HOUSE BILL NO. 608

AN ACT TO AMEND SECTION 83-11-101, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT UNINSURED MOTORIST COVERAGE LIMITS SHALL BE EQUAL TO OR HIGHER THAN THE LIMITS OF BODILY INJURY LIABILITY COVERAGE; TO REQUIRE MINIMUM LIMITS OF UNINSURED MOTORIST COVERAGE IN ALL POLICIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 83-11-101, Mississippi Code of 1972, is amended as follows:

83-11-101. (1) No automobile liability insurance policy or contract shall be issued or delivered after July 1, 2001, unless it contains an endorsement or provisions undertaking to pay the insured all sums which he shall be legally entitled to recover as damages for bodily injury or death from the owner or operator of an uninsured motor vehicle. The limits of the uninsured motorist coverage shall be identical to, or higher than, the limits of bodily injury liability coverage in the policy and shall be not less than the minimum limits of coverage required by the Mississippi Motor Vehicle Safety Responsibility Law. The named insured may select, in writing signed by the insured, limits of such coverage which are higher than limits of bodily injury coverage in the policy, but not less than the minimum limits required by the Mississippi Safety Responsibility Law. Once limits of uninsured motorist coverage higher than the liability limits are selected in writing signed by the insured, the higher limits may be included in any renewal policy subsequently issued to him or her by the same insurer unless the named insured requests lower coverage in writing. However, whenever a new application is submitted in connection with any renewal,
reinstatement or replacement transaction, the provisions of this section shall apply in the same manner as when a new policy is being issued.

(2) No automobile liability insurance policy or contract shall be issued or delivered after July 1, 2001, unless it contains an endorsement or provisions undertaking to pay the insured all sums which he shall be legally entitled to recover as damages for property damage from the owner or operator of an uninsured motor vehicle. The limits of the uninsured motorist property damage coverage shall be identical to, or higher than, the limits provided in the policy for property damage liability coverage. The insured may specifically select in writing signed by the insured higher limits of uninsured motorist property damage coverage; however, the insured may not select uninsured motorist property damage coverage limits which are less than the property damage limits required by the Mississippi Motor Vehicle Safety Responsibility Law. Once the higher limits are selected in writing signed by the named insured, the higher limits may be provided in any renewal policies subsequently issued to him or her by the same insurer unless the named insured requests lower limits in writing. However, whenever a new application is submitted in connection with any renewal, reinstatement or replacement transaction, the provisions of this section regarding uninsured motorist property damage coverage shall apply in the same manner as when a new policy is being issued.

The property damage provision may provide an exclusion for the first Two Hundred Dollars ($200.00) of such property damage; however, the uninsured motorist provision need not insure any liability for property damage, for which loss the policyholder has been compensated by insurance or otherwise.

(3) The insured may reject the property damage liability insurance coverage required by subsection (2) and retain the bodily injury liability insurance coverage required by subsection...
(1), but if the insured rejects the bodily injury liability
coverage he may not retain the property damage liability coverage.
No insured may have property damage liability insurance coverage
under this section unless he also has bodily injury liability
insurance coverage under this section.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2001.