

IC 27-7-5.1

Chapter 5.1. Miscellaneous Motor Vehicle Insurance Provisions

IC 27-7-5.1-1

"Financial responsibility"

Sec. 1. As used in this chapter, "financial responsibility" means the ability to respond in damages as described in IC 9-25-2-3.

As added by P.L.136-2015, SEC.1.

IC 27-7-5.1-2

"Motor vehicle insurance policy"

Sec. 2. As used in this chapter, "motor vehicle insurance policy" means a policy that provides the kind of coverage described in Class 2(f) of IC 27-1-5-1.

As added by P.L.136-2015, SEC.1.

IC 27-7-5.1-3

"Noneconomic damages"

Sec. 3. (a) As used in this chapter, "noneconomic damages" means costs for the following:

- (1) Physical and emotional pain and suffering.
- (2) Physical impairment.
- (3) Emotional distress.
- (4) Mental anguish.
- (5) Loss of enjoyment.
- (6) Loss of companionship, services, and consortium.
- (7) Any other nonpecuniary loss proximately caused by a motor vehicle accident.

(b) The term does not include costs for the following:

- (1) Treatment and rehabilitation.
- (2) Medical expenses.
- (3) Loss of economic or educational potential.
- (4) Loss of productivity.
- (5) Absenteeism.
- (6) Support expenses.
- (7) Accidents or injury.
- (8) Any other pecuniary loss proximately caused by a motor vehicle accident.

As added by P.L.136-2015, SEC.1.

IC 27-7-5.1-4

"Uninsured motorist with a previous violation"

Sec. 4. As used in this chapter, "uninsured motorist with a previous violation" means an individual who:

- (1) owns a motor vehicle:
 - (A) that is involved in an accident; and
 - (B) for which financial responsibility is not in effect as

required by IC 9-25-4; and
(2) during the immediately preceding five (5) years, has been required to provide proof of future financial responsibility for any period under IC 9-25-8-6(b);
regardless of whether the individual is operating the motor vehicle at the time of the accident.
As added by P.L.136-2015, SEC.1.

IC 27-7-5.1-5

Prohibition on payment of noneconomic damages

Sec. 5. An insurer may not pay noneconomic damages on a claim for coverage under a motor vehicle insurance policy issued by the insurer if the claim is for coverage for a loss incurred by an uninsured motorist with a previous violation.
As added by P.L.136-2015, SEC.1.

IC 27-7-5.1-6

Application of prohibition

Sec. 6. (a) Section 5 of this chapter does not apply to a claim for coverage for a loss incurred by an uninsured motorist with a previous violation who is less than eighteen (18) years of age.

(b) Section 5 of this chapter does not apply to a claim for coverage for a loss incurred by any person other than an uninsured motorist with a previous violation.

(c) Section 5 of this chapter does not apply if a person other than the uninsured motorist with a previous violation:

- (1) operates a motor vehicle involved in the accident; and
- (2) is convicted of a crime in connection with the accident.

As added by P.L.136-2015, SEC.1.