

FIRST REGULAR SESSION

# SENATE BILL NO. 202

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time January 14, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1073L.011

## AN ACT

To amend chapters 379 and 537, RSMo, by adding thereto two new sections relating to the assignment of comparative fault for operating a motorcycle.

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

Section A. Chapters 379 and 537, RSMo, are amended by adding thereto  
2 two new sections, to be known as sections 379.130 and 537.055, to read as follows:

**379.130. 1. When investigating an accident or settling an  
2 automobile insurance policy claim, no insurer, agent, producer, or  
3 claims adjuster of an insurer shall assign a percentage of fault to a  
4 party based upon the sole fact that the party was operating a  
5 motorcycle in an otherwise legal manner.**

**6 2. A violation of this section shall be an unfair trade practice as  
7 defined by sections 375.930 to 375.948, RSMo, and shall be subject to all  
8 of the provisions and penalties provided by such sections.**

**9 3. As used in this section, the term "insurer" shall mean any  
10 insurance company, association or exchange authorized to issue  
11 policies of automobile insurance in the state of Missouri. The term  
12 "automobile insurance policy" shall mean a policy providing automobile  
13 liability coverage, uninsured motorists coverage, automobile medical  
14 payments coverage or automobile physical damage coverage insuring  
15 a private passenger automobile owned by an individual or partnership.**

**537.055. In any action to recover damages arising out of the  
2 ownership, common maintenance, or operation of a motor vehicle, the  
3 fact that one of the parties was operating a motorcycle shall not, in and  
4 of itself, be considered evidence of comparative negligence.**

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