

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

SENATE BILL 1060

4
5 By: Senator Hester
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For An Act To Be Entitled

8 AN ACT REGULATING THE RECOVERY OF DAMAGES SUSTAINED
9 AS A RESULT OF AN ACCIDENT INVOLVING THE OPERATION OF
10 AN UNINSURED MOTOR VEHICLE; LIMITING RECOVERY OF
11 DAMAGES OR CLAIMS AGAINST AN INSURER FOR LIABILITY
12 FOR MOTOR VEHICLE ACCIDENTS IN CERTAIN CIRCUMSTANCES;
13 PROVIDING EXCEPTIONS; PROVIDING FOR WHO MAY ASSERT
14 THE LIMITATION; AND FOR OTHER PURPOSES.
15

Subtitle

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18 AN ACT REGULATING THE RECOVERY OF DAMAGES
19 SUSTAINED AS A RESULT OF AN ACCIDENT
20 INVOLVING THE OPERATION OF AN UNINSURED
21 VEHICLE.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 27, Chapter 22, Subchapter 1, is
27 amended to add an additional section to read as follows:

28 27-22-112. Accidents involving uninsured motorists.

29 (a) Except as provided in subsection (b) of this section, in a civil
30 action to recover damages arising from an accident involving the operation of
31 a motor vehicle or for any claim against the motor vehicle liability
32 insurance coverage of another party, the maximum amount that a plaintiff or
33 claimant may receive if the plaintiff or claimant is not in compliance with §
34 27-22-104 and the Motor Vehicle Safety Responsibility Act, § 27-19-101 et
35 seq., is limited to the amount of medical costs, property damage, and lost
36 income and shall not include any award for pain and suffering.



1 (b) Subsection (a) of this section does not apply:

2 (1) If the plaintiff or claimant was injured by a motorist who
3 at the time of the accident was operating or using a motor vehicle while
4 under the influence of alcohol or drugs in violation of a law relating to the
5 illegal operation or use of a motor vehicle while under the influence of
6 alcohol or drugs, and the motorist:

7 (A) Was convicted of or pleaded guilty or nolo contendere
8 to the violation of law; or

9 (B) Dies as a result of the accident if it is proven by a
10 preponderance of the evidence that the motorist was operating or using the
11 motor vehicle while under the influence of alcohol or drugs in violation of a
12 law relating to the illegal operation or use of a motor vehicle while under
13 the influence of alcohol or drugs;

14 (2) If the plaintiff or claimant was a passenger in a motor
15 vehicle involved in the accident, unless the plaintiff or claimant is an
16 owner of the vehicle;

17 (3) If the plaintiff or claimant was not the driver or a
18 passenger in a motor vehicle involved in the accident;

19 (4) To a claim for wrongful death;

20 (5) If the motorist who caused the accident:

21 (A) Intentionally caused the accident;

22 (B) Left the scene of the accident; or

23 (C) At the time of the accident was acting in furtherance
24 of the commission of a felony;

25 (6) If at the time of the accident, the plaintiff or claimant
26 was claimed as a dependent on the federal income tax return of one (1) or
27 both parents of the plaintiff or claimant and the parent or parents were not
28 in compliance with § 27-22-104 and the Motor Vehicle Safety Responsibility
29 Act, § 27-19-101 et seq.; or

30 (7) If at the time of the accident, the plaintiff or claimant
31 previously had been covered by an insurance policy meeting the requirements
32 of § 27-22-104 and the Motor Vehicle Safety Responsibility Act, § 27-19-101
33 et seq., that was terminated or not renewed for failure to pay the premium,
34 unless at least thirty (30) days before the accident, notice of termination
35 was sent to the last known mailing address of the policyholder.

36 (c) The limitation of recovery provided under this section may be

1 asserted by:

2 (1) Each person who is:

3 (A) Involved in an accident to which this section applies;

4 and

5 (B) Found liable for damages to the plaintiff or claimant;

6 and

7 (2) The motor vehicle liability insurer of a person described in
8 subdivision (c)(1) of this section.

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