

## HOUSE BILL No. 2196

By Committee on Insurance

1-29

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AN ACT enacting the personal responsibility act of 2001.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. This act may be cited as the personal responsibility act of 2001.

Sec. 2. In any action for damages based on negligence, no person may recover damages if the plaintiff's injuries were in any way proximately caused by plaintiff's commission of any felony, or immediate flight therefrom, and plaintiff has been duly convicted of that felony.

Sec. 3. (a) In any action to recover damages arising out of the operation or use of a motor vehicle, no person shall recover noneconomic losses to compensate for pain, suffering, inconvenience, physical impairment, disfigurement, and other nonpecuniary damages if any of the following applies:

(1) The injured person was at the time of the accident operating the motor vehicle in violation of K.S.A. 8-2,144, 8-1567 or 21-3405 or K.S.A. 2000 Supp. 8-1567a or 21-3442, and amendments thereto, and was convicted of such offense.

(2) The injured person was the owner of a motor vehicle involved in the accident and the motor vehicle was not insured as required by the financial responsibility laws of this state.

(3) The injured person was the operator of a motor vehicle involved in the accident and such operator can not establish such operator's financial responsibility as required by the financial responsibility laws of this state.

(b) An insurer shall not be liable, directly or indirectly, under a policy of liability or uninsured motorist insurance to indemnify for noneconomic losses of a person injured as described in subsection (a).

(c) For the purposes of this section, motor vehicle shall have the meaning ascribed to it in K.S.A. 8-1437, and amendments thereto.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.