

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 151

91ST GENERAL ASSEMBLY

Reported from the Committee on Insurance and Housing, February 5, 2001, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0330S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 379, RSMo, by adding thereto three new sections relating to motor vehicle insurance.

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

Section A. Chapter 379, RSMo, is amended by adding thereto three new sections, to be known as sections 379.124, 379.126 and 379.127, to read as follows:

379.124. As used in sections 379.124 to 379.127, the following words and terms shall mean:

(1) "Adverse underwriting decision", placement by an insurer or agent of a risk with a residual market mechanism, an unauthorized insurer or an insurer which specializes in substandard risks;

(2) "Insurer", any insurance company, association or exchange authorized to issue policies of automobile insurance in the state of Missouri;

(3) "Policy", an automobile policy providing automobile liability coverage, uninsured motorists coverage, automobile medical payments coverage or automobile physical damage coverage insuring a private passenger automobile owned by an individual or partnership.

379.126. 1. No insurer shall refuse to write a policy for an applicant, surcharge the premium of an applicant, place an applicant in a higher-priced program or plan, or base an adverse underwriting decision solely on the fact that the applicant has never purchased such a policy of motor vehicle insurance where the lack of motor vehicle insurance coverage is due to the applicant serving in the armed services and the applicant has not operated a motor vehicle in violation of any financial responsibility

or compulsory insurance requirement within the past twelve months.

2. No insurer shall refuse to write a policy for an applicant, surcharge the premium of an applicant, place an application in a higher-priced program or plan, or base an adverse underwriting decision solely on the fact that the applicant has not owned or been covered by such a policy of motor vehicle insurance during any specified period immediately preceding the date of application where the lack of motor vehicle insurance coverage is due to the applicant serving in the armed services and the applicant has not operated a motor vehicle in violation of any financial responsibility or compulsory insurance requirement within the past twelve months.

3. Nothing in this section shall prohibit an insurer from basing an adverse underwriting decision or placing the applicant in a higher-priced program or plan if the applicant's previous driving record indicates that the applicant is a substandard risk.

379.127. Violation of section 379.126 shall be an unfair trade practice as defined by sections 375.930 to 375.948, RSMo, and shall be subject to all of the provisions and penalties provided by such sections.

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