

SECOND REGULAR SESSION

SENATE BILL NO. 902

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NODLER.

Read 1st time February 8, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4888S.011

AN ACT

To repeal sections 303.025 and 303.040, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle financial responsibility, with a penalty provision.

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

Section A. Sections 303.025 and 303.040, RSMo, are repealed and two
2 new sections enacted in lieu thereof, to be known as sections 303.025 and
3 303.040, to read as follows:

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

17 2. A motor vehicle owner shall maintain the owner's financial

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

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

23 3. Any person who violates this section is guilty of a class C
24 misdemeanor. However, no person shall be found guilty of violating this section
25 if the operator demonstrates to the court that he or she met the financial
26 responsibility requirements of this section at the time the peace officer,
27 commercial vehicle enforcement officer or commercial vehicle inspector wrote the
28 citation. In addition to any other authorized punishment, the court shall notify
29 the director of revenue of any person convicted pursuant to this section and shall
30 do one of the following:

31 (1) Enter an order suspending the driving privilege as of the date of the
32 court order. If the court orders the suspension of the driving privilege, the court
33 shall require the defendant to surrender to it any driver's license then held by
34 such person. The length of the suspension shall be as prescribed in subsection
35 2 of section 303.042. The court shall forward to the director of revenue the order
36 of suspension of driving privilege and any license surrendered within ten days;

37 (2) Forward the record of the conviction for an assessment of four points;
38 [or]

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

48 **(4) For a nonresident, suspend the nonresident's driving**
49 **privileges in this state in accordance with section 303.030 and notify**
50 **the official in charge of the issuance of licenses and registration**
51 **certificates in the state in which such nonresident resides in**
52 **accordance with section 303.080.**

53 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220,

54 303.290, 303.330 and 303.370 shall be construed as prohibiting the department
55 of insurance, financial institutions and professional registration from approving
56 or authorizing those exclusions and limitations which are contained in automobile
57 liability insurance policies and the uninsured motorist provisions of automobile
58 liability insurance policies.

59 5. If a court enters an order of suspension, the offender may appeal such
60 order directly pursuant to chapter 512, RSMo, and the provisions of section
61 302.311, RSMo, shall not apply.

303.040. 1. The operator or owner of every motor vehicle which is
2 involved in an accident within this state, **including a nonresident operator**
3 **or owner of a motor vehicle**, or the owner of a legally or illegally parked car
4 which is in any manner involved in an accident within this state, with an
5 uninsured motorist, upon the streets or highways thereof, or on any publicly or
6 privately owned parking lot or parking facility generally open for use by the
7 public, in which any person is killed or injured or in which damage to property
8 of any one person, including himself, in excess of five hundred dollars is
9 sustained, and the owner or operator of every motor vehicle which is involved in
10 an accident within this state if such owner or operator does not carry motor
11 vehicle liability insurance shall, within thirty days after such accident, report the
12 matter in writing to the director. Such report, the form of which shall be
13 prescribed by the director, shall provide the operator with notice of the following:

14 (1) That it is the responsibility of the operator, not the state, to bring an
15 action at law on the claim of the operator arising out of the accident;

16 (2) That the security deposited shall only be applied to the payment of a
17 judgment against the person or persons on whose behalf the deposit was made;

18 (3) That the department of revenue shall return the deposit to the
19 depositor after the expiration of one year from the date of the accident, or as
20 otherwise provided in section 303.060. In addition, the report shall contain such
21 information as will enable the director to determine whether the requirements for
22 the deposit of security under section 303.030 are inapplicable by reason of the
23 existence of insurance or other exceptions specified in this chapter, or whether
24 the required financial responsibility has been met by the owner or operator of the
25 motor vehicle as required by section 303.025. The director may rely upon the
26 accuracy of such information unless and until he has reason to believe that the
27 information is erroneous. If such operator be physically incapable of making such
28 report, the owner of the motor vehicle involved in such accident shall, within

29 thirty days after learning of the accident, make such report. If the operator is
30 also the owner and is incapable of filing such report as is required by this section,
31 then the report will be filed as soon as the operator-owner is so capable. If the
32 report is late by reason of incapability, a doctor's certificate must accompany the
33 report certifying same. The operator or the owner shall furnish such additional
34 relevant information as the director shall require.

35 2. If any party involved in an accident files a report under this section,
36 the director shall notify, within ten days after receipt of the report, all other
37 parties involved in the accident as specified in the report that a report has been
38 filed and such other parties shall then furnish, within ten days, the director with
39 such information as the director may request.

40 **3. If any party involved in an accident in this state is a**
41 **nonresident uninsured motorist, the nonresident uninsured operator**
42 **or owner of the motor vehicle and any law enforcement agency**
43 **responding to such accident shall report the involvement of an**
44 **uninsured nonresident motorist in an accident occurring in this state**
45 **to the director, and any resident operator or owner of a motor vehicle**
46 **involved in an accident with an uninsured nonresident motorist may**
47 **report such accident to the director in accordance with the provisions**
48 **of subsections 1 and 2 of this section.**

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