

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 3380

By: Faught

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7 COMMITTEE SUBSTITUTE

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

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

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

18 A. Except as provided in subsection B of this section, in any
19 civil action to recover damages arising out of an accident involving
20 the operation of a motor vehicle or for any claim against the motor
21 vehicle liability insurance coverage of another party, the maximum
22 amount that a plaintiff or claimant may receive, if the plaintiff or
23 claimant is not in compliance with the Compulsory Insurance Law,
24 shall be limited to the amount of medical costs, property damage,

1 and lost income and shall not include any award for pain and
2 suffering.

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

5 1. If the plaintiff or claimant was injured by a motorist who
6 at the time of the accident was operating or using a motor vehicle
7 while under the influence of drugs or alcohol in violation of any
8 provision of law relating to the illegal operation or use of a motor
9 vehicle while under the influence of drugs or alcohol, and that
10 motorist was convicted of, or pled guilty or nolo contendere to, the
11 offense;

12 2. If the plaintiff or claimant was a passenger in a motor
13 vehicle involved in the accident, unless the plaintiff or claimant
14 is an owner of the vehicle;

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

17 4. To wrongful death claims; or

18 5. If the motorist who caused the accident:

19 a. intentionally causes the accident,

20 b. leaves the scene of the accident, or

21 c. at the time of the accident, is acting in furtherance
22 of the commission of a felony.

23 C. Each person who is involved in the accident which is the
24 basis for the action or claim by the plaintiff or claimant and who

1 is found liable for damages to the plaintiff or claimant may assert
2 the limitation of recovery provided for in subsection A of this
3 section, unless the provisions of subsection B of this section
4 apply. The motor vehicle liability insurer of the person asserting
5 the limitation of recovery also may assert the limitation.

6 SECTION 2. This act shall become effective November 1, 2008.

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