

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

19 303.190. 1. A "motor vehicle liability policy" as said term is used in this chapter shall mean  
20 an owner's or an operator's policy of liability insurance, certified as provided in section 303.170 or  
21 section 303.180 as proof of financial responsibility, and issued, except as otherwise provided in  
22 section 303.180 by an insurance carrier duly authorized to transact business in this state, to or for the  
23 benefit of the person named therein as insured.

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

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

27 (2) Shall insure the person named therein and any other person, as insured, using any such  
28 motor vehicle or motor vehicles with the express or implied permission of such named insured,  
29 against loss from the liability imposed by law for damages arising out of the ownership, maintenance  
30 or use of such motor vehicle or motor vehicles within the United States of America or the Dominion  
31 of Canada, subject to limits, exclusive of interest and costs, with respect to each such motor vehicle,  
32 as follows: twenty-five thousand dollars because of bodily injury to or death of one person in any  
33 one accident and, subject to said limit for one person, fifty thousand dollars because of bodily injury  
34 to or death of two or more persons in any one accident, and ten thousand dollars because of injury to  
35 or destruction of property of others in any one accident; except that:

36 (a) For an insured with a single conviction of driving while intoxicated offense, such  
37 minimum coverage shall be as follows for two years after such conviction: one hundred thousand

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1 dollars because of bodily injury to or death of one person in any one accident, and subject to said  
2 limit for one person, three hundred thousand dollars because of bodily injury to or death of two or  
3 more persons in any one accident, and fifty thousand dollars because of injury to or destruction of  
4 property of others in any one accident; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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20 Further amend said bill by amending the title, enacting clause, and intersectional references  
21 accordingly.  
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