

By: Senator(s) Hewes

To: Insurance

SENATE BILL NO. 2788

1 AN ACT TO AMEND SECTION 83-11-102, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT AN INSURED IN AN AUTO LIABILITY POLICY THAT COVERS  
3 TWO OR MORE VEHICLES MAY ELECT TO PURCHASE A SINGLE-LIMIT,  
4 NONSTACKING UNINSURED MOTORIST COVERAGE IN LIEU OF UNINSURED  
5 MOTORIST COVERAGE FOR EACH VEHICLE; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 83-11-102, Mississippi Code of 1972, is  
8 amended as follows:

9 83-11-102. (1) An insured in an automobile liability policy  
10 that covers two (2) or more vehicles may elect to purchase, and an  
11 insurer may offer, single-limit, nonstacking uninsured motorist  
12 insurance coverage covering all vehicles listed in the policy for  
13 a single amount of uninsured motorist coverage. The single  
14 uninsured motorist coverage limit must be in an amount of no less  
15 than the liability limits required under the Mississippi Motor  
16 Vehicle Safety Responsibility Law \* \* \*. No matter how many  
17 vehicles are listed in or covered by the policy, the policy shall  
18 provide only one (1) single limit of uninsured motorist coverage  
19 to an injured person, or for property damage, or both, for any one  
20 (1) accident. The single limit of uninsured motorist coverage  
21 provided by the single-limit, nonstacking uninsured motorist  
22 insurance coverage may, where appropriate, be aggregated with or  
23 stacked with uninsured motorist insurance coverage available from  
24 other policies.

25 (2) In the course of the sale or issuance of single-limit,  
26 nonstacking uninsured motorist insurance coverage, insurers shall  
27 inform the named insured or applicant, on a form approved by the  
28 Department of Insurance, of the limitation on stacking imposed and

29 that such coverage is an alternative to coverage without such  
30 limitation, and such form shall be signed by or on behalf of the  
31 named insured or applicant. If this form is signed by or on  
32 behalf of a named insured or applicant, it is binding upon all  
33 persons insured by the uninsured motorist coverage and it shall be  
34 presumed that there was an informed, knowing acceptance of such  
35 limitation. When the named insured or applicant has initially  
36 accepted such limitation on stacking, such acceptance shall apply  
37 to any policy from the same insurer, including sister insurers in  
38 the same holding company, which renews the coverage, extends the  
39 coverage or changes covered vehicles unless and until the named  
40 insured requests in writing a change to stackable uninsured  
41 motorist coverage. Endorsements to the coverage language that do  
42 not change the uninsured motorist coverage language shall not be  
43 considered a new policy for purposes of determining whether a new  
44 acceptance form is necessary.

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