

EHB 1021

THE STATE SENATE
Monday, April 6, 2009

ENGROSSED

House Bill No. 1021

As Amended

ENGROSSED HOUSE BILL NO. 1021 - By: Faught, Reynolds, Kern, Tibbs,
Dank and Williams of the House and Newberry and Sykes of the Senate.

[**Compulsory Insurance Law - limiting recovery - motor
vehicle accidents - codification - 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 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 Compulsory Insurance Law,
shall be limited to the amount of medical costs, property damage,
and lost income and shall not include any award for pain and
suffering.

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

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

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

13 4. To wrongful death claims; or

14 5. If the motorist who caused the accident:

15 a. intentionally caused the accident,

16 b. left the scene of the accident, or

17 c. at the time of the accident, was acting in furtherance
18 of the commission of a felony.

19 C. Each person who is involved in the accident which is the
20 basis for the action or claim by the plaintiff or claimant and who
21 is found liable for damages to the plaintiff or claimant may assert
22 the limitation of recovery provided for in subsection A of this
23 section, unless the provisions of subsection B of this section

1 apply. The motor vehicle liability insurer of the person asserting
2 the limitation of recovery also may assert the limitation.

3 SECTION 2. This act shall become effective November 1, 2009.

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-2-09 - DO PASS,
5 As Amended and Coauthored.