

By: Senator(s) Kirby

To: Insurance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2742

1 AN ACT TO CREATE NEW CODE SECTION 83-11-113, MISSISSIPPI CODE
2 OF 1972, TO PROVIDE FOR STACKING COVERAGE OF UNINSURED MOTORIST
3 COVERAGE; TO LIMIT STACKING IF STACKING COVERAGE IS NOT OBTAINED;
4 AND FOR RELATED PURPOSES.

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

6 SECTION 1. The following provision shall be codified as
7 Section 83-11-113, Mississippi Code of 1972:

8 83-11-113. (1) For all automobile liability policies issued
9 after July 1, 2001, insurers may offer the option of stacking or
10 nonstacking uninsured motorist coverage. If the insured accepts
11 the offer of stacking coverage, the uninsured motorist coverage
12 for two (2) or more motor vehicles shall be the greater of either:
13 (a) the amount of uninsured motorist coverage obtained by stacking
14 or adding together the minimum limits as required by the
15 Mississippi Financial Responsibility Law for each vehicle; or (b)
16 the highest single limit of uninsured motorist coverage for any
17 one (1) motor vehicle described in any policy under which the
18 injured person is an insured.

19 (2) If the insured does not accept stacking coverage,
20 uninsured motorist coverage, at a lesser premium, shall not stack,
21 and the amount of coverage available to any insured will be
22 determined as follows:

23 (a) Uninsured motorist coverage provided for two (2) or
24 more motor vehicles shall not be added or stacked together to
25 determine the limit of insurance coverage available to an insured
26 person for any one (1) accident, except as provided in paragraph
27 (c).

28 (b) If at the time of the accident, the insured is
29 occupying a motor vehicle, only the limits of uninsured motorist
30 coverage on the vehicle in which the insured was an occupant shall
31 apply. The limits of uninsured motorist coverage shall not be
32 increased or stacked because of multiple motor vehicles, or the
33 separate payment of premiums for each vehicle, under the
34 nonstacking policy.

35 (c) If the insured is occupying a motor vehicle which
36 is not owned by the insured or a relative residing in his
37 household, the insured is entitled to the highest limits of
38 uninsured motorist coverage for any one (1) vehicle to which he is
39 a named insured or an insured relative. This coverage shall be
40 excess over the coverage on the vehicle the insured is occupying.

41 (d) If at the time of the accident the insured is not
42 occupying a motor vehicle, the insured is entitled to select one
43 (1) limit of uninsured motorist coverage for any one (1) vehicle
44 covered by a nonstacking policy under which he is an insured. If
45 the injured person is an insured under more than one (1)
46 nonstacking policy, the insured is entitled to select only one (1)
47 limit of uninsured motorist coverage from one (1) nonstacking
48 policy.

49 (3) The insurer shall inform the named insured or applicant,
50 on a form approved by the department, of the nonstacking
51 limitations imposed under this section, and that nonstacking
52 coverage is an alternative to stacking coverage without
53 limitations. The department shall provide the definition of the
54 term "stacking" on such form. If the form is signed by a named
55 insured or applicant, it shall be conclusively presumed that there
56 was an informed, knowing acceptance of the limitations. When a
57 named insured or applicant has initially accepted nonstacking
58 limitations, the acceptance shall apply to any subsequent policy
59 which renews, extends, changes, supplements, supersedes,
60 reinstates, continues or replaces the existing policy, unless the

61 named insured subsequently requests stacking coverage in writing,
62 and pays the appropriate premium for uninsured motorist stacking
63 coverage. Any document signed by a named insured or legal
64 representative which initially rejects stacking uninsured motorist
65 coverage shall be binding upon every insured to whom such policy
66 applies and shall be conclusively presumed to be a part of the
67 policy or contract when issued or delivered, irrespective of
68 whether physically attached thereto.

69 (4) The uninsured motorist coverage provided by any
70 automobile liability policy, whether stacked or nonstacked, does
71 not apply to the named insured, or relatives residing in his
72 household, who are injured while occupying any vehicle owned by
73 such insured for which uninsured motorist coverage (stacked or
74 nonstacked) was not purchased.

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