



February 23, 1999

## SENATE BILL No. 279

DIGEST OF SB 279 (Updated February 22, 1999 6:42 pm - DI 100)

**Citations Affected:** IC 9-25; IC 34-51; noncode.

**Synopsis:** Prohibition against damages for uninsured drivers. Requires the operator of a motor vehicle to provide proof of financial responsibility upon the demand of a police officer. Prohibits the following individuals from recovering certain damages: (1) An individual who is operating a motor vehicle for which financial responsibility is not in effect at the time of an accident that is the cause of the individual's injuries. (2) An individual who is the owner of a motor vehicle for which financial responsibility is not in effect at the time of an accident that is the cause of the individual's injuries. Limits the amount of pecuniary damages that can be awarded at 150% of the medical expenses and loss of wages suffered as a result of an accident in which the operator of a motor vehicle is uninsured.

**Effective:** July 1, 1999.

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**Jackman, Sipes, Wolf, Riegsecker,  
Merritt, Meeks R**

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January 7, 1999, read first time and referred to Committee on Insurance and Financial Institutions.  
February 22, 1999, amended, reported favorably — Do Pass.

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SB 279—LS 6898/DI 71+



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February 23, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 279

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A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-25-5-0.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 1999]: **Sec. 0.5. (a) An individual operating a motor vehicle shall**  
4 **provide evidence of financial responsibility upon demand of a**  
5 **police officer authorized to enforce motor vehicle laws.**

6 **(b) A person who violates this section commits a Class C**  
7 **infraction.**

8 SECTION 1. IC 34-51-6 IS ADDED TO THE INDIANA CODE AS  
9 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
10 1, 1999]:

11 **Chapter 6. Prohibition Against Recovery by Certain Individuals**

12 **Sec. 1. (a) This chapter applies to the following:**

- 13 **(1) An individual who is the operator of a motor vehicle:**  
14 **(A) that is involved in an accident; and**  
15 **(B) for which financial responsibility under IC 9-25 was**  
16 **not in effect at the time of the accident.**  
17 **(2) An individual who is the owner of a motor vehicle:**

SB 279—LS 6898/DI 71+



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1                   (A) that is involved in an accident; and  
 2                   (B) for which financial responsibility under IC 9-25 was  
 3                   not in effect at the time of the accident.  
 4           Sec. 2. (b) This section does not apply if the operator of a motor  
 5           vehicle involved in an accident is involved in criminal conduct at  
 6           the time of the accident. An individual described in section 1 of this  
 7           chapter may not recover losses for pain, suffering, inconvenience,  
 8           or other nonpecuniary damages arising from an accident described  
 9           in section 1 of this chapter in an amount that exceeds one hundred  
 10           fifty percent (150%) of the medical expenses and loss of wages  
 11           suffered as a result of an accident.  
 12           Sec. 3. An individual described in section 1 of this chapter is  
 13           exempt from section 2 of this chapter if it is shown that the  
 14           individual through no fault of the individual failed to have financial  
 15           responsibility in effect at the time of the accident described in  
 16           section 1 of this chapter.  
 17           SECTION 2. [EFFECTIVE JULY 1, 1999] IC 34-51-6, as added  
 18           by this act, does not apply to an action for damages filed before  
 19           July 1, 1999.

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SENATE MOTION

Mr. President: I move that Senator Sipes be added as second author and Senators Wolf and Riegsecker be added as coauthors of Senate Bill 279.

JACKMAN

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SENATE MOTION

Mr. President: I move that Senator Meeks R be added as coauthor of Senate Bill 279.

JACKMAN

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SENATE MOTION

Mr. President: I move that Senator Merritt be added as coauthor of Senate Bill 279.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill No. 279, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-25-5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 0.5. (a) An individual operating a motor vehicle shall provide evidence of financial responsibility upon demand of a police officer authorized to enforce motor vehicle laws.**

**(b) A person who violates this section commits a Class C infraction."**

Page 1, line 5, before "This" insert "(a)".

Page 1, between lines 13 and 14, begin a new paragraph and insert:

**"(b) This section does not apply if the operator of a motor vehicle involved in an accident is involved in criminal conduct at the time of the accident."**

Page 1, line 14, delete "(a)".

Page 1, line 15, delete "physical".

Page 1, line 16, delete "impairment, disfigurement,".

Page 1, line 17, after "chapter" insert "**in an amount that exceeds one hundred fifty percent (150%) of the medical expenses and loss of wages suffered as a result of an accident"**.

Page 2, delete lines 1 through 4, begin a new paragraph and insert:

**"Sec. 3. An individual described in section 1 of this chapter is exempt from section 2 of this chapter if it is shown that the individual through no fault of the individual failed to have financial responsibility in effect at the time of the accident described in section 1 of this chapter."**

and when so amended that said bill do pass.

(Reference is to SB 279 as introduced.)

PAUL, Chairperson

Committee Vote: Yeas 7, Nays 3.

SB 279—LS 6898/DI 71+



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