

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 339

97TH GENERAL ASSEMBLY

0968L.01T

2013

AN ACT

To amend chapter 303, RSMo, by adding thereto one new section relating to the forfeiture of collecting noneconomic damages for failing to comply with the motor vehicle financial responsibility law.

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. An uninsured motorist shall waive the ability to have a cause of action
2 or otherwise collect for noneconomic loss against a person who is in compliance with the
3 financial responsibility laws of this chapter due to a motor vehicle accident in which the
4 insured driver is alleged to be at fault. For purposes of this section, the term "uninsured
5 motorist" shall include:**

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

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

15 **2. The provisions of this section shall not apply to an uninsured motorist whose
16 immediately previous insurance policy meeting the requirements of section 303.190 was
17 terminated or nonrenewed for failure to pay the premium, unless notice of termination or**

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.

18 **nonrenewal for failure to pay such premium was provided by such insurer at least six**
19 **months prior to the time of the accident.**

20 **3. In an action against a person who is in compliance with the financial**
21 **responsibility laws prescribed by this chapter by a person deemed to have waived recovery**
22 **under subsection 1 of this section:**

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

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

27 **4. Nothing in this section shall be construed to preclude recovery against an alleged**
28 **tort-feasor of benefits provided or economic loss coverage.**

29 **5. Passengers in the uninsured motor vehicle are not subject to such recovery**
30 **limitation.**

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