

FIRST REGULAR SESSION

HOUSE BILL NO. 474

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FROELKER.

Read 1st time January 22, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1389L.011

AN ACT

To amend chapter 303, RSMo, relating to motor vehicle financial responsibility by adding thereto three new sections relating to the same subject.

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

Section A. Chapter 303, RSMo, is amended by adding thereto three new sections, to be
2 known as sections 303.500, 303.503 and 303.506, to read as follows:

303.500. As used in sections 303.500 to 303.506, the following terms mean:

2 **(1) "Drunk motorist", any person convicted of or pleading guilty to a violation of**
3 **section 577.010 or 577.012, RSMo;**

4 **(2) "Noneconomic damages", damages arising from nonpecuniary harm, including,**
5 **without limitation, pain, suffering, mental anguish, inconvenience, physical impairment,**
6 **disfigurement, loss of capacity to enjoy life, loss of consortium and punitive damages;**

7 **(3) "Operator", any person who operates a motor vehicle not owned by such**
8 **person and who knows or has reason to know that the motor vehicle is an uninsured motor**
9 **vehicle;**

10 **(4) "Person", any person or any person entitled to maintain or defend an action on**
11 **behalf of such person including such person's parent or guardian, such person's personal**
12 **representative, a person entitled to maintain a wrongful death action upon the death of**
13 **such person and a plaintiff ad litem appointed by the court pursuant to section 537.080,**
14 **RSMo;**

15 **(5) "Uninsured motor vehicle", any motor vehicle the owner of which has failed to**
16 **maintain such owner's financial responsibility therefor in a manner provided for in section**
17 **303.160 or with a motor vehicle liability policy as defined in section 303.190.**

303.503. No person may seek damages from any other party for any personal

2 injury, death or property damage arising out of a motor vehicle accident if such person,
3 at the time the motor vehicle accident occurred which caused such person's injuries, was
4 the owner or operator of an uninsured motor vehicle involved in such motor vehicle
5 accident until such person has paid at least ten thousand dollars of such person's property
6 damages and at least ten thousand dollars of such person's out-of-pocket medical expenses.

303.506. 1. In any action against a party for damages for personal injury, death
2 or property damage arising out of a motor vehicle accident, no person who, at the time the
3 motor vehicle accident occurred which caused such person's damages, was the owner or
4 operator of an uninsured motor vehicle involved in the accident and whose operation of
5 such uninsured motor vehicle is determined by a court, arbitrator or mediator to have been
6 more than fifty percent at fault in causing such motor vehicle accident, and no such person
7 who was a drunk motorist at the time the motor vehicle accident occurred which caused
8 such person's damages, shall be entitled to recover noneconomic damages.

9 2. In any action against a party for damages for personal injury, death or property
10 damage arising out of a motor vehicle accident, where any party is alleged to have been
11 either the owner or operator of an uninsured motor vehicle involved in the motor vehicle
12 accident or a drunk motorist at the time of the motor vehicle accident, and where the trier
13 of fact is a jury, such jury shall not be instructed by the court with respect to the
14 prohibition of an award of noneconomic damages, nor shall counsel for any party or any
15 person providing testimony during such proceeding in any way inform the jury or
16 potential jurors of such limitation.

17 3. In any action for damages for personal injury, death or property damage arising
18 out of a motor vehicle accident, where any party is alleged to have been either the owner
19 or operator of an uninsured motor vehicle involved in the motor vehicle accident or a
20 drunk motorist at the time of the motor vehicle accident, any damages found shall be
21 itemized by the trier of fact as follows:

- 22 (1) Past economic damages;
- 23 (2) Past noneconomic damages;
- 24 (3) Future medical damages;
- 25 (4) Future economic damages, excluding future medical damages; and
- 26 (5) Future noneconomic damages.

27 4. All future damages which are itemized as required by subsection 3 of this section
28 shall be expressed by the trier of fact at present value.

29 5. Any award of noneconomic damages prohibited by subsection 1 of this section
30 shall be eliminated by the court.