

By: Representative Watson

To: Insurance

HOUSE BILL NO. 674

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 payment
109 coverage 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, 2007.