HOUSE BILL NO. 742

AN ACT TO AMEND SECTION 83-11-101, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT UNINSURED MOTORIST COVERAGE LIMITS SHALL BE AUTOMATICALLY EQUAL TO THE LIMITS OF BODILY INJURY LIABILITY COVERAGE UNLESS THE INSURED SPECIFICALLY SELECTS UNINSURED MOTORIST COVERAGE OR ELECTS LESSER LIMITS; 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, 2002, 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 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; however, the named insured may select, in writing signed by the insured, limits of such coverage which are less 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 less than the liability limits are selected in writing signed by the insured, the lower limits may be included in any renewal policy subsequently issued to him or her by the same insurer unless the named insured requests additional 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, 2002, 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 the limits provided in the policy for property damage liability coverage unless the insured specifically selects the uninsured motorist property damage limits in writing signed by the insured or specifically selects in writing signed by the insured lower 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 lower limits are selected in writing signed by the named insured, the higher limits need not be provided in any renewal policies subsequently issued to him or her by the same insurer unless the named insured requests such higher 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, 2002.