



1 be no recovery by the plaintiff or claimant for any type of damages  
2 if the plaintiff or claimant is not in compliance with the  
3 Compulsory Insurance Law.

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

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

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

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

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

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

3 4. To wrongful death claims;

4 5. If the motorist who caused the accident:

5 a. intentionally caused the accident,

6 b. left the scene of the accident, or

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

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

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

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

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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, 2013.

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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/03/2013 - DO  
6 PASS, As Amended and Coauthored.

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