

By: Representatives Chism, Nicholson

To: Insurance; Judiciary A

HOUSE BILL NO. 228

1 AN ACT TO AMEND SECTION 83-11-102, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE NUMBER OF VEHICLES REQUIRED FOR AN INSURED TO SELECT
3 NONSTACKING, SINGLE-LIMIT UNINSURED MOTORIST INSURANCE COVERAGE;
4 AND FOR RELATED PURPOSES.

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

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

8 83-11-102. (1) An insured in an automobile liability policy
9 that covers two (2) or more vehicles may elect to purchase, and an
10 insurer may offer, single-limit, nonstacking uninsured motorist
11 insurance coverage covering all vehicles listed in the policy for
12 a single amount of uninsured motorist coverage. The single
13 uninsured motorist coverage limit must be in an amount of no less
14 than the liability limits required under the Mississippi Motor
15 Vehicle Safety Responsibility Law for two (2) vehicles combined.
16 No matter how many vehicles are listed in or covered by the
17 policy, the policy shall provide only one (1) single limit of
18 uninsured motorist coverage to an injured person, or for property
19 damage, or both, for any one (1) accident. The single limit of
20 uninsured motorist coverage provided by the single-limit,
21 nonstacking uninsured motorist insurance coverage may, where
22 appropriate, be aggregated with or stacked with uninsured motorist
23 insurance coverage available from other policies.

24 (2) In the course of the sale or issuance of single-limit,
25 nonstacking uninsured motorist insurance coverage, insurers shall
26 inform the named insured or applicant, on a form approved by the
27 Department of Insurance, of the limitation on stacking imposed and
28 that such coverage is an alternative to coverage without such

29 limitation, and such form shall be signed by or on behalf of the
30 named insured or applicant. If this form is signed by or on
31 behalf of a named insured or applicant, it is binding upon all
32 persons insured by the uninsured motorist coverage and it shall be
33 presumed that there was an informed, knowing acceptance of such
34 limitation. When the named insured or applicant has initially
35 accepted such limitation on stacking, such acceptance shall apply
36 to any policy from the same insurer, including sister insurers in
37 the same holding company, which renews the coverage, extends the
38 coverage or changes covered vehicles unless and until the named
39 insured requests in writing a change to stackable uninsured
40 motorist coverage. Endorsements to the coverage language that do
41 not change the uninsured motorist coverage language shall not be
42 considered a new policy for purposes of determining whether a new
43 acceptance form is necessary.

44 **SECTION 2.** This act shall take effect and be in force from
45 and after July 1, 2006.