MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Ford (54th) To: Insurance

HOUSE BILL NO. 330
(As Passed the House)

AN ACT TO AMEND SECTION 83-11-101, MISSISSIPPI CODE OF 1972, TO REVISE THE UNINSURED MOTORIST COVERAGE LAW TO PROVIDE THAT AN INSURANCE POLICY COVERING A POLITICAL SUBDIVISION SHALL BE PROHIBITED FROM PAYING FOR ANY ELEMENT OF LOSS IF THE INDIVIDUAL IS ENTITLED TO RECEIVE PAYMENT FOR THE SAME ELEMENT OF LOSS ARISING FROM THE SAME OCCURRENCE THROUGH ANOTHER INSURANCE POLICY PURCHASED BY THE SAME POLITICAL SUBDIVISION; AND FOR RELATED PURPOSES.

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

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

83-11-101. (1) No automobile liability insurance policy or contract shall be issued or delivered after January 1, 1967, unless it contains an endorsement or provisions undertaking to pay the insured all sums which he shall be legally entitled to recover as damages for bodily injury or death, or would be legally entitled to recover as damages for bodily injury or death but for the immunity provided under the Mississippi Tort Claims Act, from the owner or operator of an uninsured motor vehicle, within limits which shall be no less than those set forth in the Mississippi Motor Vehicle Safety Responsibility Law, as amended, under

provisions approved by the Commissioner of Insurance; however, at the option of the insured, the uninsured motorist limits may be increased to limits not to exceed those provided in the policy of bodily injury liability insurance of the insured or such lesser limits as the insured elects to carry over the minimum requirement set forth by this section. The coverage herein required shall not be applicable where any insured named in the policy shall reject the coverage in writing and provided further, that unless the named insured requests such coverage in writing, such coverage need not be provided in any renewal policy, any replacement policy with the same or substantially similar terms and conditions issued by the same insurer, and any transferred policy with the same or substantially similar terms and conditions issued by a licensed affiliate of the original insurer where the named insured had rejected the coverage in connection with a policy previously issued to him by the same insurer or a licensed affiliate of the original insurer in the same holding company. An insurance policy covering a political subdivision shall be prohibited from paying for any element of loss if the individual is entitled to receive payment for the same element of loss arising from the same occurrence through another insurance policy purchased by the same political subdivision and which has fully compensated or will fully compensate the individual for said element of loss.

(2) No automobile liability insurance policy or contract shall be issued or delivered after January 1, 1980, unless it

contains an endorsement or provisions undertaking to pay the insured all sums which he shall be legally entitled to recover as damages for property damage, or would be legally entitled to recover as damages for property damage but for the immunity provided under the Mississippi Tort Claims Act, from the owner or operator of an uninsured motor vehicle, within limits which shall be no less than those set forth in the Mississippi Motor Vehicle Safety Responsibility Law, as amended, under provisions approved by the Commissioner of Insurance; however, at the option of the insured, the uninsured motorist limits may be increased to limits not to exceed those provided in the policy of property damage liability insurance of the insured or such lesser limits as the insured elects to carry over the minimum requirement set forth by this section. The coverage herein required shall not be applicable where any insured named in the policy shall reject the coverage in writing and provided further, that unless the named insured requests such coverage in writing, such coverage need not be provided in any renewal policy, any replacement policy with the same or substantially similar terms and conditions issued by the same insurer, and any transferred policy with the same or substantially similar terms and conditions issued by a licensed affiliate of the original insurer where the named insured had rejected the coverage in connection with a policy previously issued to him by the same insurer or a licensed affiliate of the original insurer in the same holding company. <u>An insurance policy</u>

covering a political subdivision shall be prohibited from paying for any element of loss if the individual is entitled to receive payment for the same element of loss arising from the same occurrence through another insurance policy purchased by the same political subdivision and which has fully compensated or will fully compensate the individual for said element of loss.

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

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

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

signed by or on behalf of the named insured. If this form is signed by or on behalf of the named insured, it is binding upon all persons insured by the automobile liability insurance policy and it shall be presumed that there was an informed, knowing rejection and waiver of uninsured motorist coverage.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

ST: Uninsured motorist coverage law; revise to prohibit insurance policy from paying certain losses if another insurance policy must pay for