

THE HOUSE OF REPRESENTATIVES
Tuesday, February 19, 2008

Committee Substitute for
House Bill No. 3380

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3380 - By: FAUGHT of the House and BROWN of the Senate.

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 for who may assert limitation; providing for codification; and providing an effective date.

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

- 1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 7-611 of Title 47, unless there is created a duplication in numbering,
3 reads as follows:
- 4 A. Except as provided in subsection B of this section, in any civil action to recover
5 damages arising out of an accident involving the operation of a motor vehicle or for any
6 claim against the motor vehicle liability insurance coverage of another party, the
7 maximum amount that a plaintiff or claimant may receive, if the plaintiff or claimant is
8 not in compliance with the Compulsory Insurance Law, shall be limited to the amount of
9 medical costs, property damage, and lost income and shall not include any award for pain
10 and suffering.
- 11 B. The limitations provided for in subsection A of this section shall not apply:

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

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

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

9 4. To wrongful death claims; or

10 5. If the motorist who caused the accident:

11 a. intentionally causes the accident,

12 b. leaves the scene of the accident, or

13 c. at the time of the accident, is acting in furtherance of the commission
14 of a felony.

15 C. Each person who is involved in the accident which is the basis for the action or
16 claim by the plaintiff or claimant and who is found liable for damages to the plaintiff or
17 claimant may assert the limitation of recovery provided for in subsection A of this
18 section, unless the provisions of subsection B of this section apply. The motor vehicle
19 liability insurer of the person asserting the limitation of recovery also may assert the
20 limitation.

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

1 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
2 FINANCIAL SERVICES, dated 02-18-08 - DO PASS, As Amended and Coauthored.