

HOUSE BILL No. 2182

By Representative Hodge

2-7

1 AN ACT concerning motor vehicle liability insurance; increasing the
2 minimum policy limit for bodily injuries on certain persons; amending
3 K.S.A. 2018 Supp. 40-3107 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2018 Supp. 40-3107 is hereby amended to read as
7 follows: 40-3107. Every policy of motor vehicle liability insurance issued
8 or renewed on or after January 1, ~~2017~~ 2020, by an insurer to an owner
9 residing in this state shall:

10 (a) Designate by explicit description or by appropriate reference of all
11 vehicles with respect to which coverage is to be granted;

12 (b) insure the person named and any other person, as insured, using
13 any such vehicle with the expressed or implied consent of such named
14 insured, against loss from the liability imposed by law for damages arising
15 out of the ownership, maintenance or use of any such vehicle within the
16 United States of America or the Dominion of Canada, subject to the limits
17 stated in such policy;

18 (c) state the name and address of the named insured, the coverage
19 afforded by the policy, the premium charged and the policy period;

20 (d) contain an agreement or be endorsed that insurance is provided in
21 accordance with the coverage required by this act;

22 (e) (1) contain stated limits of liability, exclusive of interest and costs,
23 with respect to each vehicle for which coverage is granted, not less than
24 \$25,000 because of bodily injury to, or death of, one person in any one
25 accident and, subject to the limit for one person, to a limit of not less than
26 \$50,000 because of bodily injury to, or death of, two or more persons in
27 any one accident, and to a limit of not less than \$25,000 because of harm
28 to or destruction of property of others in any one accident;

29 (2) contain stated limits of liability, exclusive of interest and costs,
30 with respect to each vehicle for which coverage is granted, not less than
31 \$100,000 because of bodily injury to, or death of, one person in any one
32 accident and, subject to the limit for one person, to a limit of not less than
33 \$300,000 because of bodily injury to, or death of, two or more persons in
34 any one accident, and to a limit of not less than \$25,000 because of harm
35 to or destruction of property of others in any one accident if the owner,
36 within 10 years immediately preceding commission of the offense, has a

1 conviction for: (A) Vehicular battery or aggravated vehicular homicide,
2 prior to their repeal, if the crime is committed while committing a
3 violation of K.S.A. 8-1567, and amendments thereto, or the ordinance of a
4 city or resolution of a county in this state that prohibits any acts prohibited
5 by that statute; (B) a violation of K.S.A. 8-2,144 or 8-1567, and
6 amendments thereto; (C) aggravated battery as described in K.S.A. 2018
7 Supp. 21-5413(b)(3), and amendments thereto; (D) involuntary
8 manslaughter as described in K.S.A. 2018 Supp. 21-5405(a)(3) or (a)(5),
9 and amendments thereto; (E) a violation of a law of another state that
10 would constitute a crime described in this paragraph if committed in this
11 state; (F) a violation of an ordinance of a city in this state or a resolution
12 of a county in this state that would constitute a crime described in this
13 paragraph, whether or not such conviction is in a court of record; or (G)
14 an act that was committed on a military reservation and that would
15 constitute a violation of K.S.A. 8-2,144 or 8-1567, and amendments
16 thereto, or would constitute a crime described in this paragraph if
17 committed off a military reservation in this state;

18 (f) include personal injury protection benefits to the named insured,
19 relatives residing in the same household, persons operating the insured
20 motor vehicle, passengers in such motor vehicle and other persons struck
21 by such motor vehicle and suffering bodily injury while not an occupant of
22 a motor vehicle, not exceeding the limits prescribed for each of such
23 benefits, for loss sustained by any such person as a result of injury. The
24 owner of a motorcycle, as defined by K.S.A. 8-1438, and amendments
25 thereto or motor-driven cycle, defined by K.S.A. 8-1439, and amendments
26 thereto, who is the named insured, shall have the right to reject in writing
27 insurance coverage including such benefits for injury to a person which
28 occurs while the named insured is operating or is a passenger on such
29 motorcycle or motor-driven cycle; and unless the named insured requests
30 such coverage in writing, such coverage need not be provided in or
31 supplemental to a renewal policy when the named insured has rejected the
32 coverage in connection with a policy previously issued by the same
33 insurer. The fact that the insured has rejected such coverage shall not cause
34 such motorcycle or motor-driven cycle to be an uninsured motor vehicle;

35 (g) notwithstanding any omitted or inconsistent language, any
36 contract of insurance which an insurer represents as or which purports to
37 be a motor vehicle liability insurance policy meeting the requirements of
38 this act shall be construed to obligate the insurer to meet all the mandatory
39 requirements and obligations of this act;

40 (h) notwithstanding any other provision contained in this section, any
41 insurer may exclude coverage required by subsections (a), (b), (c) and (d)
42 ~~of this section~~ while any insured vehicles are:

43 (1) Rented to others or used to carry persons for a charge, however,

- 1 such exclusion shall not apply to the use of a private passenger car on a
 2 share the expense basis; or
- 3 (2) being repaired, serviced or used by any person employed or
 4 engaged in any way in the automobile business. This does not apply to the
 5 named insured, spouse or relative residents; or the agents, employers,
 6 employees or partners of the named insured, spouse or resident relative;
 7 and
- 8 (i) in addition to the provisions of subsection (h) and notwithstanding
 9 any other provision contained in subsections (a), (b), (c) and (d) ~~of this~~
 10 ~~section~~, any insurer may exclude coverage:
- 11 (1) For any damages for which the United States government might
 12 be liable for the insured's use of the vehicle;
- 13 (2) for any damages to property owned by, rented to, or in charge of
 14 or transported by an insured, however, this exclusion shall not apply to
 15 coverage for a rented residence or rented private garage;
- 16 (3) for any obligation of an insured, or the insured's insurer under any
 17 type of workers' compensation or disability or similar law;
- 18 (4) for liability assumed by an insured under any contract or
 19 agreement;
- 20 (5) if two or more vehicle liability policies apply to the same
 21 accident, the total limits of liability under all such policies shall not exceed
 22 that of the policy with the highest limit of liability;
- 23 (6) for any damages arising from an intentional act;
- 24 (7) for any damages to any person who would be covered for such
 25 damages under a nuclear energy liability policy;
- 26 (8) for any obligation of the insured to indemnify another for
 27 damages resulting from bodily injury to the insured's employee by
 28 accident arising out of and in the course of such employee's employment;
- 29 (9) for bodily injury to any fellow employee of the insured arising out
 30 of and in the course of such employee's employment;
- 31 (10) for bodily injury or property damage resulting from the handling
 32 of property:
- 33 (A) Before it is moved from the place where it is accepted by the
 34 insured for movement into or onto the covered auto; or
- 35 (B) after it is moved from the covered auto to the place where it is
 36 finally delivered by the insured;
- 37 (11) for bodily injury or property damage resulting from the
 38 movement of property by a mechanical device, other than a hand truck, not
 39 attached to the covered auto; and
- 40 (12) for bodily injury or property damage caused by the dumping,
 41 discharge or escape of irritants, pollutants or contaminants; however, this
 42 exclusion does not apply if the discharge is sudden and accidental.
- 43 (j) Commencing with the 2026 legislative interim period, and at least

1 every 10 years thereafter, subject to authorization by the legislative
2 coordinating council, a legislative interim study committee shall study the
3 issue of whether the minimum limits of liability in subsection (e) should
4 be adjusted.

5 Sec. 2. K.S.A. 2018 Supp. 40-3107 is hereby repealed.

6 Sec. 3. This act shall take effect and be in force from and after its
7 publication in the statute book.