

SECOND REGULAR SESSION

HOUSE BILL NO. 2060

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MOLENDORP.

4642L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 303, RSMo, by adding thereto one new section relating to the fairness for responsible drivers act.

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

Section A. Chapter 303, RSMo, is amended by adding thereto one new section, to be
2 known as section 303.395, to read as follows:

**303.395. 1. This section shall be known and may be cited as the "Fairness for
2 Responsible Drivers Act".**

**3 2. An uninsured motorist shall waive his or her right to a cause of action or
4 otherwise collect for noneconomic loss against a person who is in compliance with the
5 financial responsibility laws of this chapter as a result of a motor vehicle accident in which
6 the insured driver is alleged to be at fault. For purposes of this section, "uninsured
7 motorist" includes:**

- 8 (1) An uninsured driver who is the owner of the vehicle;
9 (2) An uninsured permissive driver of the vehicle; and
10 (3) Any uninsured nonpermissive driver.**

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**12 Such waiver shall not apply if it can be proven that the accident was caused, in whole or
13 in part, by a tortfeasor who operated a motor vehicle under the influence of drugs or
14 alcohol, or who is convicted of involuntary manslaughter under subdivision (2) of
15 subsection 1 of section 565.024 or assault in the second degree under subdivision (4) of
16 subsection 1 of section 565.060.**

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 **3. The provisions of this section shall not apply to an uninsured motorist whose**
18 **immediately preceding insurance policy meeting the requirements of section 303.190 was**
19 **terminated or nonrenewed for failure to pay the premium, unless notice of termination or**
20 **nonrenewal for failure to pay such premium was provided by the insurer at least six**
21 **months prior to the time of the accident.**

22 **4. In an action against a person who is in compliance with the financial**
23 **responsibility laws prescribed in this chapter by a person deemed to have waived recovery**
24 **under subsection 2 of this section:**

25 **(1) Any award in favor of such person shall be reduced by an amount equal to the**
26 **portion of the award representing compensation for noneconomic losses;**

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

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

31 **6. For purposes of this section, there is a rebuttable presumption of a knowing**
32 **violation of the minimum insurance requirements set forth in section 303.190 if such**
33 **insurance has lapsed, terminated, or otherwise been ineffective for a period of at least six**
34 **months prior to the accident.**

35 **7. Passengers in the uninsured motor vehicle shall not be subject to such recovery**
36 **limitation.**

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