

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1541

By By: Peterson (Ron)

AS INTRODUCED

An Act relating to the Compulsory Insurance Law; limiting recovery for damages or claims against insurer for liability for motor vehicle accidents in certain circumstances; providing exceptions; providing who may assert limitation; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-611 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Except as provided in subsection B of this section, in any civil action to recover damages arising out of an accident involving the operation of a motor vehicle or for any claim against another party's motor vehicle liability insurance coverage, the maximum amount that a plaintiff or claimant may receive, if the plaintiff or claimant is not in compliance with the Compulsory Insurance Law, shall be limited to the amount of actual damages.

B. The limitations provided for in subsection A of this section shall not apply:

1. If the plaintiff or claimant was injured by a motorist who at the time of the accident was operating or using a motor vehicle while intoxicated in violation of any provision of law relating to the illegal operation or use of a motor vehicle while intoxicated, and that motorist was convicted of, or pled guilty or nolo contendere to, the offense;

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;

3. If the plaintiff or claimant was not in any motor vehicle involved in the accident;

4. To wrongful death claims;

5. If the motorist who caused the accident:

a. intentionally causes the accident,

b. leaves the scene of the accident, or

c. at the time of the accident, is acting in furtherance of the commission of a felony; or

6. If the motorist who caused the accident is driving a commercial vehicle.

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 of this section, unless any of the provisions of subsection B of this section apply. The person's motor vehicle liability insurer also may assert the limitation.

SECTION 2. This act shall become effective November 1, 2005.

50-1-6469

SD

01/19/05