

**HOUSE BILL No. 2368**

By Committee on Insurance and Pensions

2-11

1 AN ACT concerning insurance; relating to motor vehicle liability  
2 insurance; increasing the minimum policy limit for bodily injury;  
3 amending K.S.A. 2020 Supp. 40-3107 and repealing the existing  
4 section.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2020 Supp. 40-3107 is hereby amended to read as  
8 follows: 40-3107. Every policy of motor vehicle liability insurance issued  
9 or renewed on or after January 1, ~~2017~~ 2022, by an insurer to an owner  
10 residing in this state shall:

11 (a) Designate by explicit description or by appropriate reference of all  
12 vehicles with respect to which coverage is to be granted;

13 (b) insure the person named and any other person, as insured, using  
14 any such vehicle with the expressed or implied consent of such named  
15 insured, against loss from the liability imposed by law for damages arising  
16 out of the ownership, maintenance or use of any such vehicle within the  
17 United States of America or the Dominion of Canada, subject to the limits  
18 stated in such policy;

19 (c) state the name and address of the named insured, the coverage  
20 afforded by the policy, the premium charged and the policy period;

21 (d) contain an agreement or be endorsed that insurance is provided in  
22 accordance with the coverage required by this act;

23 (e) contain stated limits of liability, exclusive of interest and costs,  
24 with respect to each vehicle for which coverage is granted, not less than  
25 ~~\$25,000~~ \$50,000 because of bodily injury to, or death of, one person in  
26 any one accident and, subject to the limit for one person, to a limit of not  
27 less than ~~\$50,000~~ \$100,000 because of bodily injury to, or death of, two or  
28 more persons in any one accident, and to a limit of not less than \$25,000  
29 because of harm to or destruction of property of others in any one  
30 accident;

31 (f) include personal injury protection benefits to the named insured,  
32 relatives residing in the same household, persons operating the insured  
33 motor vehicle, passengers in such motor vehicle and other persons struck  
34 by such motor vehicle and suffering bodily injury while not an occupant of  
35 a motor vehicle, not exceeding the limits prescribed for each of such  
36 benefits, for loss sustained by any such person as a result of injury. The

1 owner of a motorcycle, as defined by K.S.A. 8-1438, and amendments  
2 thereto or motor-driven cycle, defined by K.S.A. 8-1439, and amendments  
3 thereto, who is the named insured, shall have the right to reject in writing  
4 insurance coverage including such benefits for injury to a person ~~which~~  
5 *that* occurs while the named insured is operating or is a passenger on such  
6 motorcycle or motor-driven cycle; and unless the named insured requests  
7 such coverage in writing, such coverage need not be provided in or  
8 supplemental to a renewal policy when the named insured has rejected the  
9 coverage in connection with a policy previously issued by the same  
10 insurer. The fact that the insured has rejected such coverage shall not cause  
11 such motorcycle or motor-driven cycle to be an uninsured motor vehicle;

12 (g) notwithstanding any omitted or inconsistent language, any  
13 contract of insurance ~~which that~~ an insurer represents as or ~~which that~~  
14 purports to be a motor vehicle liability insurance policy meeting the  
15 requirements of this act shall be construed to obligate the insurer to meet  
16 all the mandatory requirements and obligations of this act;

17 (h) notwithstanding any other provision contained in this section, any  
18 insurer may exclude coverage required by subsections (a), (b), (c) and (d)  
19 ~~of this section~~ while any insured vehicles are:

20 (1) Rented to others or used to carry persons for a charge, however,  
21 such exclusion shall not apply to the use of a private passenger car on a  
22 share the expense basis; or

23 (2) being repaired, serviced or used by any person employed or  
24 engaged in any way in the automobile business. This does not apply to the  
25 named insured, spouse or relative residents; or the agents, employers,  
26 employees or partners of the named insured, spouse or resident relative;  
27 and

28 (i) in addition to the provisions of subsection (h) and notwithstanding  
29 any other provision contained in subsections (a), (b), (c) and (d) ~~of this~~  
30 ~~section~~, any insurer may exclude coverage:

31 (1) For any damages for which the United States government might  
32 be liable for the insured's use of the vehicle;

33 (2) for any damages to property owned by, rented to, or in charge of  
34 or transported by an insured, however, this exclusion shall not apply to  
35 coverage for a rented residence or rented private garage;

36 (3) for any obligation of an insured, or the insured's insurer under any  
37 type of workers' compensation or disability or similar law;

38 (4) for liability assumed by an insured under any contract or  
39 agreement;

40 (5) if two or more vehicle liability policies apply to the same  
41 accident, the total limits of liability under all such policies shall not exceed  
42 that of the policy with the highest limit of liability;

43 (6) for any damages arising from an intentional act;

- 1 (7) for any damages to any person who would be covered for such
- 2 damages under a nuclear energy liability policy;
- 3 (8) for any obligation of the insured to indemnify another for
- 4 damages resulting from bodily injury to the insured's employee by
- 5 accident arising out of and in the course of such employee's employment;
- 6 (9) for bodily injury to any fellow employee of the insured arising out
- 7 of and in the course of such employee's employment;
- 8 (10) for bodily injury or property damage resulting from the handling
- 9 of property:
  - 10 (A) Before it is moved from the place where it is accepted by the
  - 11 insured for movement into or onto the covered auto; or
  - 12 (B) after it is moved from the covered auto to the place where it is
  - 13 finally delivered by the insured;
- 14 (11) for bodily injury or property damage resulting from the
- 15 movement of property by a mechanical device, other than a hand truck, not
- 16 attached to the covered auto; and
- 17 (12) for bodily injury or property damage caused by the dumping,
- 18 discharge or escape of irritants, pollutants or contaminants; however, this
- 19 exclusion does not apply if the discharge is sudden and accidental.
- 20 (j) Commencing with the ~~2026~~ 2031 legislative interim period, and at
- 21 least every 10 years thereafter, subject to authorization by the legislative
- 22 coordinating council, a legislative interim study committee shall study the
- 23 issue of whether the minimum limits of liability in subsection (e) should
- 24 be adjusted.
- 25 Sec. 2. K.S.A. 2020 Supp. 40-3107 is hereby repealed.
- 26 Sec. 3. This act shall take effect and be in force from and after
- 27 January 1, 2022, and its publication in the statute book.