

By: Representative Watson

To: Insurance

HOUSE BILL NO. 643

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, or would be legally  
15 entitled to recover as damages for bodily injury or death but for  
16 the immunity provided under the Mississippi Tort Claims Act, from  
17 the owner or operator of an uninsured motor vehicle, within limits  
18 which shall be no less than those set forth in the Mississippi  
19 Motor Vehicle Safety Responsibility Law, as amended, under  
20 provisions approved by the Commissioner of Insurance \* \* \*. For



21 any such policy or contract issued or delivered after July 1,  
22 2022, the limits of the uninsured motorist coverage shall be  
23 identical to the limits of bodily injury liability coverage in the  
24 policy and shall be not less than the minimum limits of coverage  
25 required by the Mississippi Motor Vehicle Safety Responsibility  
26 Law; however, the named insured may select, in writing signed by  
27 the insured, limits of such coverage that are less than limits of  
28 bodily injury liability coverage in the policy, but not less than  
29 the minimum limits required by the Mississippi Motor Vehicle  
30 Safety Responsibility Law. Once limits of uninsured motorist  
31 coverage less than the liability limits are selected in writing  
32 signed by the insured, the lower limits may be included in any  
33 renewal policy later issued to him or her by the same insurer  
34 unless the named insured requests additional coverage in writing.  
35 However, whenever a new application is submitted in connection  
36 with any renewal, reinstatement or replacement transaction, the  
37 provisions of this section shall apply in the same manner as when  
38 a new policy is being issued. 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, any replacement policy  
43 with the same or substantially similar terms and conditions issued  
44 by the same insurer, and any transferred policy with the same or  
45 substantially similar terms and conditions issued by a licensed



46 affiliate of the original insurer where the named insured had  
47 rejected the coverage in connection with a policy previously  
48 issued to him by the same insurer or a licensed affiliate of the  
49 original insurer in the same holding company.

50 (2) No automobile liability insurance policy or contract  
51 shall be issued or delivered after January 1, 1980, unless it  
52 contains an endorsement or provisions undertaking to pay the  
53 insured all sums which he shall be legally entitled to recover as  
54 damages for property damage, or would be legally entitled to  
55 recover as damages for property damage but for the immunity  
56 provided under the Mississippi Tort Claims Act, from the owner or  
57 operator of an uninsured motor vehicle \* \* \*. For any such policy  
58 or contract issued or delivered after July 1, 2022, the limits of  
59 the uninsured motorist property damage coverage shall be identical  
60 to the limits provided in the policy for property damage liability  
61 coverage unless the insured specifically selects, in writing  
62 signed by the insured, lower limits of uninsured motorist property  
63 damage coverage; however, the insured may not select uninsured  
64 motorist property damage coverage limits that are less than the  
65 property damage liability limits required by the Mississippi Motor  
66 Vehicle Safety Responsibility Law. Once the lower limits are  
67 selected in writing signed by the named insured, the lower limits  
68 may be provided in any renewal policies later issued to him or her  
69 by the same insurer unless the named insured requests higher  
70 limits in writing. However, whenever a new application is



71 submitted in connection with any renewal, reinstatement or  
72 replacement transaction, the provisions of this section shall  
73 apply in the same manner as when a new policy is being issued.

74 The coverage herein required shall not be applicable where any  
75 insured named in the policy shall reject the coverage in writing  
76 and provided further, that unless the named insured requests such  
77 coverage in writing, such coverage need not be provided in any  
78 renewal policy, any replacement policy with the same or  
79 substantially similar terms and conditions issued by the same  
80 insurer, and any transferred policy with the same or substantially  
81 similar terms and conditions issued by a licensed affiliate of the  
82 original insurer where the named insured had rejected the coverage  
83 in connection with a policy previously issued to him by the same  
84 insurer or a licensed affiliate of the original insurer in the  
85 same holding company.

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

91 (3) The insured may reject the property damage liability  
92 insurance coverage required by subsection (2) and retain the  
93 bodily injury liability insurance coverage required by subsection  
94 (1), but if the insured rejects the bodily injury liability  
95 coverage he may not retain the property damage liability coverage.



96 No insured may have property damage liability insurance coverage  
97 under this section unless he also has bodily injury liability  
98 insurance coverage under this section.

99 (4) In the course of the sale or issuance of any automobile  
100 liability insurance policy, insurers shall inform the named  
101 insured or applicant, on a form approved by the Department of  
102 Insurance, of the benefits of and reasons for electing to purchase  
103 uninsured motorist coverage. If the insured named in the policy  
104 wishes to reject uninsured motorist coverage, such form shall be  
105 signed by \* \* \* the named insured. \* \* \*

106 **SECTION 2.** This act shall take effect and be in force from  
107 and after July 1, 2022.

