

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/House Bill No. 1963, Page 143, Section 303.026, Line 20,

2 of said page, by inserting immediately after all of said line the
3 following:

4 "303.200. 1. After consultation with insurance companies
5 [authorized to issue automobile liability policies] having a
6 certificate of authority to do business in this state and
7 actively writing motor vehicle liability policies, the director
8 of the department of commerce and insurance, hereinafter referred
9 to as the "director", shall approve a reasonable plan [or plans
10 for the equitable apportionment among such companies of
11 applicants for such policies and for personal automobile and
12 commercial motor vehicle liability] to provide motor vehicle
13 insurance policies to applicants who are in good faith entitled
14 to but are unable to procure such policies through ordinary
15 methods. The plan shall be known as the Missouri Automobile
16 Insurance Plan, hereinafter referred to as the "plan". When any
17 such plan has been approved, all such insurance companies shall
18 subscribe thereto and participate therein. [The plan manager, on
19 the plan's behalf, shall contract with an entity or entities to
20 accept and service applicants and policies for any company that
21 does not elect to accept and service applicants and policies. By

1 October first of each year any company that elects to accept and
2 service applicants and policies for the next calendar year for
3 any such plan shall so notify the plan. Except as provided in
4 subsection 2 of this section, any company that does not so notify
5 a plan established for handling coverage for personal automobile
6 risks shall be excused from accepting and servicing applicants
7 and policies for the next calendar year for such plan and shall
8 pay a fee to the plan or servicing entity for providing such
9 services. The fee shall be based on the company's market share
10 as determined by the company's writings of personal automobile
11 risks in the voluntary market. Any applicant for [any such] a
12 policy under the plan, any person insured under [any such] the
13 plan, and any insurance company affected may appeal to the
14 director from any ruling or decision of the [manager or committee
15 designated to operate such] plan. Any person aggrieved hereunder
16 by any order or act of the director may, within ten days after
17 notice thereof, file a petition in the circuit court of the
18 county of Cole for a review thereof. The court shall summarily
19 hear the petition and may make any appropriate order or decree.
20 [As used in this section, the term "personal automobile" means a
21 private passenger nonfleet vehicle, motorcycle, camper and travel
22 trailer, antique auto, amphibious auto, motor home, named
23 nonowner applicant, or a low-speed vehicle subject to chapter 304
24 which is not primarily used for business or nonprofit interests
25 and which is generally used for personal, family, or household
26 purposes.

27 2. If the total premium volume for any one plan established
28 for handling coverage for personal automobile risks exceeds ten
29 million dollars in a calendar year, a company with more than five

1 percent market share of such risks in Missouri shall not be
2 excused from accepting and servicing applicants and policies of
3 such plan under subsection 1 of this section for the next
4 calendar year, unless the governing body of the plan votes to
5 allow any company with such market share the option to be
6 excused.]

7 2. The plan shall perform its functions under a plan of
8 operation and through a governing committee as prescribed in the
9 plan of operation. Any plan of operation, prior to being placed
10 in effect, shall be filed with and approved by the director. Any
11 amendments to the plan of operation so adopted shall also be
12 filed with and approved by the director prior to being placed in
13 effect.

14 3. The plan of operation shall prescribe the issuance of
15 motor vehicle insurance policies by the plan, which may include
16 the administration of such policies by:

17 (1) A third-party administrator that has a certificate of
18 authority to do business in this state;

19 (2) A nationally recognized management organization and
20 service provider that specializes in the administration of motor
21 vehicle insurance residual market mechanisms, subject to the
22 approval of the director; or

23 (3) An insurance company that has a certificate of
24 authority to do business in this state.

25 4. No form of a policy, endorsement, rider, manual of
26 classifications, rules, or rates, no rating plan, nor any
27 modification of any of them proposed to be used by the plan shall
28 be used prior to approval by the director.

29 5. Any policy of insurance issued by the plan shall conform

1 to the provisions of this chapter and any insurance law of this
2 state applicable to motor vehicle insurance policies, except any
3 law that specifically exempts the plan from the purview of the
4 law.

5 6. The plan shall:

6 (1) File with the director, no later than June thirtieth of
7 each year, annual audited financial reports for the preceding
8 year;

9 (2) Be subject to examination by the director under
10 sections 374.205 to 374.207;

11 (3) Have the authority to make assessments on member
12 insurance companies if the funds from policyholder premiums and
13 other revenues are not sufficient for the sound operation of the
14 plan. An assessment upon a member insurance company shall be in
15 the same proportion to its share of the voluntary market premium
16 for the type of policies written under the plan. The procedures
17 for levying assessment shall be prescribed in the plan of
18 operation.

19 7. There shall be no liability imposed on the part of, and
20 no cause of action of any nature shall arise against, any member
21 insurer or any member of the governing committee for any omission
22 or action taken by them in the performance of their powers and
23 duties under this section."; and

24 Further amend the title and enacting clause accordingly.