

As Amended by House Committee

Session of 2011

SENATE BILL No. 136

By Committee on Financial Institutions and Insurance

2-8

1 AN ACT concerning insurance; relating to the recovery of economic or
2 noneconomic loss sustained as a result of an accident while operating
3 an uninsured motor vehicle.
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) Any person who, at the time of an automobile accident
7 resulting in injuries to that person, is required but fails to maintain
8 personal injury protection benefits coverage mandated by the Kansas
9 automobile injury reparations act, article 31 of chapter 40 of the Kansas
10 Statutes Annotated, and amendments thereto, shall have no cause of action
11 for recovery of noneconomic loss sustained as a result of an accident while
12 operating an uninsured automobile. **The provisions of this subsection**
13 **shall not apply and a cause of action for noneconomic loss may be**
14 **maintained if the court finds by clear and convincing evidence that the**
15 **person bringing the cause of action did not knowingly at the time of**
16 **the accident drive a motor vehicle that was without personal injury**
17 **protection benefits coverage mandated by the Kansas automobile**
18 **injury reparations act.** The provisions of this subsection shall not apply
19 to any person who at the time of an automobile accident has failed to
20 maintain coverage for a period of ~~30~~ 45 days or less and who had
21 maintained continuous coverage for at least one year immediately prior to
22 such failure to maintain coverage.

23 (b) Any person who is convicted of, or pleads guilty to, a violation of
24 K.S.A. 8-1014 or 8-1567, and amendments thereto, or a similar violation
25 of law in another state or an ordinance of any city, or resolution of any
26 county, in connection with an accident, shall have no cause of action for
27 recovery of noneconomic loss sustained as a result of the accident.

28 (c) The provisions of this section shall apply to a cause of action
29 arising on and after the effective date of this act.

30 Sec. 2. This act shall take effect and be in force from and after its
31 publication in the statute book.
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