

By: Representatives Reed, Buck, Ellington,
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To: Insurance; Judiciary A

HOUSE BILL NO. 1417

1 AN ACT TO AMEND SECTIONS 83-11-101 AND 83-11-102, MISSISSIPPI
2 CODE OF 1972, TO REVISE THE MAXIMUM AMOUNT OF UNINSURED MOTORIST
3 BODILY INJURY INSURANCE THAT AN INSURED CAN CARRY AND TO REVISE
4 THE MINIMUM AND MAXIMUM AMOUNTS OF UNINSURED MOTORIST PROPERTY
5 DAMAGE INSURANCE THAT AN INSURED CAN CARRY; AND FOR RELATED
6 PURPOSES.

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

8 **SECTION 1.** Section 83-11-101, Mississippi Code of 1972, is
9 amended as follows:

10 83-11-101. (1) No automobile liability insurance policy or
11 contract shall be issued or delivered after January 1, 1967,
12 unless it contains an endorsement or provisions undertaking to pay
13 the insured all sums which he shall be legally entitled to recover
14 as damages for bodily injury or death from the owner or operator
15 of an uninsured motor vehicle, within limits which shall be no
16 less than those set forth in the Mississippi Motor Vehicle Safety
17 Responsibility Law, as amended, under provisions approved by the
18 Commissioner of Insurance; however, at the option of the insured,
19 the uninsured motorist limits may be increased to limits that
20 exceed those provided in the policy of bodily injury liability
21 insurance of the insured or such lesser limits as the insured
22 elects to carry over the minimum requirement set forth by this
23 section. The coverage herein required shall not be applicable
24 where any insured named in the policy shall reject the coverage in
25 writing and provided further, that unless the named insured
26 requests such coverage in writing, such coverage need not be
27 provided in any renewal policy where the named insured had
28 rejected the coverage in connection with a policy previously
29 issued to him by the same insurer.

30 (2) No automobile liability insurance policy or contract
31 shall be issued or delivered after January 1, 1980, unless it
32 contains an endorsement or provisions undertaking to pay the
33 insured all sums which he shall be legally entitled to recover as
34 damages for property damage from the owner or operator of an
35 uninsured motor vehicle. The uninsured motorist limits may be for
36 limits that exceed those provided in the policy of property damage
37 liability insurance of the insured or such lesser limits as the
38 insured elects to carry * * *. The coverage herein required shall
39 not be applicable where any insured named in the policy shall
40 reject the coverage in writing and provided further, that unless
41 the named insured requests such coverage in writing, such coverage
42 need not be provided in any renewal policy where the named insured
43 had rejected the coverage in connection with a policy previously
44 issued to him by the same insurer.

45 The property damage provision may provide an exclusion for
46 the first Two Hundred Dollars (\$200.00) of such property damage;
47 however, the uninsured motorist provision need not insure any
48 liability for property damage, for which loss the policyholder has
49 been compensated by insurance or otherwise.

50 (3) The insured may reject the property damage liability
51 insurance coverage required by subsection (2) and retain the
52 bodily injury liability insurance coverage required by subsection
53 (1), but if the insured rejects the bodily injury liability
54 coverage he may not retain the property damage liability coverage.
55 No insured may have property damage liability insurance coverage
56 under this section unless he also has bodily injury liability
57 insurance coverage under this section.

58 **SECTION 2.** Section 83-11-102, Mississippi Code of 1972, is
59 amended as follows:

60 83-11-102. (1) An insured in an automobile liability policy
61 that covers ten (10) or more vehicles may elect to purchase, and
62 an insurer may offer, single-limit, nonstacking uninsured motorist

63 insurance coverage covering all vehicles listed in the policy for
64 a single amount of uninsured motorist coverage. * * * No matter
65 how many vehicles are listed in or covered by the policy, the
66 policy shall provide only one (1) single limit of uninsured
67 motorist coverage to an injured person, or for property damage, or
68 both, for any one (1) accident. The single limit of uninsured
69 motorist coverage provided by the single-limit, nonstacking
70 uninsured motorist insurance coverage may, where appropriate, be
71 aggregated with or stacked with uninsured motorist insurance
72 coverage available from other policies.

73 (2) In the course of the sale or issuance of single-limit,
74 nonstacking uninsured motorist insurance coverage, insurers shall
75 inform the named insured or applicant, on a form approved by the
76 Department of Insurance, of the limitation on stacking imposed and
77 that such coverage is an alternative to coverage without such
78 limitation, and such form shall be signed by or on behalf of the
79 named insured or applicant. If this form is signed by or on
80 behalf of a named insured or applicant, it is binding upon all
81 persons insured by the uninsured motorist coverage and it shall be
82 presumed that there was an informed, knowing acceptance of such
83 limitation. When the named insured or applicant has initially
84 accepted such limitation on stacking, such acceptance shall apply
85 to any policy from the same insurer, including sister insurers in
86 the same holding company, which renews the coverage, extends the
87 coverage or changes covered vehicles unless and until the named
88 insured requests in writing a change to stackable uninsured
89 motorist coverage. Endorsements to the coverage language that do
90 not change the uninsured motorist coverage language shall not be
91 considered a new policy for purposes of determining whether a new
92 acceptance form is necessary.

93 **SECTION 3.** This act shall take effect and be in force from
94 and after July 1, 2007.