

**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.