

HOUSE BILL NO. 1996

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FLANIGAN (Sponsor) AND TALBOY (Co-sponsor).

4594L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 303.025 and 303.040, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle financial responsibility, with a penalty provision.

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

Section A. Sections 303.025 and 303.040, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 303.025 and 303.040, to read as follows:

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 **or
11 nonresident** shall be in violation of this subsection if he or she fails to maintain financial
12 responsibility on a motor vehicle which is inoperable or being stored and not in operation. The
13 director may prescribe rules and regulations for the implementation of this section.

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

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.

17 **owner's financial responsibility which conforms to the requirements of the laws of the**
18 **nonresident's state of residence.**

19 3. Any person who violates this section is guilty of a class C misdemeanor. However,
20 no person shall be found guilty of violating this section if the operator demonstrates to the court
21 that he or she met the financial responsibility requirements of this section at the time the peace
22 officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the
23 citation. In addition to any other authorized punishment, the court shall notify the director of
24 revenue of any person convicted pursuant to this section and shall do one of the following:

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

30 (2) Forward the record of the conviction for an assessment of four points; [or]

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

38 **(4) For a nonresident, suspend the nonresident's driving privileges in this state in**
39 **accordance with section 303.030 and notify the official in charge of the issuance of licenses**
40 **and registration certificates in the state in which such nonresident resides in accordance**
41 **with section 303.080.**

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

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

303.040. 1. The operator or owner of every motor vehicle which is involved in an
2 accident within this state, **including a nonresident operator or owner of a motor vehicle**, or
3 the owner of a legally or illegally parked car which is in any manner involved in an accident
4 within this state, with an uninsured motorist, upon the streets or highways thereof, or on any
5 publicly or privately owned parking lot or parking facility generally open for use by the public,

6 in which any person is killed or injured or in which damage to property of any one person,
7 including himself, in excess of five hundred dollars is sustained, and the owner or operator of
8 every motor vehicle which is involved in an accident within this state if such owner or operator
9 does not carry motor vehicle liability insurance shall, within thirty days after such accident,
10 report the matter in writing to the director. Such report, the form of which shall be prescribed
11 by the director, shall provide the operator with notice of the following:

12 (1) That it is the responsibility of the operator, not the state, to bring an action at law on
13 the claim of the operator arising out of the accident;

14 (2) That the security deposited shall only be applied to the payment of a judgment against
15 the person or persons on whose behalf the deposit was made;

16 (3) That the department of revenue shall return the deposit to the depositor after the
17 expiration of one year from the date of the accident, or as otherwise provided in section 303.060.
18 In addition, the report shall contain such information as will enable the director to determine
19 whether the requirements for the deposit of security under section 303.030 are inapplicable by
20 reason of the existence of insurance or other exceptions specified in this chapter, or whether the
21 required financial responsibility has been met by the owner or operator of the motor vehicle as
22 required by section 303.025. The director may rely upon the accuracy of such information unless
23 and until he has reason to believe that the information is erroneous. If such operator be
24 physically incapable of making such report, the owner of the motor vehicle involved in such
25 accident shall, within thirty days after learning of the accident, make such report. If the operator
26 is also the owner and is incapable of filing such report as is required by this section, then the
27 report will be filed as soon as the operator-owner is so capable. If the report is late by reason of
28 incapability, a doctor's certificate must accompany the report certifying same. The operator or
29 the owner shall furnish such additional relevant information as the director shall require.

30 2. If any party involved in an accident files a report under this section, the director shall
31 notify, within ten days after receipt of the report, all other parties involved in the accident as
32 specified in the report that a report has been filed and such other parties shall then furnish, within
33 ten days, the director with such information as the director may request.

34 **3. If any party involved in an accident in this state is a nonresident uninsured**
35 **motorist, the nonresident uninsured operator or owner of the motor vehicle and any law**
36 **enforcement agency responding to such accident shall report the involvement of an**
37 **uninsured nonresident motorist in an accident occurring in this state to the director, and**
38 **any resident operator or owner of a motor vehicle involved in an accident with an**
39 **uninsured nonresident motorist may report such accident to the director in accordance**
40 **with the provisions of subsections 1 and 2 of this section.**

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