STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 691 By: Aldridge

COMMITTEE SUBSTITUTE

An Act relating to the Compulsory Insurance Law; prohibiting 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:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7-117 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, there shall be no recovery by the plaintiff or claimant for any type of damages if the plaintiff or claimant is not in compliance with the Compulsory Insurance Law.

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

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

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

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

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

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

4. To wrongful death claims;

5. If the motorist who caused the accident:

a. intentionally caused the accident,

b. left the scene of the accident, or

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

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

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

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

SECTION 2. This act shall become effective November 1, 2013.

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