

SECOND REGULAR SESSION

HOUSE BILL NO. 1847

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES NANCE (Sponsor), NOLTE, FISHER (125), MCGHEE, AULL,
MOLENDORP AND WALLACE (Co-sponsors).

4130L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 303.020, 303.025, and 303.042, RSMo, and to enact in lieu thereof four new sections relating to uninsured motorists, with penalty provisions.

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

Section A. Sections 303.020, 303.025, and 303.042, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 303.020, 303.025, 303.042, and
3 303.425, to read as follows:

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

- 2 (1) "Chauffeur", a person who is employed for the principal purpose of operating a motor
3 vehicle or any person who drives a motor vehicle while in use as a public or common carrier of
4 persons or property for hire;
- 5 (2) "Director", director of revenue of the state of Missouri, acting directly or through his
6 authorized officers and agents;
- 7 (3) "Judgment", a final judgment by a court of competent jurisdiction of any state or of
8 the United States, upon a claim for relief for damages, including damages for care and loss of
9 services, because of bodily injury to or death of any person, or for damages because of injury to
10 or destruction of property, including the loss of use thereof, or upon a claim for relief on any
11 agreement or settlement for such damages arising out of the ownership, maintenance or use of
12 any motor vehicle;
- 13 (4) "License", an operator's or driver's license, temporary instruction permit, chauffeur's
14 or registered operator's license issued under the laws of this state;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 (5) "Motor vehicle", a self-propelled vehicle which is designed for use upon a highway,
16 except trailers designed for use with such vehicles, traction engines, road rollers, farm tractors,
17 tractor cranes, power shovels, well drillers and motorized bicycles, as defined in section 307.180,
18 RSMo, and every vehicle which is propelled by electric power obtained from overhead wires but
19 not operated upon rails;

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

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

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

25 (9) "Owner", a person who holds the legal title to a motor vehicle; or in the event a motor
26 vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of
27 purchase upon performance of the conditions stated in the agreement and with an immediate
28 right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a
29 motor vehicle is entitled to possession thereof, then such conditional vendee or lessee or
30 mortgagor;

31 (10) "Proof of financial responsibility", proof of ability to respond in damages for
32 liability, on account of accidents occurring subsequent to the effective date of said proof, arising
33 out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five
34 thousand dollars because of bodily injury to or death of one person in any one accident, and,
35 subject to said limit for one person, in the amount of fifty thousand dollars because of bodily
36 injury to or death of two or more persons in any one accident, and in the amount of ten thousand
37 dollars because of injury to or destruction of property of others in any one accident;

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

40 (12) **"SR-22 form", the form required to be filed by an insurance company to the**
41 **department of revenue stating that automobile liability insurance is in effect for a**
42 **particular individual;**

43 (13) "State", any state, territory or possession of the United States, the District of
44 Columbia, or any province of the Dominion of Canada;

45 [(13)] (14) "Street" or "highway", the entire width between property lines of every way
46 or place of whatever nature when any part thereof is open to the use of the public, as a matter of
47 right, for purposes of vehicular traffic.

303.025. 1. No owner of a motor vehicle registered in this state, or required to be
2 registered in this state, shall operate, register or maintain registration of a motor vehicle, or
3 permit another person to operate such vehicle, unless the owner maintains the financial

4 responsibility which conforms to the requirements of the laws of this state. **No nonresident**
5 **shall operate or permit another person to operate in this state a motor vehicle registered**
6 **to such nonresident unless the nonresident maintains the financial responsibility which**
7 **conforms to the requirements of the laws of the nonresident's state of residence.**
8 Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that
9 the owner has not maintained financial responsibility unless such person has financial
10 responsibility which covers the person's operation of the other's vehicle; however, no owner shall
11 be in violation of this subsection if he or she fails to maintain financial responsibility on a motor
12 vehicle which is inoperable or being stored and not in operation. The director may prescribe
13 rules and regulations for the implementation of this section.

14 2. **(1) A resident** motor vehicle owner shall maintain the owner's financial responsibility
15 in a manner provided for in section 303.160, or with a motor vehicle liability policy which
16 conforms to the requirements of the laws of this state. **A nonresident motor vehicle owner**
17 **shall maintain the owner's financial responsibility which conforms to the requirements of**
18 **the laws of the nonresident's state of residence.**

19 **(2) If a motor vehicle owner fails to provide proof of financial responsibility, the**
20 **motor vehicle shall be towed and held until the state highway patrol receives confirmation**
21 **of reimbursement to any victim of an accident and after providing proof that the required**
22 **financial responsibility or insurance is reinstated or acquired. A reinstatement fee of one**
23 **hundred dollars shall be imposed. The owner of the motor vehicle is responsible for any**
24 **towing charges associated with the towing of the motor vehicle under this subdivision.**

25 3. Any person who violates this section is guilty of a class C misdemeanor. However,
26 no person shall be found guilty **in a court of law** of violating this section if the operator
27 demonstrates to the court that he or she met the financial responsibility requirements of this
28 section at the time the peace officer, commercial vehicle enforcement officer or commercial
29 vehicle inspector wrote the citation. In addition to any other authorized punishment, the court
30 shall notify the director of revenue of any person convicted pursuant to this section and shall do
31 one of the following:

32 **(1) Require the owner to carry a SR-22 form for two years; or**

33 **(2) Enter an order suspending the driving privilege as of the date of the court order. If**
34 **the court orders the suspension of the driving privilege, the court shall require the defendant to**
35 **surrender to it any driver's license then held by such person. The length of the suspension shall**
36 **be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of**
37 **revenue the order of suspension of driving privilege and any license surrendered within ten days[;**

38 **(2) Forward the record of the conviction for an assessment of four points; or**

39 (3) In lieu of an assessment of points, render an order of supervision as provided in
40 section 302.303, RSMo. An order of supervision shall not be used in lieu of points more than
41 one time in any thirty-six-month period. Every court having jurisdiction pursuant to the
42 provisions of this section shall forward a record of conviction to the Missouri state highway
43 patrol, or at the written direction of the Missouri state highway patrol, to the department of
44 revenue, in a manner approved by the director of the department of public safety. The director
45 shall establish procedures for the record keeping and administration of this section].

46 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330
47 and 303.370 shall be construed as prohibiting the department of insurance, financial institutions
48 and professional registration from approving or authorizing those exclusions and limitations
49 which are contained in automobile liability insurance policies and the uninsured motorist
50 provisions of automobile liability insurance policies.

51 5. If a court enters an order of suspension, the offender may appeal such order directly
52 pursuant to chapter 512, RSMo, and the provisions of section 302.311, RSMo, shall not apply.

303.042. 1. The suspension shall become effective thirty days after the subject person
2 is deemed to have received the notice of suspension by ordinary mail as provided in section
3 303.041.

4 2. The period of suspension under this section shall be as follows:

5 (1) If the person's record shows no prior violation, the director shall terminate the
6 suspension upon payment of a reinstatement fee of [twenty] **one hundred** dollars and submission
7 of proof of insurance as prescribed in section 303.026 or some other form of proof of insurance
8 as prescribed by the director, **and require the owner to carry a SR-22 form for two years;**

9 (2) If the person's record shows one prior violation within the immediately preceding two
10 years, the director shall terminate the suspension ninety days after its effective date upon
11 payment of a reinstatement fee of [two] **five** hundred dollars and submission of proof of
12 insurance as prescribed in section 303.026 or some other form of proof of insurance as prescribed
13 by the director, **and require the owner to carry a SR-22 form for two years;**

14 (3) If the person's record shows two or more prior violations, the period of suspension
15 shall terminate one year after its effective date upon payment of a reinstatement fee of four
16 hundred dollars and submission of proof of insurance as prescribed in section 303.026 or some
17 other form of proof of insurance as prescribed by the director, **and require the owner to carry**
18 **a SR-22 form for two years.**

19 3. In the event that proof of insurance required by this section has not been filed with the
20 department of revenue in accordance with this chapter prior to the end of the period of
21 suspension provided in this section, such period of suspension shall be extended until such proof

22 of insurance as prescribed by the director has been filed. In no event shall filing proof of
23 insurance as prescribed by the director reduce any period of suspension.

24 4. If the director determines that the proof of insurance submitted by a motor vehicle
25 owner or operator pursuant to this chapter is false, the director shall suspend the owner's vehicle
26 registration and operator's driving privilege. The director shall terminate the suspension one year
27 after the effective date upon payment by the owner or operator of a reinstatement fee of one
28 [hundred fifty] **thousand** dollars and submission of proof of insurance as prescribed in section
29 303.026 or some other form of proof of insurance as prescribed by the director.

30 5. In all cases involving a suspension as provided in this section, the director shall not
31 require an individual to file a certificate of insurance as provided in section 303.170 or section
32 303.180 or some other form of high-risk insurance in order to terminate the suspension,
33 excluding cases involving a motor vehicle accident where one or more parties involved in the
34 accident were uninsured.

**303.425. 1. The department of revenue, in consultation with any other
2 implementing agency, shall establish a financial responsibility verification system for the
3 verification of financial responsibility of motor vehicle owners in this state. The system
4 shall:**

5 **(1) Be established in a manner most likely to accomplish the following:**

6 **(a) Reduce the number of uninsured motorists in this state;**

7 **(b) Operate reliably;**

8 **(c) Be cost effective;**

9 **(d) Sufficiently protect the privacy of motor vehicle owners; and**

10 **(e) Sufficiently ensure the security and integrity of each database to which it is
11 applied;**

12 **(2) Develop and implement a financial responsibility verification database (FRVD)
13 to provide an electronic means for law enforcement to verify the current financial
14 responsibility status of motor vehicle owners in this state; and**

15 **(3) Be capable of being audited by an independent auditor.**

16 **2. The department, in consultation with any other implementing agency, shall
17 promulgate rules to implement the provisions of this section. Any rule or portion of a rule,
18 as that term is defined in section 536.010, that is created under the authority delegated in
19 this section shall become effective only if it complies with and is subject to all of the
20 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
21 are nonseverable and if any of the powers vested with the general assembly pursuant to
22 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**

23 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
24 proposed or adopted after August 28, 2010, shall be invalid and void.

25 **3. (1) Each insurer providing motor vehicle liability insurance contracts or policies**
26 **in this state shall provide the department with necessary information or allow sufficient**
27 **access to its databases to the department to carry out the purposes of this section.**

28 **(2) The department is entitled only to information necessary to carry out the**
29 **provisions of this section.**

30 **(3) Information obtained under this section is confidential and shall only be used**
31 **for a purpose authorized under this section and shall not be used for commercial purposes.**

32 **(4) Any person who knowingly uses information obtained under this section for any**
33 **purpose not authorized under this section is guilty of a class B misdemeanor.**

34 **4. Under the system established in this section, each insurer shall provide the**
35 **department of revenue with notice of all cancellations of motor vehicle liability insurance**
36 **contracts or policies in this state on a monthly basis. Within ten days of such notice, the**
37 **department of revenue shall send notification to all owners identified under this subsection**
38 **of the cancellation of the owner's motor vehicle insurance policy or contract for the**
39 **purpose of obtaining the following information:**

40 **(1) The current motor vehicle liability insurance status of the owner;**

41 **(2) The name of the insurer for the owner's motor vehicle liability insurance policy**
42 **or contract;**

43 **(3) The owner's liability insurance policy number;**

44 **(4) The effective date of the owner's liability insurance policy or contract.**

45 **5. (1) There is hereby created in the state treasury the "Uninsured Motorist Fee**
46 **Fund", which shall consist of moneys collected under section 303.042, all fees associated**
47 **with SR-22 forms, and any fines imposed under this chapter. The state treasurer shall be**
48 **custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer**
49 **may approve disbursements. Upon appropriation, money in the fund shall be used by the**
50 **departments of revenue, public safety, and insurance, financial institutions and**
51 **professional registration to implement and operate the system established under this**
52 **section.**

53 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
54 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
55 **general revenue fund.**

56 **(3) The state treasurer shall invest moneys in the fund in the same manner as other**
57 **funds are invested. Any interest and moneys earned on such investments shall be credited**
58 **to the fund.**

59 **6. Under the program established in this section, any law enforcement officer**
60 **attempting to verify the financial responsibility status of a motor vehicle owner shall first**
61 **determine whether the owner's status can be verified under the financial responsibility**
62 **verification database (FRVD) established under this section. If such financial**
63 **responsibility cannot be confirmed under the FRVP, but the motor vehicle owner provides**
64 **proof of current financial responsibility, the officer shall, at the time of the traffic stop or**
65 **at a later date upon return of the officer to the law enforcement station, attempt to verify**
66 **the validity of the proof provided.**

67 **7. Under section 23.253 of the Missouri sunset act:**

68 **(1) The provisions of the new program authorized under this section automatically**
69 **sunset six years after the effective date of this section unless reauthorized by an act of the**
70 **general assembly; and**

71 **(2) If such program is reauthorized, the program authorized under this section**
72 **shall automatically sunset twelve years after the effective date of the reauthorization of this**
73 **section; and**

74 **(3) This section shall terminate on September first of the calendar year immediately**
75 **following the calendar year in which the program authorized under this section is sunset.**

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