

SENATE BILL 1903

By Haile

AN ACT to amend Tennessee Code Annotated, Title 29;
Title 55, Chapter 12 and Title 56, relative to
uninsured motorists.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 12, is amended by adding the following as a new section:

55-12-141.

(a) Except as provided in subsection (b), in any civil action to recover damages arising out of an accident involving the operation of a motor vehicle or for any claim against the motor vehicle liability insurance coverage of another party, the maximum amount that a plaintiff or claimant may receive, if the plaintiff or claimant is not in compliance with the financial responsibility requirements of this chapter at the time of the accident, shall be limited to economic damages as defined in § 29-39-101, but excluding damages arising from the loss of use of property or the repair or replacement of property.

(b) The limitation on damages specified in subsection (a) does not apply:

(1) If the plaintiff or claimant was injured by a motorist who at the time of the accident was driving under the influence in violation of § 55-10-401, and that motorist:

(A) Was convicted of, or pled guilty or nolo contendere to, the offense; or

(B) Dies as a result of the accident if it is proven by a preponderance of the evidence that the motorist was driving under the influence in violation of § 55-10-401;

(2) If the plaintiff or claimant was a passenger in a motor vehicle involved in the accident, unless the plaintiff or claimant is an owner of the vehicle or an immediate family member of the owner;

(3) To wrongful death claims;

(4) If the motorist who caused the accident:

(A) Intentionally caused the accident;

(B) Left the scene of the accident in violation of § 55-10-101 or § 55-10-102;

(C) At the time of the accident, was acting in furtherance of the commission of a felony; or

(D) Was not in compliance with the financial responsibility requirements of this chapter at the time of the accident;

(5) If, at the time of the accident, the plaintiff or claimant was:

(A) Operating the motor vehicle; and

(B) Claimed as a dependent on the federal income tax return of a parent or legal guardian and the parent or legal guardian was not in compliance with the financial responsibility requirements of this chapter; or

(6) If, at the time of the accident, the plaintiff or claimant previously had been covered by an insurance policy meeting the financial responsibility requirements of this chapter that was terminated or nonrenewed for failure to pay the premium, unless at least sixty (60) days prior to the accident notice of termination was sent to the last-known mailing address of the policyholder.

(c) Each person who is involved in the accident which is the basis for the action or claim by the plaintiff or claimant and who is found liable for damages to the plaintiff or claimant may assert the limitation of recovery provided for in subsection (a), unless subsection (b) applies. The motor vehicle liability insurer of the person asserting the limitation of recovery also may assert the limitation.

(d) For purposes of this section, "immediate family member" means a spouse, parent, sibling or child.

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it, and shall apply to motor vehicle accidents occurring on or after such date.