

FIRST REGULAR SESSION

SENATE BILL NO. 52

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Pre-filed December 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

0417S.01I

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to the denial of noneconomic damages for injuries occurring during certain motor vehicle violations.

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

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.039, to read as follows:

537.039. 1. Except as provided in subsection 3 of this section, in any action to recover damages arising out of the operation or use of a motor vehicle, a person shall not recover noneconomic losses to compensate for pain, suffering, physical impairment, disfigurement, or any other nonpecuniary damages if any of the following applies:

(1) The injured person was at the time of the accident operating the vehicle in violation of section 577.010 or 577.012, RSMo, and pleaded guilty or was found guilty of that offense;

(2) The injured person was the owner of a vehicle involved in the accident, and such vehicle was being operated in violation of section 303.025, RSMo; or

(3) The injured person was the operator of a vehicle involved in the accident, and the operator is the owner of a vehicle registered in violation of section 303.025, RSMo.

2. Except as provided in subsection 3 of this section, an insurer shall not be liable, directly or indirectly, under a policy of motor vehicle liability or uninsured motorist insurance to indemnify for noneconomic losses of an injured person as described in subsection 1 of this section.

3. In the event a person described in subdivision (2) or (3) of subsection 1 of this section was injured by a motorist who at the time of the accident was operating a vehicle in violation of section 577.010 or 577.012, RSMo, and such motorist pleaded guilty or was found guilty of that offense, the injured person shall not be prohibited by subsection 1 of this section from recovering any noneconomic damages described in such provision.

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