

By: Representative Formby

To: Insurance; Judiciary A

HOUSE BILL NO. 716

1 AN ACT TO AMEND SECTION 83-11-102, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT AN INSURED IN AN AUTO LIABILITY POLICY THAT COVERS
3 TWO OR MORE VEHICLES MAY ELECT TO PURCHASE A SINGLE-LIMIT,
4 NONSTACKING UNINSURED MOTORIST COVERAGE IN LIEU OF UNINSURED
5 MOTORIST COVERAGE FOR EACH VEHICLE; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 83-11-102, Mississippi Code of 1972, is
8 amended as follows:

9 83-11-102. (1) An insured in an automobile liability policy
10 that covers two (2) or more vehicles may elect to purchase, and an
11 insurer may offer, single-limit, nonstacking uninsured motorist
12 insurance coverage covering all vehicles listed in the policy for
13 a single amount of uninsured motorist coverage. The single
14 uninsured motorist coverage limit must be in an amount of no less
15 than the liability limits required under the Mississippi Motor
16 Vehicle Safety Responsibility Law * * *. No matter how many
17 vehicles are listed in or covered by the policy, the policy shall
18 provide only one (1) single limit of uninsured motorist coverage
19 to an injured person, or for property damage, or both, for any one
20 (1) accident. The single limit of uninsured motorist coverage
21 provided by the single-limit, nonstacking uninsured motorist
22 insurance coverage may, where appropriate, be aggregated with or
23 stacked with uninsured motorist insurance coverage available from
24 other policies.

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

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

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