

SECOND REGULAR SESSION

HOUSE BILL NO. 1425

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGIRL.

3685H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 303.190, RSMo, and to enact in lieu thereof one new section relating to motor vehicle liability requirements for property damage.

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

Section A. Section 303.190, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 303.190, to read as follows:

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

2. Such owner's policy of liability insurance:

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

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

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 persons in any one accident, and ~~twenty-five~~ **fifty** thousand dollars because of injury to or
18 destruction of property of others in any one accident; and

19 (3) May exclude coverage against loss from liability imposed by law for damages
20 arising out of the use of such motor vehicles by a member of the named insured's household
21 who is a specifically excluded driver in the policy.

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

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

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

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

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

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

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

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

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

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

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

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

69 11. Any binder issued pending the issuance of a motor vehicle liability policy shall be
70 deemed to fulfill the requirement for such a policy.

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