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

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

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

83-11-113. (1) For all automobile liability policies issued after July 1, 2001, insurers may offer the option of stacking or nonstacking uninsured motorist coverage. If the insured accepts the offer of stacking coverage, the uninsured motorist coverage for two (2) or more motor vehicles shall be the greater of either:

(a) the amount of uninsured motorist coverage obtained by stacking or adding together the minimum limits as required by the Mississippi Financial Responsibility Law for each vehicle; or (b) the highest single limit of uninsured motorist coverage for any one (1) motor vehicle described in any policy under which the injured person is an insured.

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

(a) Uninsured motorist coverage provided for two (2) or more motor vehicles shall not be added or stacked together to determine the limit of insurance coverage available to an insured person for any one (1) accident, except as provided in paragraph (c).
(b) If at the time of the accident, the insured is occupying a motor vehicle, only the limits of uninsured motorist coverage on the vehicle in which the insured was an occupant shall apply. The limits of uninsured motorist coverage shall not be increased or stacked because of multiple motor vehicles, or the separate payment of premiums for each vehicle, under the nonstacking policy.

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

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

(3) The insurer shall inform the named insured or applicant, on a form approved by the department, of the nonstacking limitations imposed under this section, and that nonstacking coverage is an alternative to stacking coverage without limitations. The department shall provide the definition of the term "stacking" on such form. If the form is signed by a named insured or applicant, it shall be conclusively presumed that there was an informed, knowing acceptance of the limitations. When a named insured or applicant has initially accepted nonstacking limitations, the acceptance shall apply to any subsequent policy which renews, extends, changes, supplements, supersedes, reinstates, continues or replaces the existing policy, unless the
named insured subsequently requests stacking coverage in writing, and pays the appropriate premium for uninsured motorist stacking coverage. Any document signed by a named insured or legal representative which initially rejects stacking uninsured motorist coverage shall be binding upon every insured to whom such policy applies and shall be conclusively presumed to be a part of the policy or contract when issued or delivered, irrespective of whether physically attached thereto.

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

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