

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 335 & 16
95TH GENERAL ASSEMBLY

Reported from the Committee on Small Business, Insurance and Industry, March 12, 2009, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

1637S.04C

AN ACT

To repeal section 303.024, RSMo, and to enact in lieu thereof two new sections relating to the motor vehicle financial responsibility law, with penalty provisions.

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

Section A. Section 303.024, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 303.024 and 303.390, to read as
3 follows:

303.024. 1. Each insurer issuing motor vehicle liability policies in this
2 state, or an agent of the insurer, shall furnish an insurance identification card
3 to the named insured for each motor vehicle insured by a motor vehicle liability
4 policy that complies with the requirements of sections 303.010 to 303.050,
5 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370.

6 2. The insurance identification card shall include all of the following
7 information:

8 (1) The name and address of the insurer;

9 (2) The name of the named insured;

10 (3) The policy number;

11 (4) The effective dates of the policy, including month, day and year;

12 (5) A description of the insured motor vehicle, including year and make
13 or at least five digits of the vehicle identification number or the word "Fleet" if
14 the insurance policy covers five or more motor vehicles; and

15 (6) The statement "THIS CARD MUST BE CARRIED IN THE INSURED
16 MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed
17 on the card.

18 3. A new insurance identification card shall be issued when the insured

19 motor vehicle is changed, when an additional motor vehicle is insured, and when
20 a new policy number is assigned. A replacement insurance identification card
21 shall be issued at the request of the insured in the event of loss of the original
22 insurance identification card.

23 4. The director shall furnish each self-insurer, as provided for in section
24 303.220, an insurance identification card for each motor vehicle so insured. The
25 insurance identification card shall include all of the following information:

26 (1) Name of the self-insurer;

27 (2) The word "self-insured"; and

28 (3) The statement "THIS CARD MUST BE CARRIED IN THE
29 SELF-INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND"
30 prominently displayed on the card.

31 5. An insurance identification card shall be carried in the insured motor
32 vehicle at all times. The operator of an insured motor vehicle shall exhibit the
33 insurance identification card on the demand of any peace officer, commercial
34 vehicle enforcement officer or commercial vehicle inspector who lawfully stops
35 such operator or investigates an accident while that officer or inspector is
36 engaged in the performance of the officer's or inspector's duties. If the operator
37 fails to exhibit an insurance identification card, the officer or inspector shall issue
38 a citation to the operator for a violation of section 303.025. A motor vehicle
39 liability insurance policy, a motor vehicle liability insurance binder, or receipt
40 which contains the policy information required in subsection 2 of this section,
41 shall be satisfactory evidence of insurance in lieu of an insurance identification
42 card.

43 **6. Any person who knowingly or intentionally produces,**
44 **manufactures, sells, or otherwise distributes a fraudulent document**
45 **intended to serve as an insurance identification card is guilty of a class**
46 **D felony. Any person who knowingly or intentionally possesses a**
47 **fraudulent document intended to serve as an insurance identification**
48 **card is guilty of a class B misdemeanor.**

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

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

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

16 **2. The provisions of this section shall not apply to an uninsured**
17 **motorist whose immediately previous insurance policy meeting the**
18 **requirements of section 303.190 was terminated or nonrenewed for**
19 **failure to pay the premium, unless notice of termination or nonrenewal**
20 **for failure to pay such premium was provided by such insurer at least**
21 **thirty days prior to the time of the accident.**

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

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

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

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

34 **5. For purposes of this section, there is a rebuttable presumption**
35 **of a knowing violation of the minimum insurance requirements**
36 **contained in section 303.160 if such insurance has lapsed, terminated,**
37 **or otherwise been ineffective for a period of at least thirty days prior**
38 **to the accident.**

39 **6. Passengers in the uninsured motor vehicle are not subject to**
40 **such recovery limitation.**