

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 317 &
2 319, Page 1, In the Title, Lines 3 through 4, by deleting all of said lines and inserting in lieu thereof
3 the following:

4 "relating to personal liability"; and
5

6 Further amend said bill, Page 3, Section 303.024, Line 57, by inserting after all of said section and
7 line the following:

8 "303.025. 1. No owner of a motor vehicle registered in this state, or required to be registered
9 in this state, shall operate, register or maintain registration of a motor vehicle, or permit another
10 person to operate such vehicle, unless the owner maintains the financial responsibility which
11 conforms to the requirements of the laws of this state. No nonresident shall operate or permit another
12 person to operate in this state a motor vehicle registered to such nonresident unless the nonresident
13 maintains the financial responsibility which conforms to the requirements of the laws of the
14 nonresident's state of residence. Furthermore, no person shall operate a motor vehicle owned by
15 another with the knowledge that the owner has not maintained financial responsibility unless such
16 person has financial responsibility which covers the person's operation of the other's vehicle;
17 however, no owner or nonresident shall be in violation of this subsection if he or she fails to maintain
18 financial responsibility on a motor vehicle which is inoperable or being stored and not in operation.
19 The director may prescribe rules and regulations for the implementation of this section.

20 2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner
21 provided for in section 303.160, or with a motor vehicle liability policy which conforms to the
22 requirements of the laws of this state. A nonresident motor vehicle owner shall maintain the owner's
23 financial responsibility which conforms to the requirements of the laws of the nonresident's state of
24 residence.

25 3. Any person who violates this section is guilty of a misdemeanor. A first violation of this
26 section shall be punishable by a fine not to exceed three hundred dollars. A second or subsequent
27 violation of this section shall be punishable by imprisonment in the county jail for a term not to
28 exceed fifteen days and/or a fine not to exceed three hundred dollars, except that any person
29 convicted of an offense under section 577.010 who violates this section shall be guilty of a class A
30 misdemeanor. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the
31 same manner as required by section 558.021. However, no person shall be found guilty of violating
32 this section if the operator demonstrates to the court that he or she met the financial responsibility
33 requirements of this section at the time the peace officer, commercial vehicle enforcement officer or
34 commercial vehicle inspector wrote the citation. In addition to any other authorized punishment, the
35 court shall notify the director of revenue of any person convicted pursuant to this section and shall do
36 one of the following:

37 (1) Enter an order suspending the driving privilege as of the date of the court order. If the

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1 court orders the suspension of the driving privilege, the court shall require the defendant to surrender
 2 to it any driver's license then held by such person. The length of the suspension shall be as prescribed
 3 in subsection 2 of section 303.042. The court shall forward to the director of revenue the order of
 4 suspension of driving privilege and any license surrendered within ten days;

5 (2) Forward the record of the conviction for an assessment of four points;

6 (3) In lieu of an assessment of points, render an order of supervision as provided in section
 7 302.303. An order of supervision shall not be used in lieu of points more than one time in any
 8 thirty-six-month period. Every court having jurisdiction pursuant to the provisions of this section
 9 shall forward a record of conviction to the Missouri state highway patrol, or at the written direction
 10 of the Missouri state highway patrol, to the department of revenue, in a manner approved by the
 11 director of the department of public safety. The director shall establish procedures for the record
 12 keeping and administration of this section; or

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

16 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and
 17 303.370 shall be construed as prohibiting the department of insurance, financial institutions and
 18 professional registration from approving or authorizing those exclusions and limitations which are
 19 contained in automobile liability insurance policies and the uninsured motorist provisions of
 20 automobile liability insurance policies.

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

23 303.044. After the period of suspension provided in section 303.042 has elapsed, the owner
 24 or operator, or both, whose license or registration has been suspended must file proof of insurance as
 25 prescribed in section 303.026 or some other proof of insurance as prescribed by the director for a
 26 period of three years thereafter with respect to all motor vehicles registered to him. If proof of
 27 insurance is not maintained during the [three-year] period required under section 303.190 to the
 28 satisfaction of the director, he shall again suspend the license and all registrations until the owner or
 29 operator shall thereafter maintain proof of insurance as set out herein. In no case shall the director
 30 require the person whose license or registration has been suspended pursuant to this section to file a
 31 certificate of insurance as prescribed by section 303.170 or section 303.180 or some other form of
 32 high-risk insurance, excluding cases involving a motor vehicle accident where one or more parties
 33 involved in the accident were uninsured.

34 303.190. 1. A "motor vehicle liability policy" as said term is used in this chapter shall mean
 35 an owner's or an operator's policy of liability insurance, certified as provided in section 303.170 or
 36 section 303.180 as proof of financial responsibility, and issued, except as otherwise provided in
 37 section 303.180 by an insurance carrier duly authorized to transact business in this state, to or for the
 38 benefit of the person named therein as insured.

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

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

42 (2) Shall insure the person named therein and any other person, as insured, using any such
 43 motor vehicle or motor vehicles with the express or implied permission of such named insured,
 44 against loss from the liability imposed by law for damages arising out of the ownership, maintenance
 45 or use of such motor vehicle or motor vehicles within the United States of America or the Dominion
 46 of Canada, subject to limits, exclusive of interest and costs, with respect to each such motor vehicle,
 47 as follows: twenty-five thousand dollars because of bodily injury to or death of one person in any
 48 one accident and, subject to said limit for one person, fifty thousand dollars because of bodily injury

1 to or death of two or more persons in any one accident, and ten thousand dollars because of injury to
2 or destruction of property of others in any one accident; except that:

3 (a) For an insured with a single conviction of driving while intoxicated offense, such
4 minimum coverage shall be as follows for two years after such conviction: one hundred thousand
5 dollars because of bodily injury to or death of one person in any one accident, and subject to said
6 limit for one person, three hundred thousand dollars because of bodily injury to or death of two or
7 more persons in any one accident, and fifty thousand dollars because of injury to or destruction of
8 property of others in any one accident; and

9 (b) For an insured with a second conviction of driving while intoxicated offense, such
10 minimum coverage shall be as follows for five years after such conviction: two hundred fifty
11 thousand dollars because of bodily injury to or death of one person in any one accident, and subject
12 to said limit for one person, five hundred thousand dollars because of bodily injury to or death of two
13 or more persons in any one accident, and one hundred thousand dollars because of injury to or
14 destruction of property of others in any one accident; and

15 (c) For an insured with a third or subsequent conviction of driving while intoxicated offense,
16 such minimum coverage shall be as follows: five hundred thousand dollars because of bodily injury
17 to or death of one person in any one accident, and subject to said limit for one person, one million
18 dollars because of bodily injury to or death of two or more persons in any one accident, and two
19 hundred thousand dollars because of injury to or destruction of property of others in any one
20 accident; and

21 (3) May exclude coverage against loss from liability imposed by law for damages arising out
22 of the use of such motor vehicles by a member of the named insured's household who is a
23 specifically excluded driver in the policy; except that, such exclusion shall not be applied
24 retrospectively.

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

30 4. Such motor vehicle liability policy shall state the name and address of the named insured,
31 the coverage afforded by the policy, the premium charged therefor, the policy period and the limits
32 of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in
33 accordance with the coverage defined in this chapter as respects bodily injury and death or property
34 damage, or both, and is subject to all the provisions of this chapter.

35 5. Such motor vehicle liability policy need not insure any liability pursuant to any workers'
36 compensation law nor any liability on account of bodily injury to or death of an employee of the
37 insured while engaged in the employment, other than domestic, of the insured, or while engaged in
38 the operation, maintenance or repair of any such motor vehicle nor any liability for damage to
39 property owned by, rented to, in charge of or transported by the insured.

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

42 (1) The liability of the insurance carrier with respect to the insurance required by this chapter
43 shall become absolute whenever injury or damage covered by said motor vehicle liability policy
44 occurs; said policy may not be canceled or annulled as to such liability by any agreement between
45 the insurance carrier and the insured after the occurrence of the injury or damage; no statement made
46 by the insured or on his or her behalf and no violation of said policy shall defeat or void said policy;

47 (2) The satisfaction by the insured of a judgment for such injury or damage shall not be a
48 condition precedent to the right or duty of the insurance carrier to make payment on account of such

1 injury or damage;

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

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

8 7. Any policy which grants the coverage required for a motor vehicle liability policy may
9 also grant any lawful coverage in excess of or in addition to the coverage specified for a motor
10 vehicle liability policy and such excess or additional coverage shall not be subject to the provisions
11 of this chapter. With respect to a policy which grants such excess or additional coverage the term
12 "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this
13 section.

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

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

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

21 11. Any binder issued pending the issuance of a motor vehicle liability policy shall be
22 deemed to fulfill the requirement for such a policy."; and
23

24 Further amend said bill, Page 8, Section 379.012, Line 48, by inserting after all of said section and
25 line the following:

26 "565.024. 1. A person commits the crime of involuntary manslaughter in the first degree if
27 he or she:

28 (1) Recklessly causes the death of another person; or

29 (2) While in an intoxicated condition operates a motor vehicle or vessel in this state and,
30 when so operating, acts with criminal negligence to cause the death of any person; or

31 (3) While in an intoxicated condition operates a motor vehicle or vessel in this state, and,
32 when so operating, acts with criminal negligence to:

33 (a) Cause the death of any person not a passenger in the vehicle or vessel operated by the
34 defendant, including the death of an individual that results from the defendant's vehicle leaving a
35 highway, as defined by section 301.010, or the highway's right-of-way; or vessel leaving the water;
36 or

37 (b) Cause the death of two or more persons; or

38 (c) Cause the death of any person while he or she has a blood alcohol content of at least
39 eighteen-hundredths of one percent by weight of alcohol in such person's blood; or

40 (4) Operates a motor vehicle in violation of subsection 2 of section 304.022, and when so
41 operating, acts with criminal negligence to cause the death of any person authorized to operate an
42 emergency vehicle, as defined in section 304.022, while such person is in the performance of official
43 duties; or

44 (5) Operates a vessel in violation of subsections 1 and 2 of section 306.132, and when so
45 operating acts with criminal negligence to cause the death of any person authorized to operate an
46 emergency watercraft, as defined in section 306.132, while such person is in the performance of
47 official duties.

48 2. Involuntary manslaughter in the first degree under subdivision (1) or (2) of subsection 1

1 of this section is a class C felony. Involuntary manslaughter in the first degree under subdivision (3)
2 of subsection 1 of this section is a class B felony; except that, any person who has a prior conviction
3 or plea of guilty to driving while intoxicated who violates subdivision (3) of subsection 1 of this
4 section is guilty of a class A felony. A second or subsequent violation of subdivision (3) of
5 subsection 1 of this section is a class A felony. For any violation of subdivision (3) of subsection 1
6 of this section, the minimum prison term which the defendant must serve shall be eighty-five percent
7 of his or her sentence. Any violation of subdivisions (4) and (5) of subsection 1 of this section is a
8 class B felony.

9 3. A person commits the crime of involuntary manslaughter in the second degree if he acts
10 with criminal negligence to cause the death of any person.

11 4. Involuntary manslaughter in the second degree is a class D felony."; and

12
13 Further amend said bill by amending the title, enacting clause, and intersectional references
14 accordingly.

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