

FIRST REGULAR SESSION

# HOUSE BILL NO. 735

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES YATES (Sponsor), NANCE, DUSENBERG, WALLACE, FAITH,  
KRAUS, RUESTMAN, COOPER, McGHEE, SCHAAF, BIVINS, ALLEN,  
YAEGER AND ATKINS (Co-sponsors).

1977L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 303.024, 303.025, and 303.042, RSMo, and to enact in lieu thereof five new sections relating to the uninsured motorists, with penalty provisions.

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

Section A. Sections 303.024, 303.025, and 303.042, RSMo, are repealed and five new  
2 sections enacted in lieu thereof, to be known as sections 301.574, 303.024, 303.025, 303.042,  
3 and 303.390, to read as follows:

**301.574. All motor vehicle dealers licensed under sections 301.550 to 301.574 shall  
2 report, on a monthly basis, all sales of vehicles to the department of revenue for the  
3 purpose of verifying the payment of all property taxes owed with respect to such vehicles.  
4 Such report shall include the name, address, and county of residence of the previous  
5 owner, the name of the purchaser, the date of the sale, and the vehicle identification  
6 number of the vehicle sold.**

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;

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.

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  
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. Any person who violates this section **for a first offense** is guilty of a class [C] **B**  
15 misdemeanor. **Any second or subsequent violation is a class A misdemeanor and the**  
16 **offender's vehicle shall be impounded.** However, no person shall be found guilty of violating  
17 this section if the operator demonstrates to the court that he or she met the financial  
18 responsibility requirements of this section at the time the peace officer, commercial vehicle  
19 enforcement officer or commercial vehicle inspector wrote the citation. In addition to any other  
20 authorized punishment, the court shall notify the director of revenue of any person convicted  
21 pursuant to this section and shall do one of the following:

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

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

28         (3) In lieu of an assessment of points, render an order of supervision as provided in  
29 section 302.303, RSMo. An order of supervision shall not be used in lieu of points more than  
30 one time in any thirty-six-month period. Every court having jurisdiction pursuant to the  
31 provisions of this section shall forward a record of conviction to the Missouri state highway  
32 patrol, or at the written direction of the Missouri state highway patrol, to the department of  
33 revenue, in a manner approved by the director of the department of public safety. The director  
34 shall establish procedures for the record keeping and administration of this section.

35         4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330  
36 and 303.370 shall be construed as prohibiting the department of insurance, financial institutions  
37 and professional registration from approving or authorizing those exclusions and limitations

38 which are contained in automobile liability insurance policies and the uninsured motorist  
39 provisions of automobile liability insurance policies.

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

303.042. 1. The suspension shall become effective thirty days after the subject person  
2 is deemed to have received the notice of suspension by ordinary mail as provided in section  
3 303.041.

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 terminate the  
6 suspension upon payment of a reinstatement fee of [twenty] **one hundred** dollars and submission  
7 of proof of insurance as prescribed in section 303.026 or some other form of proof of insurance  
8 as prescribed by the director;

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

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

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

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

29 5. In all cases involving a suspension as provided in this section, the director shall not  
30 require an individual to file a certificate of insurance as provided in section 303.170 or section  
31 303.180 or some other form of high-risk insurance in order to terminate the suspension,

32 excluding cases involving a motor vehicle accident where one or more parties involved in the  
33 accident were uninsured.

**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 the following percentage  
21 of that portion of the award representing compensation for noneconomic losses:**

22 **(a) Twenty-five percent for a first failure to maintain the required liability  
23 coverage; and**

24 **(b) One hundred percent for a second or subsequent failure to maintain the  
25 required liability coverage;**

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

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

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

34           **6. 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           **7. Passengers in the uninsured motor vehicle are not subject to such recovery**  
39 **limitation.**

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