

By: Representative Watson

To: Insurance

HOUSE BILL NO. 404

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 motor vehicle liability policy, that has been certified
10 as provided in Section 63-15-39 or Section 63-15-41, as proof of
11 financial responsibility, and issued, except as otherwise provided
12 in Section 63-15-41, by an insurance company duly authorized to
13 write motor vehicle liability insurance in this state, to or for
14 the benefit of the person named therein as insured.

15 (2) Such owner's motor vehicle liability policy:

16 (a) May be any motor vehicle liability policy form that
17 has been filed with and approved by the Commissioner of Insurance
18 and may contain exclusions and limitations on coverage as long as



19 the exclusions and limitations language has been filed with and
20 approved by the Commissioner of Insurance.

21 (b) Shall have limits of liability no less than:
22 Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury
23 to or death of one (1) person in any one (1) accident and, subject
24 to said limit for one (1) person, Fifty Thousand Dollars
25 (\$50,000.00) because of bodily injury to or death of two (2) or
26 more persons in any one (1) accident, and Twenty-five Thousand
27 Dollars (\$25,000.00) because of injury to or destruction of
28 property of others in any one (1) accident.

29 (3) Every motor vehicle liability policy certified under the
30 provisions of this chapter shall be subject to the following
31 provisions which need not be contained therein:

32 (a) The liability of the insurance company with respect
33 to the insurance required by this chapter shall become absolute
34 whenever injury or damage covered by said motor vehicle liability
35 policy occurs; said policy may not be cancelled or annulled as to
36 such liability by any agreement between the insurance company and
37 the insured after the occurrence of the injury or damage; no
38 statement made by the insured or on his behalf and no violation of
39 said policy shall defeat or void said policy;

40 (b) The satisfaction by the insured of a judgment for
41 such injury or damage shall not be a condition precedent to the
42 right or duty of the insurance company to make payment on account
43 of such injury or damage;



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

49 (d) The policy, the written application therefor, if
50 any, and any rider or endorsement which does not conflict with the
51 provisions of the chapter shall constitute the entire contract
52 between the parties.

53 (4) Any policy which grants the coverage required for a
54 motor vehicle liability policy may also grant any lawful coverage
55 in excess of or in addition to the coverage specified for a motor
56 vehicle liability policy, and such excess or additional coverage
57 shall not be subject to the provisions of this chapter. With
58 respect to a policy which grants such excess or additional
59 coverage, the term "motor vehicle liability policy" shall apply
60 only to that part of the coverage which is required by this
61 section.

62 (5) Any motor vehicle liability policy may provide that the
63 insured shall reimburse the insurance company for any payment the
64 insurance company would not have been obligated to make under the
65 terms of the policy except for the provisions of this chapter.

66 (6) Any motor vehicle liability policy may provide for the
67 prorating of the insurance thereunder with other valid and
68 collectible insurance.



69 (7) The requirements for a motor vehicle liability policy
70 may be fulfilled by the policies of one or more insurance
71 companies which policies together meet such requirements.

72 (8) Any binder issued pending the issuance of a motor
73 vehicle liability policy shall be deemed to fulfill the
74 requirements for such a policy.

75 (9) Every motor vehicle liability policy shall include a
76 provision for medical payment coverage in the amount of at least
77 Ten Thousand Dollars (\$10,000.00).

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

