

By: Representative Watson

To: Insurance

HOUSE BILL NO. 1068

1 AN ACT TO AMEND SECTION 63-15-43, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE MOTOR VEHICLE LIABILITY INSURANCE POLICIES TO INCLUDE  
3 MEDICAL PAYMENT 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 said  
8 term is used in this chapter shall mean an owner's or an  
9 operator's policy of liability insurance, certified as provided in  
10 Section 63-15-39 or Section 63-15-41, as proof of financial  
11 responsibility, and issued, except as otherwise provided in  
12 Section 63-15-41, by an insurance company duly authorized to write  
13 motor vehicle liability insurance in this state, to or for the  
14 benefit of the person named 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: Twenty-five Thousand Dollars

28 (\$25,000.00) because of bodily injury to or death of one (1)  
29 person in any one (1) accident and, subject to said limit for one  
30 (1) person, Fifty Thousand Dollars (\$50,000.00) because of bodily  
31 injury to or death of two (2) or more persons in any one (1)  
32 accident, and Twenty-five Thousand Dollars (\$25,000.00) because of  
33 injury to or destruction of property of others in any one (1)  
34 accident.

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

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

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

51 (a) Any obligation for which the insured or any company  
52 as his insurer may be held liable under any workmen's compensation  
53 law;

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

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

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

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

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

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

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

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

92 only to that part of the coverage which is required by this  
93 section.

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

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

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

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

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

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