

MINUTES OF THE FINANCIAL INSTITUTIONS & INSURANCE COMMITTEE

The meeting was called to order by Chairperson Senator Ruth Teichman at 9:30 a.m. on 02-24-03 in Room 234-N of the Capitol.

All members were present except: Senator Barnett, excused; Senator Brungardt, excused; Senator Steineger, excused

Committee staff present: Ken Wilke, Office of the Revisor of Statutes
Dr. Bill Wolff, Kansas Legislative Research Department
Marlene Putnam, Committee Secretary

Conferees appearing before the committee: Jeff Southard, Farmers Ins. Group
Gary White, Kansas Trial Lawyers
Jarrod Forbes, Kansas Ins. Dept.
Sandy Praeger, Commissioner of Insurance

Others attending: See attached list

Senator Teichman introduced Jeff Southard, attorney for the Farmers Insurance Group of Companies. He is a proponent of **SB 160** which is the Kansas statute which deals with a type of automobile insurance coverage called Uninsured Motorist protection. The suggested amendment would clarify the Legislature's intent by making it clear that a person could not be a "disinterested witness" if he or she had at any time made any kind of claim under any portion of the policy for which the insured is making an Uninsured Motorist claim. (See attachment 1)

Gary D. White, Jr., of Kansas Trial Lawyers Association. KTLA opposes **SB 160**. The proposed amendment could result in the perverse and unjust result that one who has absolutely no pecuniary interest in an uninsured motorist claim would be classified as a "disinterested witness" thereby barring an injured person's uninsured motorist claim. Further, the Kansas Supreme Court has defined "disinterested witness" to be one who is not related to the person making the claim and who does not have a pecuniary interest in the outcome. (See attachment 2)

SB 160 tabled.

Jarrod Forbes, Kansas Insurance Department summarized **SB 144**. (See attachment 3)

Sandy Praeger, Kansas Commissioner of Insurance presented **SB 144**, with amendments to the committee. (See attachment 4)

Minutes approved.

Meeting adjourned.