

By: Representatives Fillingane, Davis

To: Insurance

HOUSE BILL NO. 1263

1 AN ACT TO PROVIDE THAT ANY AUTOMOBILE PHYSICAL DAMAGE  
 2 INSURANCE POLICY OR AUTOMOBILE COLLISION INSURANCE POLICY  
 3 DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE AFTER JULY 1, 2002,  
 4 SHALL PROVIDE THAT WINDSHIELD REPLACEMENT SHALL BE PAID FOR IN  
 5 FULL BY THE INSURER AND THAT NO DEDUCTIBLE OR EXCLUSION SHALL  
 6 APPLY; TO AMEND SECTION 83-11-101, MISSISSIPPI CODE OF 1972, TO  
 7 PROVIDE THAT ANY AUTOMOBILE UNINSURED MOTORIST COVERAGE SHALL  
 8 PROVIDE THAT WINDSHIELD REPLACEMENT SHALL BE PAID FOR IN FULL BY  
 9 THE INSURER AND THAT NO DEDUCTIBLE OR EXCLUSION SHALL APPLY; AND  
 10 FOR RELATED PURPOSES.

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

12 **SECTION 1.** Any automobile physical damage insurance policy  
 13 or automobile collision insurance policy delivered or issued for  
 14 delivery in this state after July 1, 2002, shall provide that  
 15 windshield replacement shall be paid for in full by the insurer  
 16 and that no deductible or exclusion shall apply.

17 **SECTION 2.** Section 83-11-101, Mississippi Code of 1972, is  
 18 amended as follows:

19 83-11-101. (1) No automobile liability insurance policy or  
 20 contract shall be issued or delivered after January 1, 1967,  
 21 unless it contains an endorsement or provisions undertaking to pay  
 22 the insured all sums which he shall be legally entitled to recover  
 23 as damages for bodily injury or death from the owner or operator  
 24 of an uninsured motor vehicle, within limits which shall be no  
 25 less than those set forth in the Mississippi Motor Vehicle Safety  
 26 Responsibility Law, as amended, under provisions approved by the  
 27 Commissioner of Insurance; however, at the option of the insured,  
 28 the uninsured motorist limits may be increased to limits not to  
 29 exceed those provided in the policy of bodily injury liability  
 30 insurance of the insured or such lesser limits as the insured  
 31 elects to carry over the minimum requirement set forth by this



32 section. The coverage herein required shall not be applicable  
33 where any insured named in the policy shall reject the coverage in  
34 writing and provided further, that unless the named insured  
35 requests such coverage in writing, such coverage need not be  
36 provided in any renewal policy where the named insured had  
37 rejected the coverage in connection with a policy previously  
38 issued to him by the same insurer.

39 (2) No automobile liability insurance policy or contract  
40 shall be issued or delivered after January 1, 1980, unless it  
41 contains an endorsement or provisions undertaking to pay the  
42 insured all sums which he shall be legally entitled to recover as  
43 damages for property damage from the owner or operator of an  
44 uninsured motor vehicle, within limits which shall be no less than  
45 those set forth in the Mississippi Motor Vehicle Safety  
46 Responsibility Law, as amended, under provisions approved by the  
47 Commissioner of Insurance; however, at the option of the insured,  
48 the uninsured motorist limits may be increased to limits not to  
49 exceed those provided in the policy of property damage liability  
50 insurance of the insured or such lesser limits as the insured  
51 elects to carry over the minimum requirement set forth by this  
52 section. The coverage herein required shall not be applicable  
53 where any insured named in the policy shall reject the coverage in  
54 writing and provided further, that unless the named insured  
55 requests such coverage in writing, such coverage need not be  
56 provided in any renewal policy where the named insured had  
57 rejected the coverage in connection with a policy previously  
58 issued to him by the same insurer.

59 Except as otherwise provided herein, the property damage  
60 provision may provide an exclusion for the first Two Hundred  
61 Dollars (\$200.00) of such property damage; however, the uninsured  
62 motorist provision need not insure any liability for property  
63 damage, for which loss the policyholder has been compensated by  
64 insurance or otherwise. Policies delivered or issued for delivery



65 in this state after July 1, 2002, if the insured elects to have  
66 uninsured motorist coverage, shall include the provision that the  
67 insurer shall pay the full amount of the cost of windshield  
68 replacement and that no deductible or exclusion shall apply.

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

77 **SECTION 3.** This act shall take effect and be in force from  
78 and after July 1, 2002.

