MISSISSIPPI LEGISLATURE REGULAR SESSION 2002

By: Representatives Fillingane, Davis To: Insurance

HOUSE BILL NO. 1263

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

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

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

SECTION 2. 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 January 1, 1967, 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, within limits which shall be no less than those set forth in the Mississippi Motor Vehicle Safety Responsibility Law, as amended, under provisions approved by the Commissioner of Insurance; however, at the option of the insured, the uninsured motorist limits may be increased to limits not to exceed those provided in the policy of bodily injury liability insurance of the insured or such lesser limits as the insured elects to carry over the minimum requirement set forth by this
section. The coverage herein required shall not be applicable
where any insured named in the policy shall reject the coverage in
writing and provided further, that unless the named insured
requests such coverage in writing, such coverage need not be
provided in any renewal policy where the named insured had
rejected the coverage in connection with a policy previously
issued to him by the same insurer.

(2) No automobile liability insurance policy or contract
shall be issued or delivered after January 1, 1980, 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, within limits which shall be no less than
those set forth in the Mississippi Motor Vehicle Safety
Responsibility Law, as amended, under provisions approved by the
Commissioner of Insurance; however, at the option of the insured,
the uninsured motorist limits may be increased to limits not to
exceed those provided in the policy of property damage liability
insurance of the insured or such lesser limits as the insured
elects to carry over the minimum requirement set forth by this
section. The coverage herein required shall not be applicable
where any insured named in the policy shall reject the coverage in
writing and provided further, that unless the named insured
requests such coverage in writing, such coverage need not be
provided in any renewal policy where the named insured had
rejected the coverage in connection with a policy previously
issued to him by the same insurer.

Except as otherwise provided herein, 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. Policies delivered or issued for delivery
in this state after July 1, 2002, if the insured elects to have uninsured motorist coverage, shall include the provision that the insurer shall pay the full amount of the cost of windshield replacement and that no deductible or exclusion shall apply.

(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 3. This act shall take effect and be in force from and after July 1, 2002.