

SENATE BILL NO. 1438

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

6083S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 303.020, 303.190, and 379.204, RSMo, and to enact in lieu thereof three new sections relating to motor vehicle liability insurance.

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

Section A. Sections 303.020, 303.190, and 379.204, RSMo,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 303.020, 303.190, and 379.204, to read as
4 follows:

303.020. As used in this chapter the following words
2 and phrases shall mean:

3 (1) "Chauffeur", a person who is employed for the
4 principal purpose of operating a motor vehicle or any person
5 who drives a motor vehicle while in use as a public or
6 common carrier of persons or property for hire;

7 (2) "Director", director of revenue of the state of
8 Missouri, acting directly or through his authorized officers
9 and agents;

10 (3) "Judgment", a final judgment by a court of
11 competent jurisdiction of any state or of the United States,
12 upon a claim for relief for damages, including damages for
13 care and loss of services, because of bodily injury to or
14 death of any person, or for damages because of injury to or
15 destruction of property, including the loss of use thereof,
16 or upon a claim for relief on any agreement or settlement

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 for such damages arising out of the ownership, maintenance
18 or use of any motor vehicle;

19 (4) "License", an operator's or driver's license,
20 temporary instruction permit, chauffeur's or registered
21 operator's license issued under the laws of this state;

22 (5) "Motor vehicle", a self-propelled vehicle which is
23 designed for use upon a highway, except trailers designed
24 for use with such vehicles, traction engines, road rollers,
25 farm tractors, tractor cranes, power shovels, well drillers,
26 motorized bicycles as defined in section 307.180, electric
27 bicycles as defined in section 301.010, and every vehicle
28 which is propelled by electric power obtained from overhead
29 wires but not operated upon rails;

30 (6) "Nonresident", a person not a resident of the
31 state of Missouri;

32 (7) "Nonresident's operating privilege", the privilege
33 conferred upon a nonresident by the laws of this state
34 pertaining to the operation by him of a motor vehicle, or
35 the use of a motor vehicle owned by him in this state;

36 (8) "Operator", a person who is in actual physical
37 control of a motor vehicle;

38 (9) "Owner", a person who holds the legal title to a
39 motor vehicle; or in the event a motor vehicle is the
40 subject of an agreement for the conditional sale or lease
41 thereof with the right of purchase upon performance of the
42 conditions stated in the agreement and with an immediate
43 right of possession vested in the conditional vendee or
44 lessee, or in the event a mortgagor of a motor vehicle is
45 entitled to possession thereof, then such conditional vendee
46 or lessee or mortgagor;

47 (10) "Proof of financial responsibility", proof of
48 ability to respond in damages for liability, on account of

49 accidents occurring subsequent to the effective date of said
50 proof, arising out of the ownership, maintenance or use of a
51 motor vehicle, in the amount of ~~[twenty-five]~~ **fifty** thousand
52 dollars because of bodily injury to or death of one person
53 in any one accident, and, subject to said limit for one
54 person, in the amount of ~~[fifty]~~ **one hundred** thousand
55 dollars because of bodily injury to or death of two or more
56 persons in any one accident, and in the amount of ~~[twenty-~~
57 ~~five]~~ **fifty** thousand dollars because of injury to or
58 destruction of property of others in any one accident;

59 (11) "Registration", registration certificate or
60 certificates and registration plates issued under the laws
61 of this state pertaining to the registration of motor
62 vehicles;

63 (12) "State", any state, territory or possession of
64 the United States, the District of Columbia, or any province
65 of the Dominion of Canada;

66 (13) "Street" or "highway", the entire width between
67 property lines of every way or place of whatever nature when
68 any part thereof is open to the use of the public, as a
69 matter of right, for purposes of vehicular traffic.

303.190. 1. A "motor vehicle liability policy" as
2 said term is used in this chapter shall mean an owner's or
3 an operator's policy of liability insurance, certified as
4 provided in section 303.170 or section 303.180 as proof of
5 financial responsibility, and issued, except as otherwise
6 provided in section 303.180 by an insurance carrier duly
7 authorized to transact business in this state, to or for the
8 benefit of the person named therein as insured.

9 2. Such owner's policy of liability insurance:

10 (1) Shall designate by explicit description or by
11 appropriate reference all motor vehicles with respect to
12 which coverage is thereby to be granted;

13 (2) Shall insure the person named therein and any
14 other person, as insured, using any such motor vehicle or
15 motor vehicles with the express or implied permission of
16 such named insured, against loss from the liability imposed
17 by law for damages arising out of the ownership, maintenance
18 or use of such motor vehicle or motor vehicles within the
19 United States of America or the Dominion of Canada, subject
20 to limits, exclusive of interest and costs, with respect to
21 each such motor vehicle, as follows: **[twenty-five] fifty**
22 thousand dollars because of bodily injury to or death of one
23 person in any one accident and, subject to said limit for
24 one person, **[fifty] one hundred** thousand dollars because of
25 bodily injury to or death of two or more persons in any one
26 accident, and **[twenty-five] fifty** thousand dollars because
27 of injury to or destruction of property of others in any one
28 accident; and

29 (3) May exclude coverage against loss from liability
30 imposed by law for damages arising out of the use of such
31 motor vehicles by a member of the named insured's household
32 who is a specifically excluded driver in the policy.

33 3. Such operator's policy of liability insurance shall
34 insure the person named as insured therein against loss from
35 the liability imposed upon him or her by law for damages
36 arising out of the use by him or her of any motor vehicle
37 not owned by him or her, within the said territorial limits
38 and subject to the same limits of liability as are set forth
39 above with respect to any owner's policy of liability
40 insurance.

41 4. Such motor vehicle liability policy shall state the
42 name and address of the named insured, the coverage afforded
43 by the policy, the premium charged therefor, the policy
44 period and the limits of liability, and shall contain an
45 agreement or be endorsed that insurance is provided
46 thereunder in accordance with the coverage defined in this
47 chapter as respects bodily injury and death or property
48 damage, or both, and is subject to all the provisions of
49 this chapter.

50 5. Such motor vehicle liability policy need not insure
51 any liability pursuant to any workers' compensation law nor
52 any liability on account of bodily injury to or death of an
53 employee of the insured while engaged in the employment,
54 other than domestic, of the insured, or while engaged in the
55 operation, maintenance or repair of any such motor vehicle
56 nor any liability for damage to property owned by, rented
57 to, in charge of or transported by the insured.

58 6. Every motor vehicle liability policy shall be
59 subject to the following provisions which need not be
60 contained therein:

61 (1) The liability of the insurance carrier with
62 respect to the insurance required by this chapter shall
63 become absolute whenever injury or damage covered by said
64 motor vehicle liability policy occurs; said policy may not
65 be cancelled or annulled as to such liability by any
66 agreement between the insurance carrier and the insured
67 after the occurrence of the injury or damage; no statement
68 made by the insured or on his or her behalf and no violation
69 of said policy shall defeat or void said policy;

70 (2) The satisfaction by the insured of a judgment for
71 such injury or damage shall not be a condition precedent to

72 the right or duty of the insurance carrier to make payment
73 on account of such injury or damage;

74 (3) The insurance carrier shall have the right to
75 settle any claim covered by the policy, and if such
76 settlement is made in good faith, the amount thereof shall
77 be deductible from the limits of liability specified in
78 subdivision (2) of subsection 2 of this section;

79 (4) The policy, the written application thereof, if
80 any, and any rider or endorsement which does not conflict
81 with the provisions of this chapter shall constitute the
82 entire contract between the parties.

83 7. Any policy which grants the coverage required for a
84 motor vehicle liability policy may also grant any lawful
85 coverage in excess of or in addition to the coverage
86 specified for a motor vehicle liability policy and such
87 excess or additional coverage shall not be subject to the
88 provisions of this chapter. With respect to a policy which
89 grants such excess or additional coverage the term "motor
90 vehicle liability policy" shall apply only to that part of
91 the coverage which is required by this section.

92 8. Any motor vehicle liability policy may provide that
93 the insured shall reimburse the insurance carrier for any
94 payment the insurance carrier would not have been obligated
95 to make under the terms of the policy except for the
96 provisions of this chapter.

97 9. Any motor vehicle liability policy may provide for
98 the prorating of the insurance thereunder with other valid
99 and collectible insurance.

100 10. The requirements of a motor vehicle liability
101 policy may be fulfilled by the policies of one or more
102 insurance carriers which policies together meet such
103 requirements.

104 11. Any binder issued pending the issuance of a motor
105 vehicle liability policy shall be deemed to fulfill the
106 requirement for such a policy.

 379.204. Any underinsured motor vehicle coverage [with
2 limits of liability less than two times the limits for
3 bodily injury or death pursuant to section 303.020] shall be
4 construed to provide coverage in excess of the liability
5 coverage of any [underinsured] motor vehicle involved in the
6 accident.

✓