

By: Representative Watson

To: Insurance

## HOUSE BILL NO. 640

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 UNLESS THE INSURED SPECIFICALLY SELECTS UNINSURED  
5 MOTORIST COVERAGE OR ELECTS LESSER LIMITS; TO REQUIRE MINIMUM  
6 LIMITS OF UNINSURED MOTORIST COVERAGE IN ALL POLICIES; AND FOR  
7 RELATED PURPOSES.

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

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

11 83-11-101. (1) No automobile liability insurance policy or  
12 contract shall be issued or delivered after July 1, 2005, unless  
13 it contains an endorsement or provisions undertaking to pay the  
14 insured all sums which he shall be legally entitled to recover as  
15 damages for bodily injury or death from the owner or operator of  
16 an uninsured motor vehicle. The limits of the uninsured motorist  
17 coverage shall be identical to the limits of bodily injury  
18 liability coverage in the policy and shall be not less than the  
19 minimum limits of coverage required by the Mississippi Motor  
20 Vehicle Safety Responsibility Law; however, the named insured may  
21 select, in writing signed by the insured, limits of such coverage  
22 which are less than limits of bodily injury coverage in the  
23 policy, but not less than the minimum limits required by the  
24 Mississippi Safety Responsibility Law. Once limits of uninsured  
25 motorist coverage less than the liability limits are selected in  
26 writing signed by the insured, the lower limits may be included in  
27 any renewal policy subsequently issued to him or her by the same  
28 insurer unless the named insured requests additional coverage in  
29 writing. However, whenever a new application is submitted in

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

33 (2) No automobile liability insurance policy or contract  
34 shall be issued or delivered after July 1, 2005, unless it  
35 contains an endorsement or provisions undertaking to pay the  
36 insured all sums which he shall be legally entitled to recover as  
37 damages for property damage from the owner or operator of an  
38 uninsured motor vehicle. The limits of the uninsured motorist  
39 property damage coverage shall be identical to the limits provided  
40 in the policy for property damage liability coverage unless the  
41 insured specifically selects the uninsured motorist property  
42 damage limits in writing signed by the insured or specifically  
43 selects in writing signed by the insured lower limits of uninsured  
44 motorist property damage coverage; however, the insured may not  
45 select uninsured motorist property damage coverage limits which  
46 are less than the property damage limits required by the  
47 Mississippi Motor Vehicle Safety Responsibility Law. Once the  
48 lower limits are selected in writing signed by the named insured,  
49 the higher limits need not be provided in any renewal policies  
50 subsequently issued to him or her by the same insurer unless the  
51 named insured requests such higher limits in writing; however,  
52 whenever a new application is submitted in connection with any  
53 renewal, reinstatement or replacement transaction, the provisions  
54 of this section regarding uninsured motorist property damage  
55 coverage shall apply in the same manner as when a new policy is  
56 being issued.

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

62           (3) The insured may reject the property damage liability  
63 insurance coverage required by subsection (2) and retain the  
64 bodily injury liability insurance coverage required by subsection  
65 (1), but if the insured rejects the bodily injury liability  
66 coverage he may not retain the property damage liability coverage.  
67 No insured may have property damage liability insurance coverage  
68 under this section unless he also has bodily injury liability  
69 insurance coverage under this section.

70           **SECTION 2.** This act shall take effect and be in force from  
71 and after July 1, 2005.