

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 417

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES YATES (Sponsor), WILSON (130), DUSENBERG,
WILSON (119), RUPP, ROARK, NANCE AND KRATKY (Co-sponsors).

Read 1st time February 2, 2005 and copies ordered printed.

Read 2nd time February 3, 2005 and referred to the Committee on Insurance Policy February 17, 2005.

Reported from the Committee on Insurance Policy March 30, 2005 with recommendation that the bill Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

Reported from the Committee on Rules April 4, 2005 with recommendation that the bill Do Pass with no time limit for debate.

Taken up for Perfection April 19, 2005. Bill ordered Perfected and printed, as amended.

STEPHEN S. DAVIS, Chief Clerk

1286L.01P

AN ACT

To amend chapter 303, RSMo, by adding thereto one new section relating to the uninsured motorist stipulation of benefits 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 303.390, to read as follows:

**303.390. 1. This section shall be known and may be cited as the "Uninsured
2 Motorist Stipulation of Benefits Act of 2005".**

**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 and
7 covering the motor vehicle at the time of an accident shall:**

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.

8 **(1) Be deemed to have waived any right to recover against a complying policyholder**
9 **for noneconomic loss; and**

10 **(2) Recover, if at all, only for an award covering economic loss.**

11

12 **Such waiver shall not apply if it can be proven that the accident was caused, wholly or in**
13 **part, by a tortfeasor's operating a motor vehicle under the influence of drugs or alcohol,**
14 **or who is convicted of vehicular assault or homicide. The provisions of this section shall**
15 **not apply to an uninsured motorist whose immediately previous insurance policy meeting**
16 **the requirements of section 303.190 was terminated or nonrenewed for failure to pay the**
17 **premium, unless notice of termination or nonrenewal for failure to pay such premium was**
18 **provided by such insurer at least thirty days prior to the time of the accident.**

19 **3. In an action against a complying policyholder by a person deemed to have**
20 **waived recovery under subsection 2 of this section:**

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

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

25 **4. Nothing in this section shall be construed to preclude recovery against an alleged**
26 **tortfeasor of benefits provided or economic loss coverage.**

27 **5. There is a rebuttable presumption of a knowing violation of the minimum**
28 **insurance requirements contained in subsection 2 of this section if such insurance has**
29 **lapsed, terminated, or otherwise been ineffective for a period of at least thirty days prior**
30 **to the accident.**

31 **6. Passengers in the uninsured motor vehicle are not subject to such waiver.**