

By: Representative Watson

To: Insurance

HOUSE BILL NO. 638

1 AN ACT TO AMEND SECTION 63-15-43, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE MOTOR VEHICLE INSURANCE TO INCLUDE MEDICAL PAYMENT
3 COVERAGE; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 63-15-43, Mississippi Code of 1972, is
6 amended as follows:

7 63-15-43. (1) A "motor vehicle liability policy" as used in
8 this chapter * * * means an owner's or an operator's policy of
9 liability insurance, certified as provided in Section 63-15-39 or
10 Section 63-15-41, as proof of financial responsibility, and
11 issued, except as otherwise provided in Section 63-15-41, by an
12 insurance company duly authorized to write motor vehicle liability
13 insurance in this state, to or for the benefit of the person named
14 therein as insured.

15 (2) Such owner's policy of liability insurance:

16 (a) Shall designate by explicit description or by
17 appropriate reference all motor vehicles with respect to which
18 coverage is thereby to be granted.

19 (b) Shall pay on behalf of the insured named therein
20 and any other person, as insured, using any such motor vehicle or
21 motor vehicles with the express or implied permission of such
22 named insured, all sums which the insured shall become legally
23 obligated to pay as damages arising out of the ownership,
24 maintenance or use of such motor vehicle or motor vehicles within
25 the United States of America or the Dominion of Canada, subject to
26 limits exclusive of interest and costs, with respect to each such
27 motor vehicle, as follows: Ten Thousand Dollars (\$10,000.00)

28 because of bodily injury to or death of one (1) person in any one
29 (1) accident and, subject to said limit for one (1) person, Twenty
30 Thousand Dollars (\$20,000.00) because of bodily injury to or death
31 of two (2) or more persons in any one (1) accident, and Five
32 Thousand Dollars (\$5,000.00) because of injury to or destruction
33 of property of others in any one (1) accident.

34 (3) Such operator's policy of liability insurance shall pay
35 on behalf of the insured named therein all sums which the insured
36 shall become legally obligated to pay as damages arising out of
37 the use by him of any motor vehicle not owned by him, within the
38 same territorial limits and subject to the same limits of
39 liability as are set forth above with respect to an owner's policy
40 of liability insurance.

41 (4) Such motor vehicle liability policy shall state the name
42 and address of the named insured, the coverage afforded by the
43 policy, the premium charged therefor, the policy period and the
44 limits of liability, and shall contain an agreement or be endorsed
45 that insurance is provided thereunder in accordance with the
46 coverage defined in this chapter as respects bodily injury and
47 death or property damage, or both, and is subject to all the
48 provisions of this chapter.

49 (5) Such motor vehicle liability policy shall not insure:

50 (a) Any obligation for which the insured or any company
51 as his insurer may be held liable under any Workers' Compensation
52 Law;

53 (b) Any liability on account of bodily injury to or
54 death of any employee of the insured while engaged in the
55 employment, other than domestic, of the insured, or in domestic
56 employment if benefits therefor are either payable or required to
57 be provided under any Workers' Compensation Law; or

58 (c) Any liability because of injury to or destruction
59 of property owned by, rented to, in charge of or transported by
60 the insured.

61 (6) Every motor vehicle liability policy shall be subject to
62 the following provisions which need not be contained therein:

63 (a) The liability of the insurance company with respect
64 to the insurance required by this chapter shall become absolute
65 whenever injury or damage covered by said motor vehicle liability
66 policy occurs; said policy may not be cancelled or annulled as to
67 such liability by any agreement between the insurance company and
68 the insured after the occurrence of the injury or damage; no
69 statement made by the insured or on his behalf and no violation of
70 said policy shall defeat or void said policy;

71 (b) The satisfaction by the insured of a judgment for
72 such injury or damage shall not be a condition precedent to the
73 right or duty of the insurance company to make payment on account
74 of such injury or damage;

75 (c) The insurance company shall have the right to
76 settle any claim covered by the policy, and if such settlement is
77 made in good faith, the amount thereof shall be deductible from
78 the limits of liability specified in paragraph (b) of subsection
79 (2) of this section; or

80 (d) The policy, the written application therefor, if
81 any, and any rider or endorsement which does not conflict with the
82 provisions of this chapter shall constitute the entire contract
83 between the parties.

84 (7) Any policy which grants the coverage required for a
85 motor vehicle liability policy may also grant any lawful coverage
86 in excess of or in addition to the coverage specified for a motor
87 vehicle liability policy, and such excess or additional coverage
88 shall not be subject to the provisions of this chapter. With
89 respect to a policy which grants such excess or additional
90 coverage, the term "motor vehicle liability policy" shall apply
91 only to that part of the coverage which is required by this
92 section.

93 (8) Any motor vehicle liability policy may provide that the
94 insured shall reimburse the insurance company for any payment the
95 insurance company would not have been obligated to make under the
96 terms of the policy except for the provisions of this chapter.

97 (9) Any motor vehicle liability policy may provide for the
98 prorating of the insurance thereunder with other valid and
99 collectible insurance.

100 (10) The requirements for a motor vehicle liability policy
101 may be fulfilled by the policies of one or more insurance
102 companies which policies together meet such requirements.

103 (11) Any binder issued pending the issuance of a motor
104 vehicle liability policy shall be deemed to fulfill the
105 requirements for such a policy.

106 (12) Every motor vehicle liability policy shall include a
107 provision for medical payment coverage and this medical coverage
108 shall be no less than Ten Thousand Dollars (\$10,000.00).

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