

By: Representative Watson

To: Insurance

HOUSE BILL NO. 744

1 AN ACT TO AMEND SECTION 83-11-101, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT UNINSURED MOTORIST COVERAGE LIMITS SHALL BE
3 AUTOMATICALLY EQUAL TO THE LIMITS OF BODILY INJURY LIABILITY
4 COVERAGE UNLESS THE INSURED SPECIFICALLY SELECTS UNINSURED
5 MOTORIST COVERAGE OR ELECTS LESSER LIMITS; TO REQUIRE MINIMUM
6 LIMITS OF UNINSURED MOTORIST COVERAGE IN ALL POLICIES; AND FOR
7 RELATED PURPOSES.

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

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

11 83-11-101. (1) No automobile liability insurance policy or
12 contract shall be issued or delivered after July 1, 2001, unless
13 it contains an endorsement or provisions undertaking to pay the
14 insured all sums which he shall be legally entitled to recover as
15 damages for bodily injury or death from the owner or operator of
16 an uninsured motor vehicle. The limits of the uninsured motorist
17 coverage shall be identical to the limits of bodily injury
18 liability coverage in the policy and shall be not less than the
19 minimum limits of coverage required by the Mississippi Motor
20 Vehicle Safety Responsibility Law; however, the named insured may
21 select, in writing signed by the insured, limits of such coverage
22 which are less than limits of bodily injury coverage in the
23 policy, but not less than the minimum limits required by the
24 Mississippi Safety Responsibility Law. Once limits of uninsured
25 motorist coverage less than the liability limits are selected in
26 writing signed by the insured, the lower limits may be included in
27 any renewal policy subsequently issued to him or her by the same
28 insurer unless the named insured requests additional coverage in
29 writing. However, whenever a new application is submitted in



30 connection with any renewal, reinstatement or replacement
31 transaction, the provisions of this section shall apply in the
32 same manner as when a new policy is being issued.

33 (2) No automobile liability insurance policy or contract
34 shall be issued or delivered after July 1, 2001, unless it
35 contains an endorsement or provisions undertaking to pay the
36 insured all sums which he shall be legally entitled to recover as
37 damages for property damage from the owner or operator of an
38 uninsured motor vehicle. The limits of the uninsured motorist
39 property damage coverage shall be identical to the limits provided
40 in the policy for property damage liability coverage unless the
41 insured specifically selects the uninsured motorist property
42 damage limits in writing signed by the insured or specifically
43 selects in writing signed by the insured lower limits of uninsured
44 motorist property damage coverage; however, the insured may not
45 select uninsured motorist property damage coverage limits which
46 are less than the property damage limits required by the
47 Mississippi Motor Vehicle Safety Responsibility Law. Once the
48 lower limits are selected in writing signed by the named insured,
49 the higher limits need not be provided in any renewal policies
50 subsequently issued to him or her by the same insurer unless the
51 named insured requests such higher limits in writing; however,
52 whenever a new application is submitted in connection with any
53 renewal, reinstatement or replacement transaction, the provisions
54 of this section regarding uninsured motorist property damage
55 coverage shall apply in the same manner as when a new policy is
56 being issued.

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



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

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

