

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 930

By: Newberry

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6 AS INTRODUCED

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

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

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

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

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

- 1           1. If the claimant was injured by a motorist who at the time of  
2 the accident was operating or using a motor vehicle while under the  
3 influence of drugs or alcohol in violation of any provision of law  
4 relating to the illegal operation or use of a motor vehicle while  
5 under the influence of drugs or alcohol, and that motorist:
- 6           a. was convicted of, or pled guilty or nolo contendere  
7           to, the offense, or
  - 8           b. dies as a result of the accident if it is proven by a  
9           preponderance of the evidence that the motorist was  
10           operating or using the motor vehicle while under the  
11           influence of drugs or alcohol;
- 12           2. If the claimant was a passenger in a motor vehicle involved  
13 in the accident, unless the claimant is an owner of the vehicle;
- 14           3. If the claimant was not in any motor vehicle involved in the  
15 accident;
- 16           4. To wrongful death claims;
- 17           5. If the motorist who caused the accident:
- 18           a. intentionally caused the accident,
  - 19           b. left the scene of the accident, or
  - 20           c. was acting in furtherance of the commission of a  
21           felony at the time of the accident;
- 22           6. If at the time of the accident the claimant was claimed as a  
23 dependent on the federal income tax return of one or both parents of  
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1 the claimant and the parent or parents were not in compliance with  
2 the Compulsory Insurance Law; or

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

9 C. Except as provided in subsection B of this section, each  
10 person or the insurer of each person who is involved in the accident  
11 which is the basis for the action or claim by the claimant and who  
12 is found liable for damages to the claimant may assert the  
13 limitation of recovery provided for in subsection A of this section.

14 SECTION 2. This act shall become effective November 1, 2011.

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