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AMENDMENT No. 1 PROPOSED TO

House Bill NO. 666

By Senator(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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 two (2) or more vehicles may elect to purchase, and an
12 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 shall be in an amount not less
16 than the liability limits required under the Mississippi Motor
17 Vehicle Safety Responsibility Law for two (2) 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

inform the named insured or applicant, on a form approved by the Department of Insurance, of the limitation on stacking imposed and that such coverage is an alternative to coverage without such limitation, and such form shall be signed by or on behalf of the named insured or applicant. If this form is signed by or on behalf of a named insured or applicant, it is binding upon all persons insured by the uninsured motorist coverage and it shall be presumed that there was an informed, knowing acceptance of such limitation. When the named insured or applicant has initially accepted such limitation on stacking, such acceptance shall apply to any policy from the same insurer, including sister insurers in the same holding company, which renews the coverage, extends the coverage or changes covered vehicles unless and until the named insured requests in writing a change to stackable uninsured motorist coverage. Endorsements to the coverage language that do not change the uninsured motorist coverage language shall not be considered a new policy for purposes of determining whether a new acceptance form is necessary.

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO CREATE NEW SECTION 83-11-102, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT CERTAIN INSUREDS 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.