

"Motorist Insurance Identification Database Act".

The following terms mean:

- (1) "Database", the motorist insurance identification database;
- (2) "Department", the department _____;
- (3) "Designated agent", the party with which the department contracts to implement the motorist insurance identification database;
- (4) "Program", the motorist insurance identification database program.

The "Motorist Insurance Identification Database" is hereby created for the purpose of establishing a database to verify compliance with the motor vehicle financial responsibility requirements of this _____. The program shall be administered by the department and shall receive funding from the "Motorist Insurance Identification Database Fund", which is hereby created in the state treasury. Effective _____ the Department shall impose an annual fee of \$1.00 on each vehicle (new and renewal) registration. All fees collected shall be deposited in the Motorist Insurance Identification Database Fund and shall be used solely for operating the program.

To implement the program, the department shall by _____, contract with a designated agent which shall monitor compliance with the motor vehicle

financial responsibility requirements of this chapter, except that the program shall not be implemented to notify owners of registered motor vehicles until the department certifies that the accuracy rate of the program exceeds ninety-five percent in correctly identifying owners of registered motor vehicles as having maintained or failed to maintain financial responsibility.

The designated agent, using its own computer network, shall, no later than _____, develop, deliver and maintain a computer database with information provided by:

- (1) Insurers, who write policies in this state except that, any person who qualifies as self-insured pursuant to this chapter, or provides proof of insurance to the department, shall not be required to provide information to the designated agent, but the state shall supply these records to the designated agent for inclusion in the database; and
- (2) The department, which shall provide the designated agent with the name, date of birth and address of all persons in its computer database, and the make, year and vehicle identification number of all registered motor vehicles.
- (3) The department shall establish guidelines for the designated agent's development of the

computer database so the database can be easily accessed by state and local law enforcement agencies within procedures already established. - Once the database is operational, the designated agent shall, at least monthly, update the database with information provided by insurers and the department, and compare then-current motor vehicle registrations against the database.

Information provided to the designated agent by insurers and the department for inclusion in the database established pursuant to this section is the property of the insurer or the department, as the case may be, and is not subject to disclosure pursuant to chapter 610, RSMo. Such information may not be disclosed except as follows:

(1) The designated agent shall verify a person's insurance coverage upon request by any state or local government agency investigating, litigating or enforcing such person's compliance with the motor vehicle financial responsibility requirements of this chapter;

(2) The department shall disclose whether an individual is maintaining the required insurance coverage upon request of the following individuals and agencies only:

(a) The individual;

- (b) The parent or legal guardian of an individual if the individual is an unemancipated minor;
- (c) The legal guardian of the individual if the individual is legally incapacitated;
- (d) Any person who has power of attorney from the individual;
- (e) Any person who submits a notarized release from the individual that is dated no more than ninety days before the request is made;
- (f) Any person claiming loss or injury in a motor vehicle accident in which the individual is involved;
- (g) The office of the state auditor, for the purpose of conducting any audit authorized by law.

Any person or agency who knowingly discloses information from the database for any purpose, or to a person, other than those authorized in this section is guilty of a class A misdemeanor. The state shall not be liable to any person for gathering, managing or using information in the database pursuant to this section. The designated agent shall not be liable to any person for performing its duties pursuant to this section unless and to the extent such agent commits a willful and wanton act or omission or is negligent. The designated agent shall be liable to any insurer damaged by the designated agent's negligent failure to protect the confidentiality of the information and data disclosed by the insurer to the

designated agent. The designated agent shall provide to this state an errors and omissions insurance policy covering such agent in an appropriate amount. No insurer shall be liable to any person for performing its duties pursuant to this section unless and to the extent the insurer commits a willful and wanton act of omission.

The department shall review the operation and performance of the motorist insurance identification database program to determine whether the number of uninsured motorists has declined during the first three years following implementation and shall submit a report of its findings to the general assembly no later than January fifteenth of the year following the third complete year of implementation. The department shall make copies of its report available to each member of the general assembly.

This section shall not supersede other actions or penalties that may be taken or imposed for violation of the motor vehicle financial responsibility requirements of this chapter.

No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of the administrative rule act.

If the motorist insurance identification database indicates the owner of a registered motor vehicle has, regardless of the owner's operation of such motor

vehicle, failed to maintain the financial responsibility required in section _____ for three consecutive months, the designated agent shall on behalf of the Department inform the owner that the Department will suspend the owner's vehicle registration if the owner does not present proof of insurance as prescribed by the Department within thirty days from the date of mailing. The designated agent shall not select owners of fleet or rental vehicles or vehicles that are insured pursuant to a commercial line policy for notification to determine motor vehicle liability coverage where such owners can reasonably be identified as a commercial or fleet vehicle. The Department may prescribe rules and regulations necessary for the implementation of this subsection. The notice issued to the vehicle owner by the designated agent shall be sent to the last known address shown on the department's records. The notice is deemed received three days after mailing. The notice of suspension shall clearly specify the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the person to request a hearing, the procedure for requesting a hearing and the date by which that request for a hearing must be made. The suspension shall become effective thirty days after the subject person is deemed to have received the notice of suspension by first class mail as provided in section _____. If the request for a hearing is received prior to the effective date of the suspension, the effective date of the suspension will be stayed until a final order is issued following the hearing; however, any delay in the hearing which is caused or requested by the subject person or counsel representing

that person without good cause shown shall not result in a stay of the suspension during the period of delay.

1. Neither the fact that, subsequent to the date of verification, the owner acquired the required liability insurance policy nor the fact that the owner terminated ownership of the motor vehicle shall have any bearing upon the Department's decision to suspend. The suspension shall remain in force until termination despite the renewal of registration or acquisition of a new registration for the motor vehicle. The suspension shall also apply to any motor vehicle to which the owner transfers the registration.

2. Upon receipt of notification from the designated agent, the Department shall suspend the owner's vehicle registration effective immediately. The suspension period shall be as follows:

(1) If the person's record shows no prior violation, the Department shall terminate the suspension upon payment of a reinstatement fee of one hundred dollars and submission of proof of insurance, as prescribed by the Department;

(2) If the person's record shows one prior violation for failure to maintain financial responsibility within the immediately preceding two years, the Department shall terminate the suspension ninety days after its effective date upon payment of a reinstatement

fee of two hundred dollars and submission of proof of insurance, as prescribed by the Department;

(3) If the person's record shows two or more prior violations for failure to maintain financial responsibility, the period of suspension shall terminate one year after its effective date upon payment of a reinstatement fee of four hundred dollars and submission of proof of insurance, as prescribed by the Department.

3. In the event that proof of insurance as prescribed by the Department has not been filed with the department of revenue in accordance with this chapter prior to the end of the period of suspension provided in this section, such period of suspension shall be extended until such proof of insurance has been filed. In no event shall filing proof of insurance reduce any period of suspension. If proof of insurance is not maintained during the three-year period following the reinstatement or termination of the suspension, the Department shall again suspend the license and motor vehicle registration until proof of insurance is filed or the three-year period has elapsed. In no event shall filing proof of insurance reduce any period of suspension.

5. Notwithstanding the provisions of subsection 1 of this section, the Department shall not suspend the registration or registrations of any owner who establishes to the satisfaction of the Department that the owner's motor vehicle was inoperable or being stored and not operated on the date proof of

financial responsibility is required by the Department.

Beginning _____, before the 7th & 21st working date of each calendar month, all licensed insurance companies in this state shall provide to the designated agent a record of all policies in effect on the last day of the preceding month. This subsection shall not prohibit more frequent reporting.

2. The record pursuant to subsection 1 of this section shall include the following:

(1) The name, date of birth, driver's license number and address of each insured;

(2) The make, year and vehicle identification number of each insured motor vehicle;

(3) The policy number and effective date of the policy.

3. The department of revenue shall notify the department of insurance, financial institutions and professional registration of any insurer who violates any provisions of this act. The department of insurance, financial institutions and professional registration may, against any insurer who fails to comply with this section, assess a fine not greater than one thousand dollars per day of noncompliance. The department of revenue may assess a fine not greater than one thousand dollars per day against the designated agent for failure to complete the project by the dates designated in sections _____ unless the delay is deemed beyond the control of the designated agent or the

designated agent provides acceptable proof that such a noncompliance was inadvertent, accidental or the result of excusable neglect. The department of insurance, financial institutions and professional registration shall excuse the fine against any insurer if an assessed insurer provides acceptable proof that such insurer's noncompliance was inadvertent, accidental or the result of excusable neglect.

In addition to establishing a data base pointer file as required under this section, an on line instant verification via web services may be established.