

FIRST REGULAR SESSION

HOUSE BILL NO. 449

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MYERS.

Read 1st time January 18, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0919L.011

AN ACT

To repeal section 303.030, RSMo 2000, relating to motor vehicle financial responsibility, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 303.030, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 303.030, to read as follows:

303.030. 1. If within twenty days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person [in excess of five hundred dollars], the director does not have on file evidence satisfactory to him **or her** that the person who would otherwise be required to file security under subsection 2 of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, **including claims of insured motorists for deductibles paid on their own insurance policies to obtain coverage for any damages caused by an uninsured motorist,** the director shall determine the amount of security which shall be sufficient in his **or her** judgment to satisfy any judgment for damages resulting from such accident as may be recovered against each operator or owner. Any person challenging the director's determination shall have the burden of proving he or she was not at fault.

2. The director shall, within ninety days after the receipt of such report of a motor vehicle accident, suspend the license of each operator, and all registrations of each owner of a motor

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

16 vehicle, in any manner involved in such accident, and if such operator is a nonresident the
17 privilege of operating a motor vehicle within this state, and if such owner is a nonresident the
18 privilege of the use within this state of any motor vehicle owned by him **or her**, unless such
19 operator or owner or both shall deposit security in the sum so determined by the director;
20 provided notice of such suspension shall be sent by the director to such operator and owner not
21 less than ten days prior to the effective date of such suspension and shall state the amount
22 required as security; provided, however, that the period of suspension provided for in this section
23 shall be in addition to any period of suspension imposed under sections 303.041 and 303.042.

24 3. Where erroneous information is given the director with respect to the matters set forth
25 in subdivision (1), (2) or (3) of subsection 4 of this section, he **or she** shall take appropriate
26 action as hereinbefore provided, within forty-five days after receipt by him **or her** of correct
27 information with respect to said matters.

28 4. This section shall not apply under the conditions stated in section 303.070, nor:

29 (1) To such operator or owner if such owner had in effect at the time of such accident
30 an automobile liability policy with respect to the motor vehicle involved in such accident;

31 (2) To such operator, if not the owner of such motor vehicle, if there was in effect at the
32 time of such accident an automobile liability policy or bond with respect to his **or her** operation
33 of motor vehicles not owned by him **or her**;

34 (3) To such operator or owner if the liability of such operator or owner for damages
35 resulting from such accident is, in the judgment of the director, covered by any other form of
36 liability insurance policy or bond; nor

37 (4) To any person qualifying as a self-insurer under section 303.220, nor to any person
38 operating a motor vehicle for such self-insurer.

39 5. No such policy or bond shall be effective under this section unless issued by an
40 insurance company or surety company authorized to do business in this state, except that if such
41 motor vehicle was not registered in this state, or was a motor vehicle which was registered
42 elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal
43 thereof, such policy or bond shall not be effective under this section unless the insurance
44 company or surety company, if not authorized to do business in this state, shall execute a power
45 of attorney authorizing the director to accept service on its behalf of notice or process in any
46 action upon such policy or bond arising out of such accident; provided, however, every such
47 policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit,
48 exclusive of interest and costs, of not less than twenty-five thousand dollars because of bodily
49 injury to or death of one person in any one accident and, subject to said limit for one person, to
50 a limit of not less than fifty thousand dollars because of bodily injury to or death of two or more
51 persons in any one accident, and, if the accident has resulted in injury to or destruction of

52 property, to a limit of not less than ten thousand dollars because of injury to or destruction of
53 property of others in any one accident.