

By: Representative Watson

To: Insurance

HOUSE BILL NO. 1055

1 AN ACT TO AMEND SECTION 83-11-101, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THE POLICYHOLDER MUST REJECT, KNOWINGLY AND  
3 INTELLIGENTLY, UNINSURED MOTORIST COVERAGE IN WRITING IN ORDER TO  
4 DECLINE THE COVERAGE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 83-11-101, Mississippi Code of 1972, is  
7 amended as follows:

8 83-11-101. (1) No automobile liability insurance policy or  
9 contract shall be issued or delivered after January 1, 1967,  
10 unless it contains an endorsement or provisions undertaking to pay  
11 the insured all sums which he shall be legally entitled to recover  
12 as damages for bodily injury or death from the owner or operator  
13 of an uninsured motor vehicle, within limits which shall be no  
14 less than those set forth in the Mississippi Motor Vehicle Safety  
15 Responsibility Law, as amended, under provisions approved by the  
16 Commissioner of Insurance; however, at the option of the insured,  
17 the uninsured motorist limits may be increased to limits not to  
18 exceed those provided in the policy of bodily injury liability  
19 insurance of the insured or such lesser limits as the insured  
20 elects to carry over the minimum requirement set forth by this  
21 section. The coverage herein required shall not be applicable  
22 where any insured named in the policy shall reject, knowingly and  
23 intelligently, the coverage in writing and provided further, that  
24 unless the named insured requests such coverage in writing, such  
25 coverage need not be provided in any renewal policy where the  
26 named insured had rejected the coverage in connection with a  
27 policy previously issued to him by the same insurer.

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

48           The property damage provision may provide an exclusion for  
49 the first Two Hundred Dollars (\$200.00) of such property damage;  
50 however, the uninsured motorist provision need not insure any  
51 liability for property damage, for which loss the policyholder has  
52 been compensated by insurance or otherwise.

53           (3) The insured may reject the property damage liability  
54 insurance coverage required by subsection (2) and retain the  
55 bodily injury liability insurance coverage required by subsection  
56 (1), but if the insured rejects the bodily injury liability  
57 coverage he may not retain the property damage liability coverage.  
58 No insured may have property damage liability insurance coverage  
59 under this section unless he also has bodily injury liability  
60 insurance coverage under this section.

61           **SECTION 2.** This act shall take effect and be in force from  
62 and after July 1, 2004.