

By: Representative Watson

To: Insurance

HOUSE BILL NO. 708

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, 2005.