

SECOND REGULAR SESSION

HOUSE BILL NO. 1107

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROWLAND.

4273H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 303.030 and 303.042, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle licenses.

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

Section A. Sections 303.030 and 303.042, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 303.030 and 303.042, to read as follows:

303.030. 1. If within [twenty days] **seventy-two hours** after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of five hundred dollars, the director does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under subsection 2 of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the director shall determine the amount of security which shall be sufficient in his judgment to satisfy any judgment for damages resulting from such accident as may be recovered against each operator or owner. Any person challenging the director's determination shall have the burden of proving he or she was not at fault.

2. The director shall[, within ninety days] **immediately** after the receipt of such report of a motor vehicle accident, suspend the license of each operator, and all registrations of each owner of a motor vehicle, in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the 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.

18 provided notice of such suspension shall be sent by the director to such operator and owner not
19 less than ten days prior to the effective date of such suspension and shall state the amount
20 required as security; provided, however, that the period of suspension provided for in this section
21 shall be in addition to any period of suspension imposed under sections 303.041 and 303.042.

22 3. Where erroneous information is given the director with respect to the matters set forth
23 in subdivision (1), (2) or (3) of subsection 4 of this section, he shall take appropriate action as
24 hereinbefore provided, within ~~[forty-five]~~ **fifteen** days after receipt by him of correct information
25 with respect to said matters.

26 4. This section shall not apply under the conditions stated in section 303.070, nor:

27 (1) To such operator or owner if such owner had in effect at the time of such accident
28 an automobile liability policy with respect to the motor vehicle involved in such accident;

29 (2) To such operator, if not the owner of such motor vehicle, if there was in effect at the
30 time of such accident an automobile liability policy or bond with respect to his operation of
31 motor vehicles not owned by him;

32 (3) To such operator or owner if the liability of such operator or owner for damages
33 resulting from such accident is, in the judgment of the director, covered by any other form of
34 liability insurance policy or bond; nor

35 (4) To any person qualifying as a self-insurer under section 303.220, nor to any person
36 operating a motor vehicle for such self-insurer.

37 5. No such policy or bond shall be effective under this section unless issued by an
38 insurance company or surety company authorized to do business in this state, except that if such
39 motor vehicle was not registered in this state, or was a motor vehicle which was registered
40 elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal
41 thereof, such policy or bond shall not be effective under this section unless the insurance
42 company or surety company, if not authorized to do business in this state, shall execute a power
43 of attorney authorizing the director to accept service on its behalf of notice or process in any
44 action upon such policy or bond arising out of such accident; provided, however, every such
45 policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit,
46 exclusive of interest and costs, of not less than twenty-five thousand dollars because of bodily
47 injury to or death of one person in any one accident and, subject to said limit for one person, to
48 a limit of not less than fifty thousand dollars because of bodily injury to or death of two or more
49 persons in any one accident, and, if the accident has resulted in injury to or destruction of
50 property, to a limit of not less than ten thousand dollars because of injury to or destruction of
51 property of others in any one accident.

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

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

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

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

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

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

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

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

✓