

## HOUSE BILL NO. 544

INTRODUCED BY A. OLSEN

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS PERTAINING TO UNINSURED AND UNDERINSURED MOTORIST COVERAGE FOR MOTOR VEHICLE LIABILITY POLICIES; REQUIRING THE INSURED TO ACCEPT OR REJECT UNDERINSURED MOTOR VEHICLE LIABILITY INSURANCE AT THE ISSUANCE OR RENEWAL OF A POLICY; DEFINING "UNDERINSURED MOTOR VEHICLE"; AND AMENDING SECTION 33-23-201, MCA."

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

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

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**"33-23-201. Motor vehicle liability policies to include uninsured motorist coverage -- rejection by insured.** (1) 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 in the policy or supplemental to the policy, in 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 under the policy who are legally entitled to recover damages from owners or operators of uninsured and underinsured motor vehicles because of bodily injury, sickness, or disease, including death, resulting from the injury, sickness, or disease, caused by an accident arising out of the operation or use of the 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.~~

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(2) The named insured has the right to reject the coverage at each policy issuance or renewal. ~~Unless the named insured requests the coverage in writing, the coverage need not be provided in or supplemental to a renewal policy when the named insured had rejected the coverage in connection with the policy previously issued to the named insured by the same insurer.~~

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(3) For purposes of this section:

(a) "Uninsured motor vehicle" means a land motor vehicle for which the ownership, maintenance, or use is not insured or bonded for bodily injury liability at the time of the accident.

1           (b) "Underinsured motor vehicle" means a land motor vehicle for which the ownership, maintenance, or  
2 use is insured or bonded for bodily injury liability at the time of the accident but the limits of the liability are less  
3 than the total damages that the injured person is legally entitled to recover."

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