

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1885

By: Sparks

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5  
6 AS INTRODUCED

7 An Act relating to motor vehicle insurance; amending  
8 47 O.S. 2011, Section 7-116, which relates to damage  
9 limitation; adding certain exception; establishing  
10 liability for certain damages; and providing an  
11 effective date.

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

13 SECTION 1. AMENDATORY 47 O.S. 2011, Section 7-116, is  
14 amended to read as follows:

15 Section 7-116. A. Except as provided in subsection B of this  
16 section, in any civil action to recover damages arising out of an  
17 accident involving the operation of a motor vehicle or for any claim  
18 against the motor vehicle liability insurance coverage of another  
19 party, the maximum amount that a plaintiff or claimant may receive,  
20 if the plaintiff or claimant is not in compliance with the  
21 Compulsory Insurance Law, shall be limited to the amount of medical  
22 costs, property damage, and lost income and shall not include any  
23 award for pain and suffering.  
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1 B. The limitations provided for in subsection A of this section  
2 shall not apply:

3 1. If the plaintiff or claimant was injured by a motorist who  
4 at the time of the accident was operating or using a motor vehicle  
5 while under the influence of drugs or alcohol in violation of any  
6 provision of law relating to the illegal operation or use of a motor  
7 vehicle while under the influence of drugs or alcohol, and that  
8 motorist:

9 a. was convicted of, or pled guilty or nolo contendere  
10 to, the offense, or

11 b. dies as a result of the accident if it is proven by a  
12 preponderance of the evidence that the motorist was  
13 operating or using the motor vehicle while under the  
14 influence of drugs or alcohol in violation of any  
15 provision of law relating to the illegal operation or  
16 use of a motor vehicle while under the influence of  
17 drugs or alcohol;

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

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

23 4. To wrongful death claims;

24 5. If the motorist who caused the accident:

- 1 a. intentionally caused the accident,  
2 b. left the scene of the accident, ~~or~~  
3 c. at the time of the accident, was acting in furtherance  
4 of the commission of a felony, or  
5 d. at the time of the accident, was not in compliance  
6 with the Compulsory Insurance Law;

7 6. If, at the time of the accident, the plaintiff or claimant  
8 was claimed as a dependent on the federal income tax return of one  
9 or both parents of the plaintiff or claimant and the parent or  
10 parents were not in compliance with the Compulsory Insurance Law; or

11 7. If, at the time of the accident, the plaintiff or claimant  
12 previously had been covered by an insurance policy meeting the  
13 requirements of the Compulsory Insurance Law that was terminated or  
14 nonrenewed for failure to pay the premium, unless at least thirty  
15 (30) days prior to the accident notice of termination was sent to  
16 the last-known mailing address of the policyholder.

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

1        D. When the owner or lessee of a motor vehicle that is not  
2 insured in compliance with the Compulsory Insurance Law allows that  
3 motor vehicle to be driven by another person, the owner or lessee of  
4 the vehicle shall be liable for any damages caused as a direct  
5 result of the negligent use of the vehicle.

6        SECTION 2. This act shall become effective November 1, 2012.

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