

HOUSE BILL NO. 375

INTRODUCED BY L. JONES

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT, WITH RESPECT TO A MOTOR VEHICLE LIABILITY POLICY, AN INSURER MAY IN INITIAL UNDERWRITING TAKE INTO ACCOUNT THE ACCIDENT RECORD OF AN INSURED, REGARDLESS OF WHETHER OR NOT THE INSURED WAS AT FAULT; AMENDING SECTION 33-23-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 33-23-201, MCA, is amended to read:

"33-23-201. Motor vehicle liability policies to include uninsured motorist coverage -- rejection by insured -- ratesetting. (1) ~~No~~ A motor vehicle liability policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle may not be delivered or issued for delivery in this state, with respect to any motor vehicle registered and principally garaged in this state, unless coverage is provided ~~therein~~ in the policy or supplemental ~~thereto~~ in to the policy that provides the limits for bodily injury or death set forth in 61-6-103, under provisions filed with and approved by the commissioner, for the protection of persons insured ~~thereunder~~ under the policy who are legally entitled to recover damages from ~~owners or operators~~ an owner or operator of ~~an~~ an uninsured motor ~~vehicles~~ vehicle because of bodily injury, sickness, or disease, including death, resulting ~~therefrom~~ from ~~caused by~~ from an accident arising out of the operation or use of ~~such~~ an uninsured motor vehicle. An uninsured motor vehicle is a land motor vehicle, the ownership, ~~the~~ maintenance, or ~~the~~ use of which is not insured or bonded for bodily injury liability at the time of the accident.

(2) The named insured ~~shall have~~ has the right to reject ~~such~~ the coverage provided for in subsection (1). Unless the named insured requests ~~such~~ the coverage in writing, ~~such~~ the coverage ~~need does not have to~~ be provided in or supplemental to a renewal policy where the named insured ~~had~~ has rejected the coverage in connection with ~~the~~ a policy previously issued to ~~him~~ the insured by the same insurer.

(3) In determining rates for a motor vehicle liability policy, an insurer who is otherwise in compliance with the applicable ratesetting provisions of Title 33, chapter 16, may in initial underwriting take into account the accident record of the insured, regardless of whether or not the insured was at fault."

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2 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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