

SECOND REGULAR SESSION

SENATE BILL NO. 1084

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHATZ.

Read 1st time March 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6800S.011

AN ACT

To repeal section 303.026, RSMo, and to enact in lieu thereof one new section relating to the motor vehicle financial responsibility law, with existing penalty provisions.

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

Section A. Section 303.026, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 303.026, to read as follows:

303.026. 1. The director shall inform each owner who registers a motor
2 vehicle of the following:

3 (1) The existence of the requirement that every motor vehicle owner in the
4 state must maintain his financial responsibility;

5 (2) The requirement that every motor vehicle owner show an insurance
6 identification card, or a copy thereof, or other proof of financial responsibility at
7 the time of vehicle registration; this notice shall be given at least thirty days
8 prior to the month for renewal and shall be shown in bold, colored print;

9 (3) The penalties which apply to violations of the requirement to maintain
10 financial responsibility;

11 (4) The benefits of maintaining coverages in excess of those which are
12 required;

13 (5) The director's authority to conduct samples of Missouri motor vehicle
14 owners to ensure compliance.

15 2. No motor vehicle owner shall be issued registration for a vehicle unless
16 the owner, or his authorized agent, signs an affidavit provided by the director of
17 revenue at the time of registration of the vehicle certifying that such owner has
18 and will maintain, during the period of registration, financial responsibility with

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 respect to each motor vehicle that is owned, licensed or operated on the streets
20 or highways. The affidavit need not be notarized, but it shall be acknowledged
21 by the person processing the form. The affidavit shall state clearly and in bold
22 print the following: "Any false affidavit is a crime under section 575.050 of
23 Missouri law.". In addition, every motor vehicle owner shall show proof of such
24 financial responsibility by presenting his or her insurance identification card, as
25 described in section 303.024, or a copy thereof, or some other proof of financial
26 responsibility in the form prescribed by the director of revenue at the time of
27 registration unless such owner registers his vehicle in conjunction with a
28 reciprocity agreement entered into by the Missouri highway reciprocity
29 commission pursuant to sections 301.271 to 301.279 or unless the owner insures
30 the vehicle according to the requirements of the [division of motor carrier and
31 railroad safety] **highways and transportation commission and the**
32 **department of transportation** pursuant to section 390.126.

33 3. To ensure compliance with this chapter, the director may utilize a
34 variety of sampling techniques including but not limited to random samples of
35 registrations subject to this section, uniform traffic tickets, insurance information
36 provided to the director at the time of motor vehicle registration, and persons who
37 during the preceding year have received a disposition of court-ordered supervision
38 or suspension. The director may verify the financial responsibility of any person
39 sampled or reported.

40 (1) Beginning January 1, 2001, the director may require such information,
41 as in his or her discretion is necessary to enforce the requirements of subdivision
42 (1) of subsection 1 of this section, to be submitted from the person's insurer or
43 insurance company. When requested by the director of revenue, all licensed
44 insurance companies in this state which sell private passenger (noncommercial)
45 motor vehicle insurance policies shall report information regarding the issuance,
46 nonrenewal and cancellation of such policies to the director, excluding policies
47 issued to owners of fleet or rental vehicles or issued on vehicles that are insured
48 pursuant to a commercial line policy. Such information shall be reported
49 electronically in a format as prescribed by the director of the department of
50 revenue by rule except that such rule shall provide for an exemption from
51 electronic reporting for insurers with a statistically insignificant number of
52 policies in force.

53 (2) When required by the director of revenue, each insurance company
54 shall provide to the department a record of each policy issued, cancelled,

55 terminated or revoked during the period since the previous report. Nothing in
56 this section shall prohibit insurance companies from reporting more frequently
57 than once per month.

58 (3) The director may use reports described in subdivision (1) of this
59 subsection for sampling purposes as provided in this section.

60 4. Information provided to the department by an insurance company for
61 use in accordance with this section is the property of the insurer and is not
62 subject to disclosure pursuant to chapter 610. Such information may be utilized
63 by the department for enforcement of this chapter but may not be disclosed except
64 that the department shall disclose whether an individual is maintaining the
65 required insurance coverage upon request of the following individuals and
66 agencies only:

67 (1) The individual;

68 (2) The parent or legal guardian of an individual if the individual is an
69 unemancipated minor;

70 (3) The legal guardian of the individual if the individual is legally
71 incapacitated;

72 (4) Any person who has power of attorney from the individual;

73 (5) Any person who submits a notarized release from the individual that
74 is dated no more than ninety days before the request is made;

75 (6) Any person claiming loss or injury in a motor vehicle accident in which
76 the individual is involved;

77 (7) The office of the state auditor, for the purpose of conducting any audit
78 authorized by law.

79 5. The director may adopt any rules and regulations necessary to carry
80 out the provisions of subdivisions (1) through (3) of subsection 3 of this
81 section. Any rule or portion of a rule, as that term is defined in section 536.010,
82 that is created under the authority delegated in this section shall become effective
83 only if it complies with and is subject to all of the provisions of chapter 536 and,
84 if applicable, section 536.028. This section and chapter 536 are nonseverable and
85 if any of the powers vested with the general assembly pursuant to chapter 536 to
86 review, to delay the effective date or to disapprove and annul a rule are
87 subsequently held unconstitutional, then the grant of rulemaking authority and
88 any rule proposed or adopted after August 28, 2000, shall be invalid and void.

89 6. Any person or agency who knowingly discloses information received
90 from insurance companies pursuant to this section for any purpose, or to a

91 person, other than those authorized in this section is guilty of a class A
92 misdemeanor. No insurer shall be liable to any person for performing its duties
93 pursuant to this section unless and to the extent the insurer commits a willful
94 and wanton act of omission.

95 7. The department of revenue shall notify the department of insurance,
96 financial institutions and professional registration of any insurer who violates
97 any provisions of this section. The department of insurance, financial institutions
98 and professional registration may, against any insurer who knowingly fails to
99 comply with this section, assess an administrative penalty up to five hundred
100 dollars per day of noncompliance. The department of insurance, financial
101 institutions and professional registration may excuse the administrative penalty
102 if an assessed insurer provides acceptable proof that such insurer's
103 noncompliance was inadvertent, accidental or the result of excusable neglect. The
104 penalty provisions of this section shall become effective six months after the rule
105 issued pursuant to subsections 3 and 5 of this section is published in the code of
106 state regulations.

107 8. To verify that financial responsibility is being maintained, the director
108 shall notify the owner or operator of the need to provide, within fifteen days,
109 proof of the existence of the required financial responsibility. The request shall
110 require the owner or the operator to state whether or not the motor vehicle was
111 insured on the verification date stated in the director's request. The request may
112 include but not be limited to a statement of the names and addresses of insurers,
113 policy numbers and expiration date of insurance coverage. Failure to provide
114 such information shall result in the suspension of the registration of the owner's
115 motor vehicle, and where applicable, the owner's or the operator's driving
116 privilege, for failing to meet such requirements, as is provided in this chapter.

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