

FIRST REGULAR SESSION

HOUSE BILL NO. 649

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WIELAND.

1387L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 379.114, RSMo, and to enact in lieu thereof one new section relating to automobile insurance for volunteer drivers.

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

Section A. Section 379.114, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 379.114, to read as follows:

379.114. 1. Except as provided in sections 379.110 to 379.120, no insurer shall exercise its right to cancel a policy except for the following reasons:

(1) Nonpayment of premium; or

(2) The driver's license of the named insured has been under suspension or revocation at any time during the policy period. Provided, however, in the event more than one person is named as insured and only one of the persons named has his driver's license suspended or revoked then such policy may not be cancelled, but the insurer may issue an exclusion providing, by name, that coverage will not be provided under the terms of the policy while such person is operating the insured vehicle during any period of suspension or revocation.

2. Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal and which were unknown to the insurer at the time of such renewal.

3. No insurer shall cancel or refuse to write or refuse to renew a policy of automobile insurance on any person with at least two years' driving experience solely because of the age, residence, race, sex, color, creed, national origin, ancestry or lawful occupation, including the military service, of anyone who is or seeks to become insured or solely because another insurer has refused to write a policy, or has cancelled or has refused to renew an existing policy in which

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 that person was the named insured, nor shall any insurance company or its agent or representative
19 require any applicant, policyholder or operator to divulge in a written application or otherwise
20 whether any insurer has cancelled or refused to renew or issue to the applicant, policyholder or
21 operator a policy of automobile insurance; provided, however, nothing herein contained shall be
22 construed so as to require any insurer which under its plan of operation insures a particular class
23 of persons or customarily operates in a specific geographical territory to insure any person
24 outside of the class or operate outside the geographical territory.

25 **4. (1) No insurer shall cancel, refuse to write, or refuse to renew a policy of**
26 **automobile insurance to any person solely because such person is a volunteer driver. An**
27 **insurer shall not impose a surcharge or otherwise increase the rate for a policy solely on**
28 **the basis that the named insured or any member of the insured's household or a person**
29 **who customarily operates the insured's vehicle is a volunteer driver. Nothing in this**
30 **subsection shall prohibit an insurer from taking any actions upon factors other than the**
31 **volunteer status of the insured driver.**

32 **(2) For purposes of this subsection, "volunteer driver" means a person who**
33 **transports by vehicle an individual or an individual's goods without compensation above**
34 **the reimbursement for expenses, including driving services performed for a nationally**
35 **affiliated charitable nonprofit organization operating in any area agency on aging, as**
36 **defined in section 660.053, in this state that allows older individuals to transfer their**
37 **automobiles to the organization in exchange for personal transportation services.**

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