

By: Senator(s) Boyd, Michel

To: Insurance

SENATE BILL NO. 2230

1 AN ACT TO AMEND SECTION 83-11-101, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE COVERAGE UNDER THE UNINSURED MOTORIST ACT FOR CLAIMS
3 INVOLVING VEHICLES OWNED OR OPERATED BY A PERSON OR ENTITY
4 PROTECTED BY IMMUNITY UNDER THE MISSISSIPPI TORT CLAIMS ACT; AND
5 FOR RELATED PURPOSES.

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

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

9 83-11-101. (1) No automobile liability insurance policy or
10 contract shall be issued or delivered after January 1, 1967,
11 unless it contains an endorsement or provisions undertaking to pay
12 the insured all sums which he shall be legally entitled to recover
13 as damages for bodily injury or death, or would be legally
14 entitled to recover as damages for bodily injury or death but for
15 the immunity provided under the Mississippi Tort Claims Act, from
16 the owner or operator of an uninsured motor vehicle, within limits
17 which shall be no less than those set forth in the Mississippi
18 Motor Vehicle Safety Responsibility Law, as amended, under
19 provisions approved by the Commissioner of Insurance; however, at



20 the option of the insured, the uninsured motorist limits may be
21 increased to limits not to exceed those provided in the policy of
22 bodily injury liability insurance of the insured or such lesser
23 limits as the insured elects to carry over the minimum requirement
24 set forth by this section. The coverage herein required shall not
25 be applicable where any insured named in the policy shall reject
26 the coverage in writing and provided further, that unless the
27 named insured requests such coverage in writing, such coverage
28 need not be provided in any renewal policy, any replacement policy
29 with the same or substantially similar terms and conditions issued
30 by the same insurer, and any transferred policy with the same or
31 substantially similar terms and conditions issued by a licensed
32 affiliate of the original insurer where the named insured had
33 rejected the coverage in connection with a policy previously
34 issued to him by the same insurer or a licensed affiliate of the
35 original insurer in the same holding company.

36 (2) No automobile liability insurance policy or contract
37 shall be issued or delivered after January 1, 1980, unless it
38 contains an endorsement or provisions undertaking to pay the
39 insured all sums which he shall be legally entitled to recover as
40 damages for property damage, or would be legally entitled to
41 recover as damages for property damage but for the immunity
42 provided under the Mississippi Tort Claims Act, from the owner or
43 operator of an uninsured motor vehicle, within limits which shall
44 be no less than those set forth in the Mississippi Motor Vehicle



45 Safety Responsibility Law, as amended, under provisions approved
46 by the Commissioner of Insurance; however, at the option of the
47 insured, the uninsured motorist limits may be increased to limits
48 not to exceed those provided in the policy of property damage
49 liability insurance of the insured or such lesser limits as the
50 insured elects to carry over the minimum requirement set forth by
51 this section. The coverage herein required shall not be
52 applicable where any insured named in the policy shall reject the
53 coverage in writing and provided further, that unless the named
54 insured requests such coverage in writing, such coverage need not
55 be provided in any renewal policy, any replacement policy with the
56 same or substantially similar terms and conditions issued by the
57 same insurer, and any transferred policy with the same or
58 substantially similar terms and conditions issued by a licensed
59 affiliate of the original insurer where the named insured had
60 rejected the coverage in connection with a policy previously
61 issued to him by the same insurer or a licensed affiliate of the
62 original insurer in the same holding company.

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

68 (3) The insured may reject the property damage liability
69 insurance coverage required by subsection (2) and retain the



bodily injury liability insurance coverage required by subsection (1), but if the insured rejects the bodily injury liability coverage he may not retain the property damage liability coverage. No insured may have property damage liability insurance coverage under this section unless he also has bodily injury liability insurance coverage under this section.

(4) In the course of the sale or issuance of any automobile liability insurance policy, insurers shall inform the named insured or applicant, on a form approved by the Department of Insurance, of the benefits of and reasons for electing to purchase uninsured motorist coverage. If the insured named in the policy wishes to reject uninsured motorist coverage, such form shall be signed by or on behalf of the named insured. If this form is signed by or on behalf of the named insured, it is binding upon all persons insured by the automobile liability insurance policy and it shall be presumed that there was an informed, knowing rejection and waiver of uninsured motorist coverage.

SECTION 2. This act shall take effect and be in force from and after its passage.

