

SECOND REGULAR SESSION

# SENATE BILL NO. 1123

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Read 1st time February 12, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

3593S.011

## AN ACT

To amend chapter 303, RSMo, by adding thereto one new section relating to the uninsured motorist stipulation of benefits act of 2008.

*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 known as section 303.390, to read as follows:

**303.390. 1. This section shall be known and may be cited as the "Uninsured Motorist Stipulation of Benefits Act of 2008".**

**2. An owner and operator of a motor vehicle who operates the motor vehicle on the public highways of this state, or who knowingly permits the operation of the motor vehicle on the public highways of this state, who fails to have in full force and effect a complying liability policy, or other form of proof of financial responsibility prescribed by section 303.160, providing at least the minimum liability coverage required by this state and covering the motor vehicle at the time of an accident shall:**

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

**(2) Recover, if at all, only for an award covering economic loss. Such waiver shall not apply if it can be proven that the accident was caused, wholly or in part, by a tortfeasor's operating a motor vehicle under the influence of drugs or alcohol, or who is convicted of vehicular assault or homicide. The provisions of this section shall not apply to an uninsured motorist whose immediately previous insurance policy meeting the requirements of section 303.190 was terminated or nonrenewed for failure to pay the premium, unless notice of termination or nonrenewal for failure to pay such premium was**

22 provided by such insurer at least thirty days prior to the time of the  
23 accident.

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

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

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

32 4. Nothing in this section shall be construed to preclude recovery  
33 against an alleged tortfeasor of benefits provided or economic loss  
34 coverage.

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

39 6. Passengers in the uninsured motor vehicle are not subject to  
40 such waiver.

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