

HB 1151 -- Motor Vehicle Liability Insurance Policies

Sponsor: Kander

This bill requires all motor vehicle liability insurance policies delivered or issued after January 1, 2010, to include uninsured and underinsured motorist coverage equal to the coverage provided under the insured individual's primary policy for bodily injury or sickness or disease including death. The insured individual has the right to reject, in writing, the uninsured and underinsured motorist coverage that is in excess of the minimum liability coverage for bodily injury or death required for motor vehicles. An underinsured motorist coverage insurer will have subrogation rights.

Any insurer can provide for the exclusion or limitation of coverage:

- (1) When the insured is occupying or struck by an uninsured motor vehicle or trailer or provided for the insured's regular use;
- (2) When the uninsured automobile is owned by a self-insurer or any governmental entity;
- (3) When there is no evidence of physical contact with the uninsured motor vehicle and the facts of the accident cannot be proven by a disinterested witness not making a claim;
- (4) To the extent that workers' compensation benefits apply;
- (5) When a suit is filed against the uninsured motorist without notice to the insurance carrier; and
- (6) To the extent that personal injury protection benefits apply.