Operates a motor vehicle in violation of subsection 2 of section 304.022, and when so
26 operating, acts with criminal negligence to cause the death of any person authorized to operate an
27 emergency vehicle, as defined in section 304.022, while such person is in the performance of official
28 duties; or

29 (5) Operates a vessel in violation of subsections 1 and 2 of section 306.132, and when so
30 operating acts with criminal negligence to cause the death of any person authorized to operate an
31 emergency watercraft, as defined in section 306.132, while such person is in the performance of
32 official duties.

33 2. Involuntary manslaughter in the first degree under subdivision (1) or (2) of subsection 1
34 of this section is a class C felony. Involuntary manslaughter in the first degree under subdivision (3)
35 of subsection 1 of this section is a class B felony; except that, any person who has a prior conviction
36 or plea of guilty to driving while intoxicated who violates subdivision (3) of subsection 1 of this
37 section is guilty of a class A felony. A second or subsequent violation of subdivision (3) of
38 subsection 1 of this section is a class A felony. For any violation of subdivision (3) of subsection 1
39 of this section, the minimum prison term which the defendant must serve shall be eighty-five percent
40 of his or her sentence. Any violation of subdivisions (4) and (5) of subsection 1 of this section is a
41 class B felony.

42 3. A person commits the crime of involuntary manslaughter in the second degree if he acts
43 with criminal negligence to cause the death of any person.

44 4. Involuntary manslaughter in the second degree is a class D felony."; and

45
46 Further amend said bill by amending the title, enacting clause, and intersectional references
47 accordingly.