

By: Representative Watson

To: Insurance

HOUSE BILL NO. 382

1 AN ACT TO AMEND SECTION 83-11-101, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT UNINSURED MOTORIST COVERAGE LIMITS SHALL BE
3 AUTOMATICALLY EQUAL TO THE LIMITS OF BODILY INJURY LIABILITY
4 COVERAGE AND PROPERTY DAMAGE LIABILITY COVERAGE UNLESS THE INSURED
5 SPECIFICALLY SELECTS UNINSURED MOTORIST COVERAGE OF LESSER LIMITS;
6 AND FOR RELATED 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 * * *. For any such policy or
16 contract issued or delivered after July 1, 2018, the limits of the
17 uninsured motorist coverage shall be identical to the limits of
18 bodily injury liability coverage in the policy and shall be not
19 less than the minimum limits of coverage required by the
20 Mississippi Motor Vehicle Safety Responsibility Law; however, the



21 named insured may select, in writing signed by the insured, limits
22 of such coverage that are less than limits of bodily injury
23 liability coverage in the policy, but not less than the minimum
24 limits required by the Mississippi Motor Vehicle Safety
25 Responsibility Law. Once limits of uninsured motorist coverage
26 less than the liability limits are selected in writing signed by
27 the insured, the lower limits may be included in any renewal
28 policy later issued to him or her by the same insurer unless the
29 named insured requests additional coverage in writing. However,
30 whenever a new application is submitted in connection with any
31 renewal, reinstatement or replacement transaction, the provisions
32 of this section shall apply in the same manner as when a new
33 policy is being issued. The coverage herein required shall not be
34 applicable where any insured named in the policy shall reject the
35 coverage in writing and provided further, that unless the named
36 insured requests such coverage in writing, such coverage need not
37 be provided in any renewal policy where the named insured had
38 rejected the coverage in connection with a policy previously
39 issued to him by the same insurer.

40 (2) No automobile liability insurance policy or contract
41 shall be issued or delivered after January 1, 1980, unless it
42 contains an endorsement or provisions undertaking to pay the
43 insured all sums which he shall be legally entitled to recover as
44 damages for property damage from the owner or operator of an
45 uninsured motor vehicle * * *. For any such policy or contract



46 issued or delivered after July 1, 2018, the limits of the
47 uninsured motorist property damage coverage shall be identical to
48 the limits provided in the policy for property damage liability
49 coverage unless the insured specifically selects, in writing
50 signed by the insured, lower limits of uninsured motorist property
51 damage coverage; however, the insured may not select uninsured
52 motorist property damage coverage limits that are less than the
53 property damage liability limits required by the Mississippi Motor
54 Vehicle Safety Responsibility Law. Once the lower limits are
55 selected in writing signed by the named insured, the lower limits
56 may be provided in any renewal policies later issued to him or her
57 by the same insurer unless the named insured requests higher
58 limits in writing. However, whenever a new application is
59 submitted in connection with any renewal, reinstatement or
60 replacement transaction, the provisions of this section shall
61 apply in the same manner as when a new policy is being issued.
62 The coverage herein required shall not be applicable where any
63 insured named in the policy shall reject the coverage in writing
64 and provided further, that unless the named insured requests such
65 coverage in writing, such coverage need not be provided in any
66 renewal policy where the named insured had rejected the coverage
67 in connection with a policy previously issued to him by the same
68 insurer.

69 The property damage provision may provide an exclusion for
70 the first Two Hundred Dollars (\$200.00) of such property damage;



71 however, the uninsured motorist provision need not insure any
72 liability for property damage, for which loss the policyholder has
73 been compensated by insurance or otherwise.

74 (3) The insured may reject the property damage liability
75 insurance coverage required by subsection (2) and retain the
76 bodily injury liability insurance coverage required by subsection
77 (1), but if the insured rejects the bodily injury liability
78 coverage he may not retain the property damage liability coverage.
79 No insured may have property damage liability insurance coverage
80 under this section unless he also has bodily injury liability
81 insurance coverage under this section.

82 (4) In the course of the sale or issuance of any automobile
83 liability insurance policy, insurers shall inform the named
84 insured or applicant, on a form approved by the Department of
85 Insurance, of the benefits of and reasons for electing to purchase
86 uninsured motorist coverage. If the insured named in the policy
87 wishes to reject uninsured motorist coverage, such form shall be
88 signed by * * * the named insured. * * *

89 **SECTION 2.** This act shall take effect and be in force from
90 and after July 1, 2018.

