

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 691

6 By: Aldridge

7 COMMITTEE SUBSTITUTE

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

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 7-117 of Title 47, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Except as provided in subsection B of this section, in any
19 civil action to recover damages arising out of an accident involving
20 the operation of a motor vehicle or for any claim against the motor
21 vehicle liability insurance coverage of another party, there shall
22 be no recovery by the plaintiff or claimant for any type of damages
23 if the plaintiff or claimant is not in compliance with the
24 Compulsory Insurance Law.

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;

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

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

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

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