

By: Representative Moak

To: Insurance

HOUSE BILL NO. 18

1 AN ACT TO AMEND SECTION 83-11-101, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT UNINSURED MOTORIST COVERAGE LIMITS SHALL BE EQUAL  
3 TO OR HIGHER THAN THE LIMITS OF BODILY INJURY LIABILITY COVERAGE;  
4 TO REQUIRE MINIMUM LIMITS OF UNINSURED MOTORIST COVERAGE IN ALL  
5 POLICIES; AND FOR RELATED PURPOSES.

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

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

9 83-11-101. (1) No automobile liability insurance policy or  
10 contract shall be issued or delivered after July 1, 2005, unless  
11 it contains an endorsement or provisions undertaking to pay the  
12 insured all sums which he shall be legally entitled to recover as  
13 damages for bodily injury or death from the owner or operator of  
14 an uninsured motor vehicle. The limits of the uninsured motorist  
15 coverage shall be identical to, or higher than, the limits of  
16 bodily injury liability coverage in the policy and shall be not  
17 less than the minimum limits of coverage required by the  
18 Mississippi Motor Vehicle Safety Responsibility Law. The named  
19 insured may select, in writing signed by the insured, limits of  
20 such coverage which are higher than limits of bodily injury  
21 coverage in the policy, but not less than the minimum limits  
22 required by the Mississippi Safety Responsibility Law. Once  
23 limits of uninsured motorist coverage higher than the liability  
24 limits are selected in writing signed by the insured, the higher  
25 limits may be included in any renewal policy subsequently issued  
26 to him or her by the same insurer unless the named insured  
27 requests lower coverage in writing. However, whenever a new  
28 application is submitted in connection with any renewal,

29 reinstatement or replacement transaction, the provisions of this  
30 section shall apply in the same manner as when a new policy is  
31 being issued.

32 (2) No automobile liability insurance policy or contract  
33 shall be issued or delivered after July 1, 2005, unless it  
34 contains an endorsement or provisions undertaking to pay the  
35 insured all sums which he shall be legally entitled to recover as  
36 damages for property damage from the owner or operator of an  
37 uninsured motor vehicle. The limits of the uninsured motorist  
38 property damage coverage shall be identical to, or higher than,  
39 the limits provided in the policy for property damage liability  
40 coverage. The insured may specifically select in writing signed  
41 by the insured higher limits of uninsured motorist property damage  
42 coverage; however, the insured may not select uninsured motorist  
43 property damage coverage limits which are less than the property  
44 damage limits required by the Mississippi Motor Vehicle Safety  
45 Responsibility Law. Once the higher limits are selected in  
46 writing signed by the named insured, the higher limits may be  
47 provided in any renewal policies subsequently issued to him or her  
48 by the same insurer unless the named insured requests lower limits  
49 in writing. However, whenever a new application is submitted in  
50 connection with any renewal, reinstatement or replacement  
51 transaction, the provisions of this section regarding uninsured  
52 motorist property damage coverage shall apply in the same manner  
53 as when a new policy is being issued.

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

59 (3) The insured may reject the property damage liability  
60 insurance coverage required by subsection (2) and retain the  
61 bodily injury liability insurance coverage required by subsection

62 (1), but if the insured rejects the bodily injury liability  
63 coverage he may not retain the property damage liability coverage.  
64 No insured may have property damage liability insurance coverage  
65 under this section unless he also has bodily injury liability  
66 insurance coverage under this section.

67 **SECTION 2.** This act shall take effect and be in force from  
68 and after July 1, 2005.