

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 735**  
**95TH GENERAL ASSEMBLY**

1977L.04C

D. ADAM CRUMBLISS, Chief Clerk

---

---

**AN ACT**

To repeal sections 303.024, 303.025, 303.041, and 303.042, RSMo, and to enact in lieu thereof five 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Section A. Sections 303.024, 303.025, 303.041, and 303.042, RSMo, are repealed and  
2 five new sections enacted in lieu thereof, to be known as sections 303.024, 303.025, 303.027,  
3 303.028, and 303.390, to read as follows:

303.024. 1. Each insurer issuing motor vehicle liability policies in this state, or an agent  
2 of the insurer, shall furnish an insurance identification card to the named insured for each motor  
3 vehicle insured by a motor vehicle liability policy that complies with the requirements of sections  
4 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370.

5 2. The insurance identification card shall include all of the following information:

6 (1) The name and address of the insurer;

7 (2) The name of the named insured;

8 (3) The policy number;

9 (4) The effective dates of the policy, including month, day and year;

10 (5) A description of the insured motor vehicle, including year and make or at least five  
11 digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five  
12 or more motor vehicles; and

13 (6) The statement "**THIS CARD MUST BE CARRIED IN THE INSURED MOTOR**  
14 **VEHICLE FOR PRODUCTION UPON DEMAND**" prominently displayed on the card.

15 3. A new insurance identification card shall be issued when the insured motor vehicle  
16 is changed, when an additional motor vehicle is insured, and when a new policy number is

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.

17 assigned. A replacement insurance identification card shall be issued at the request of the  
18 insured in the event of loss of the original insurance identification card.

19 4. The director shall furnish each self-insurer, as provided for in section 303.220, an  
20 insurance identification card for each motor vehicle so insured. The insurance identification card  
21 shall include all of the following information:

22 (1) Name of the self-insurer;

23 (2) The word "self-insured"; and

24 (3) The statement "THIS CARD MUST BE CARRIED IN THE SELF-INSURED  
25 MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the  
26 card.

27 5. An insurance identification card shall be carried in the insured motor vehicle at all  
28 times. The operator of an insured motor vehicle shall exhibit the insurance identification card  
29 on the demand of any peace officer, commercial vehicle enforcement officer or commercial  
30 vehicle inspector who lawfully stops such operator or investigates an accident while that officer  
31 or inspector is engaged in the performance of the officer's or inspector's duties. If the operator  
32 fails to exhibit an insurance identification card, the officer or inspector shall issue a citation to  
33 the operator for a violation of section 303.025. A motor vehicle liability insurance policy, a  
34 motor vehicle liability insurance binder, or receipt which contains the policy information  
35 required in subsection 2 of this section, shall be satisfactory evidence of insurance in lieu of an  
36 insurance identification card.

37 **6. Any person who knowingly or intentionally produces, manufactures, sells, or**  
38 **otherwise distributes a fraudulent document intended as an insurance identification card**  
39 **is guilty of a class D felony. Any person who knowingly or intentionally possesses a**  
40 **fraudulent document intended as an insurance card is guilty of a class B misdemeanor and**  
41 **shall be subject to the reduction in recovery of noneconomic losses in any action against**  
42 **a complying policyholder as set forth in subsection 4 of section 303.390.**

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.

14           3. **(1) If at any time the financial responsibility required of any person under this**  
15 **section lapses or terminates, the certificate of registration of the motor vehicle for which**  
16 **financial responsibility was being maintained and the owner's driver's license are, as of the**  
17 **date of the lapse or termination of such financial responsibility, automatically suspended**  
18 **and shall remain suspended until such financial responsibility is restored or replaced.**

19           **(2) (a) The department of public safety and the department of revenue may enter**  
20 **into agreements with local law enforcement agencies for the collection of suspended or**  
21 **revoked driver's licenses, motor vehicle registrations, and motor vehicle license plates. The**  
22 **contracting department shall assess a fifty dollar fine for each item recovered under this**  
23 **subsection in addition to any other fines assessed. Upon collection, such fine shall be**  
24 **deposited to the credit of the general revenue fund of the county or city which initiated the**  
25 **enforcement action and shall be used for the sole purpose of funding education in the**  
26 **county or city.**

27           **(b) All motor vehicle registration certificates, motor vehicle license plates, and**  
28 **driver's licenses confiscated or seized under this section shall be returned to the**  
29 **department of revenue within fifteen days.**

30           **(c) The department of revenue shall collect and retain the reinstatement fee**  
31 **provided in section 303.027 and the per diem fine as provided in section 303.028 upon the**  
32 **reinstatement of tags confiscated by local law enforcement agencies under this section.**  
33 **Any fines collected under section 303.027 referring to the monetary penalty of a person**  
34 **who is guilty of a misdemeanor for willful failure to return his or her motor vehicle license**  
35 **plates and registration shall be paid to the governing body of the local law enforcement**  
36 **agency confiscating the tags and deposited in the general revenue fund of the local**  
37 **governing body and shall be used for the sole purpose of funding education in the county**  
38 **or city. The director or the director's designee shall monthly provide information to local**  
39 **law enforcement agencies, upon request of the local law enforcement agency, on uninsured**  
40 **vehicles.**

41           **4. Any person who violates this section for a first offense is guilty of a class [C] B**  
42 **misdemeanor. Any second or subsequent violation is a class A misdemeanor and the**  
43 **offender's vehicle shall be impounded until such proof of financial responsibility is restored**  
44 **or replaced.** However, no person shall be found guilty of violating this section if the operator  
45 demonstrates to the court that he or she met the financial responsibility requirements of this  
46 section at the time the peace officer, commercial vehicle enforcement officer or commercial

47 vehicle inspector wrote the citation. In addition to any other authorized punishment, the court  
48 shall notify the director of revenue of any person convicted [pursuant to this section and shall do  
49 one of the following:

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

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

56 (3) In lieu of an assessment of points, render an order of supervision as provided in  
57 section 302.303, RSMo. An order of supervision shall not be used in lieu of points more than  
58 one time in any thirty-six-month period. Every court having jurisdiction pursuant to the  
59 provisions of this section shall forward a record of conviction to the Missouri state highway  
60 patrol, or at the written direction of the Missouri state highway patrol, to the department of  
61 revenue, in a manner approved by the director of the department of public safety. The director  
62 shall establish procedures for the record keeping and administration of this section.] **under this  
63 section and upon notice of such conviction, the department shall suspend the owner's  
64 driver's license until satisfactory proof of financial responsibility is provided. If at any  
65 time the department determines that financial responsibility on the vehicle was not  
66 maintained, the owner's registration and driving privileges shall be suspended under  
67 section 303.027.**

68 [4.] **5.** Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290,  
69 303.330 and 303.370 shall be construed as prohibiting the department of insurance, financial  
70 institutions and professional registration from approving or authorizing those exclusions and  
71 limitations which are contained in automobile liability insurance policies and the uninsured  
72 motorist provisions of automobile liability insurance policies.

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

**303.027. 1. If, at any time during the period for which a motor vehicle is licensed,  
2 financial responsibility is not maintained on a motor vehicle, the vehicle owner shall  
3 immediately obtain financial responsibility on the vehicle or within five days after such loss  
4 of financial responsibility surrender the motor vehicle license plate and registration  
5 certificate issued for the motor vehicle.**

6 **2. The department of revenue, in its discretion, may authorize automobile insurers  
7 to utilize alternative methods of providing notice of cancellation, refusal to renew, new  
8 policies written, and renewals to the department for persons who maintain financial**

9 responsibility through insurance coverage. The department shall not reissue a registration  
10 certificate and license plate for such motor vehicle until satisfactory evidence has been filed  
11 by the owner or the insurer who gave the cancellation or refusal to renew notice to the  
12 department that financial responsibility is being maintained on the motor vehicle. Upon  
13 receiving information that financial responsibility is not being maintained or, if financial  
14 responsibility is being maintained by insurance, the insurance policy is canceled or  
15 otherwise terminated on a motor vehicle registered in Missouri, the department shall  
16 suspend the owner's driving privileges, license plates, and registration certificate and shall  
17 initiate action as required within fifteen days of the failure to maintain financial  
18 responsibility or the notice of cancellation to pick up the license plates and registration  
19 certificate. A person who has had his or her driving privileges, license plates, and  
20 registration certificate suspended by the department, but who at the time of suspension has  
21 maintained sufficient financial responsibility to meet the requirements set forth in this  
22 chapter, has the right to appeal the suspension immediately to the director of the  
23 department of insurance, financial institutions and professional registration. If the  
24 director of the department of insurance, financial institutions and professional registration  
25 determines that the person maintained sufficient financial responsibility, the director shall  
26 notify the department of revenue and the suspension shall be voided immediately. The  
27 department shall provide notice by first class mail of the cancellation or suspension of  
28 driving and registration privileges to the vehicle owner at the owner's last known address.

29       3. If the vehicle owner unlawfully refuses to surrender items as required in this  
30 chapter, the department through its designated agents or by request to a local law  
31 enforcement agency shall take possession of the suspended license plates and registration  
32 certificates and shall not reissue the registration until proper proof of financial  
33 responsibility is provided and the owner has paid a reinstatement fee of two hundred  
34 dollars. A person who voluntarily surrenders his or her license plates and registration  
35 certificate before their suspension shall not be charged a reinstatement fee.

36       4. A person willfully failing to return his or her license plates and registration  
37 certificate as required in this section is guilty of a misdemeanor and, upon conviction, shall  
38 be punished as follows:

39       (1) For a first offense fined not less than one hundred dollars nor more than two  
40 hundred dollars or imprisoned for thirty days;

41       (2) For a second offense fined two hundred dollars or imprisoned for thirty days,  
42 or both;

43       (3) For a third and any subsequent offense imprisoned for not less than forty-five  
44 days nor more than six months.

45           **5. Only convictions which occurred within ten years including and immediately**  
46 **preceding the date of the last conviction constitute a prior conviction for purposes of this**  
47 **section.**

**303.028. Whenever a person furnishes proof of liability insurance, or surrenders**  
2 **or has his or her registration or license tags confiscated for failure to produce proof of**  
3 **financial responsibility, after the department of revenue receives notice of the lapse or**  
4 **termination of the required financial responsibility, the department shall compare the**  
5 **effective date of the lapse or termination with the date of the proof of financial**  
6 **responsibility or the date of the confiscation or surrender. If the department determines**  
7 **there was a lapse in the required financial responsibility, the department shall assess, in**  
8 **addition to other fines or penalties imposed by law, a per diem fine in the amount of five**  
9 **dollars. The department shall collect and keep such fine to defer the costs of enforcing the**  
10 **financial responsibility law. The fine provided for in this section and the two hundred**  
11 **dollar reinstatement fee under section 303.027 shall not be assessed if the person furnishes**  
12 **proof, as documented by his or her sworn statement, that the motor vehicle upon which the**  
13 **coverage has lapsed or been terminated has not been operated upon the roads, streets, or**  
14 **highways of this state during the lapse or termination, and the lapse or termination is due**  
15 **to military service or illness as documented by a signed physician's statement. The total**  
16 **amount of the fine provided in this section shall not exceed two hundred dollars for a first**  
17 **offense.**

**303.390. 1. This section shall be known and may be cited as the "Uninsured**  
2 **Motorist Stipulation of Benefits Act of 2009".**

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**  
7 **under this chapter and covering the motor vehicle at the time of an accident shall be**  
8 **eligible to recover an award covering economic and noneconomic loss. However, any**  
9 **recovery for noneconomic damages shall be reduced in accordance with subdivision (1) of**  
10 **subsection 3 of this section. Such limitation on recovery shall not apply if it can be proven**  
11 **that the accident was caused, wholly or in part, by a tortfeasor's operating a motor vehicle**  
12 **under the influence of drugs or alcohol, or who is convicted of vehicular assault or**  
13 **homicide. The provisions of this section shall not apply to an uninsured motorist whose**  
14 **immediately previous insurance policy meeting the requirements of section 303.190 was**  
15 **terminated or nonrenewed for failure to pay the premium, unless notice of termination or**

16 **nonrenewal for failure to pay such premium was provided by such insurer at least thirty**  
17 **days prior to the time of the accident.**

18 **3. In an action against a complying policyholder by a person with limited recovery**  
19 **under subsection 2 of this section:**

20 **(1) Any award in favor of such person shall be reduced by one hundred percent of**  
21 **that portion of the award representing compensation for noneconomic losses;**

22 **(2) The trier of fact shall not be informed, directly or indirectly, of such limitation**  
23 **on recovery or of its effect on the total amount of such person's recovery.**

24 **4. In an action against a complying policyholder by a person who knowingly or**  
25 **intentionally possesses a fraudulent document intended as an insurance card in violation**  
26 **of section 303.024, any award in favor of such person shall be reduced one hundred percent**  
27 **for that portion of the award representing compensation for noneconomic losses.**

28 **5. No owner or operator of a motor vehicle, regardless of maintenance of financial**  
29 **responsibility for such vehicle, shall receive compensation for noneconomic losses if the**  
30 **operator of the motor vehicle operates the motor vehicle under the influence of drugs or**  
31 **alcohol.**

32 **6. Nothing in this section shall be construed to preclude recovery against an alleged**  
33 **tortfeasor of benefits provided or economic loss coverage.**

34 **7. There is a rebuttable presumption of a knowing violation of the minimum**  
35 **insurance requirements contained in subsection 2 of this section if such insurance has**  
36 **lapsed, terminated, or otherwise been ineffective for a period of at least thirty days prior**  
37 **to the accident.**

38 **8. Passengers in the uninsured motor vehicle are not subject to such recovery**  
39 **limitation.**

2 [303.041. 1. If the director determines that as a result of a verification  
3 sample or accident report that the owner of a motor vehicle has not maintained  
4 financial responsibility, or if the director determines as a result of an order of  
5 supervision that the operator of a motor vehicle has not maintained the financial  
6 responsibility as required in this chapter, the director shall thirty-three days after  
7 mailing notice, suspend the driving privilege of the owner or operator and/or the  
8 registration of the vehicle failing to meet such requirement. The notice of  
9 suspension shall be mailed to the person at the last known address shown on the  
10 department's records. The notice of suspension is deemed received three days  
11 after mailing. The notice of suspension shall clearly specify the reason and  
12 statutory grounds for the suspension and the effective date of the suspension, the  
13 right of the person to request a hearing, the procedure for requesting a hearing,  
14 and the date by which that request for a hearing must be made. If the request for  
a hearing is received by the department prior to the effective date of the

15 suspension, the effective date of the suspension will be stayed until a final order  
16 is issued following the hearing.

17 2. Neither the fact that subsequent to the date of verification or  
18 conviction, the owner acquired the required liability insurance policy nor the fact  
19 that the owner terminated ownership of the motor vehicle, shall have any bearing  
20 upon the director's decision to suspend. Until it is terminated, the suspension  
21 shall remain in force after the registration is renewed or a new registration is  
22 acquired for the motor vehicle. The suspension also shall apply to any motor  
23 vehicle to which the owner transfers the registration. Effective January 1, 2000,  
24 the department shall not extend any suspension for failure to pay a delinquent late  
25 surrender fee pursuant to this subsection.]  
26

2 [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  
3 mail as provided in section 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  
6 terminate the suspension upon payment of a reinstatement fee of twenty dollars  
7 and submission of proof of insurance as prescribed in section 303.026 or some  
8 other form of proof of insurance as prescribed by the director;

9 (2) If the person's record shows one prior violation within the  
10 immediately preceding two years, the director shall terminate the suspension  
11 ninety days after its effective date upon payment of a reinstatement fee of two  
12 hundred dollars and submission of proof of insurance as prescribed in section  
13 303.026 or some other form of proof of insurance as prescribed by the director;

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

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

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

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

✓