| 1 | State of Arkansas | As Engrossed: H3/14/17 | | |
|----|---|---|--------------------|--|
| 2 | 91st General Assembly | A Bill | | |
| 3 | Regular Session, 2017 | | HOUSE BILL 2193 | |
| 4 | | | | |
| 5 | By: Representative Hammer | | | |
| 6 | | | | |
| 7 | For An Act To Be Entitled | | | |
| 8 | AN ACT TO AMEND THE LAW CONCERNING DRIVERS EXCLUDED | | | |
| 9 | FROM A MOTOR VEHICLE INSURANCE POLICY; TO IMPOSE | | | |
| 10 | CRIMINAL LIABILITY ON THE INSURED DRIVER AND THE | | | |
| 11 | EXCLUDED DRIVER IN CERTAIN CIRCUMSTANCES; AND FOR | | | |
| 12 | OTHER PU | RPOSES. | | |
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| 14 | | | | |
| 15 | | Subtitle | | |
| 16 | ТО | AMEND THE LAW CONCERNING DRIVERS | | |
| 17 | EXCLUDED FROM A MOTOR VEHICLE INSURANCE | | | |
| 18 | POL | LICY; AND TO IMPOSE CRIMINAL LIABILIT | 'Y | |
| 19 | ON | THE INSURED DRIVER AND THE EXCLUDED | | |
| 20 | DRI | VER IN CERTAIN CIRCUMSTANCES. | | |
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| 23 | BE IT ENACTED BY THE | GENERAL ASSEMBLY OF THE STATE OF AR | KANSAS: | |
| 24 | | | | |
| 25 | SECTION 1. Ar. | kansas Code § 23-89-203 is amended t | o read as follows: | |
| 26 | | jection of coverage. | | |
| 27 | | insured shall have the right to <u>may</u> | | |
| 28 | • | r more of the coverages enumerated i | - | |
| 29 | | amed insured or applicant for insura | - | |
| 30 | G , | r or any of its affiliates shall not | • | |
| 31 | notify any insured in any renewal, reinstatement, substitute, amended, or | | | |
| 32 | replacement policy as to the availability of such coverage. | | | |
| 33 | | nsured that rejects coverage under s | | |
| 34 | section and excludes a driver from coverage may be personally liable for | | | |
| 35 | _ | by the excluded driver if the named | insured enabled an | |
| 36 | excluded driver to t | ake the motor vehicle. | | |

As Engrossed: H3/14/17 HB2193

| 1 | (d) If an excluded driver takes a motor vehicle knowing that he or she | | |
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| 2 | is not on the policy, the excluded driver shall be: | | |
| 3 | (1) Guilty of a Class A misdemeanor; and | | |
| 4 | (2) Personally liable for civil damages caused by the excluded | | |
| 5 | <u>driver.</u> | | |
| 6 | (e)(1) Unless a named insured files a police report after an unnamed | | |
| 7 | driver takes a motor vehicle, the named insured may be personally liable for | | |
| 8 | civil damages caused by the unnamed driver if the named insured enabled an | | |
| 9 | unnamed driver to take the motor vehicle without permission. | | |
| 10 | (2) If a named insured files a police report concerning the | | |
| 11 | theft of the motor vehicle, the named insured is not personally liable for | | |
| 12 | any damage caused by the unnamed driver. | | |
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| 14 | /s/Hammer | | |
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