

HB 1892 -- LIABILITY FOR DRIVING WHILE INTOXICATED

SPONSOR: Marshall

Currently, the minimum coverage requirement for a motor vehicle liability insurance policy is \$25,000 because of bodily injury to or death of one person in any one accident and subject to said limit for one person, \$50,000 because of bodily injury to or death of two or more persons in any one accident, and \$10,000 because of bodily injury to or property destruction of others in any one accident. This bill specifies that the minimum coverage for an insured with a single conviction of driving-while-intoxicated (DWI) offense must be \$100,000 because of bodily injury to or death of one person in any one accident and subject to said limit for one person, \$300,000 because of bodily injury to or death of two or more persons in any one accident, and \$50,000 because of injury to or property destruction of others in any one accident for a period of two years after the conviction.

For an insured with a second conviction of a DWI offense, the minimum coverage must be \$250,000 because of bodily injury to or death of one person in any one accident and subject to said limit for one person, \$500,000 because of bodily injury to or death of two or more persons in any one accident, and \$100,000 because of injury or property destruction of others in any one accident for a period of five years after the conviction.

For an insured who has a third or subsequent conviction of a DWI offense, the minimum coverage must be \$500,000 because of bodily injury to or death of one person in any one accident and subject to said limit for one person, \$1 million because of bodily injury to or death of two or more persons in any one accident, and \$200,000 because of injury to or property destruction of others in any one accident.

The bill specifies that an owner's policy of liability insurance may exclude coverage against loss from liability imposed by law for damages arising out of the use of a motor vehicle by a member of the named insured's household who is a specifically excluded driver in the policy, but the exclusion cannot be applied retrospectively.

Any individual who is convicted of involuntary manslaughter in the first degree for causing a death while operating a motor vehicle or vessel while in an intoxicated condition and has a prior conviction or plea of guilty to driving while intoxicated will be guilty of a class A felony.