

By: Representatives Stevens, Montgomery
(74th), Chism, Eads, Dedeaux, Masterson,
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To: Insurance

HOUSE BILL NO. 666

1 AN ACT TO CREATE NEW SECTION 83-11-102, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT CERTAIN INSURED MAY ELECT TO PURCHASE A
3 SINGLE-LIMIT, NONSTACKING UNINSURED MOTORIST INSURANCE COVERAGE IN
4 LIEU OF UNINSURED MOTORISTS COVERAGE FOR EACH VEHICLE; TO AMEND
5 SECTION 83-11-107, MISSISSIPPI CODE OF 1972, TO CONFORM THERETO;
6 AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** The following section shall be codified as

9 Section 83-11-102, Mississippi Code of 1972.

10 83-11-102. (1) An insured in an automobile liability policy
11 that covers ten (10) or more vehicles may elect to purchase, and
12 an insurer may offer, single-limit, nonstacking uninsured motorist
13 insurance coverage covering all vehicles listed in the policy for
14 a single amount of uninsured motorist coverage. The single
15 uninsured motorist coverage limit must be in an amount of no less
16 than the liability limits required under the Mississippi Motor
17 Vehicle Safety Responsibility Law for ten (10) vehicles combined.
18 No matter how many vehicles are listed in or covered by the
19 policy, the policy shall provide only one (1) single limit of
20 uninsured motorist coverage to an injured person, or for property
21 damage, or both, for any one (1) accident. The single limit of
22 uninsured motorist coverage provided by the single-limit,
23 nonstacking uninsured motorist insurance coverage may, where
24 appropriate, be aggregated with or stacked with uninsured motorist
25 insurance coverage available from other policies.

26 (2) In the course of the sale or issuance of single-limit,
27 nonstacking uninsured motorist insurance coverage, insurers shall
28 inform the named insured or applicant, on a form approved by the
29 Department of Insurance, of the limitation on stacking imposed and



30 that such coverage is an alternative to coverage without such
31 limitation, and such form shall be signed by or on behalf of the
32 named insured or applicant. If this form is signed by or on
33 behalf of a named insured or applicant, it is binding upon all
34 persons insured by the uninsured motorist coverage and it shall be
35 presumed that there was an informed, knowing acceptance of such
36 limitation. When the named insured or applicant has initially
37 accepted such limitation on stacking, such acceptance shall apply
38 to any policy from the same insurer, including sister insurers in
39 the same holding company, which renews the coverage, extends the
40 coverage or changes covered vehicles unless and until the named
41 insured requests in writing a change to stackable uninsured
42 motorist coverage. Endorsements to the coverage language that do
43 not change the uninsured motorist coverage language shall not be
44 considered a new policy for purposes of determining whether a new
45 acceptance form is necessary.

46 **SECTION 2.** Section 83-11-107, Mississippi Code of 1972, is
47 amended as follows:

48 83-11-107. An insurer paying a claim under the endorsement
49 or provisions required by Section 83-11-101 or Section 83-11-102
50 shall be subrogated to the rights of the insured to whom such
51 claim was paid against the person causing such injury, death, or
52 damage to the extent that payment was made, including the proceeds
53 recoverable from the assets of the insolvent insurer. The
54 bringing of an action against the unknown owner or operator, or
55 the conclusion of such an action, shall not constitute a bar to
56 the insured if the identity of the owner or operator who caused
57 the injury or damages complained of becomes known, provided that
58 in any action brought against such owner or operator, the
59 insurance company that has previously made payment as a result of
60 the policyholder's claim against such owner or operator shall be
61 mailed a copy of the summons issued for the defendant or
62 defendants, and that any recovery against such owner or operator



63 shall be paid to the insurance company to the extent that such
64 insurance company paid the named insured in the action brought
65 against such owner or operator, except that such insurance company
66 shall pay its proportionate part of any reasonable costs and
67 expense incurred in connection therewith, including reasonable
68 attorney's fees.

69 **SECTION 3.** This act shall take effect and be in force from
70 and after July 1, 2002.

