

Part 4 Chapter 2:(2002-1) Non-Stacking Uninsured Motorist Insurance Coverage.

Rule 2.01: Authority

This Regulation is promulgated by the Commissioner of Insurance pursuant to the authority granted to him by Miss. Code Ann. § 83-5-1 and Miss. Code Ann. § 83-11-102 as enacted in the 2002 Regular Session of the Mississippi Legislature, and amended by House Bill 545, 2013 Regular Session, as well as the provisions of the Mississippi Department of Insurance Regulation No. 88-101, and regulation being the Rules of Practice and Procedure before the Mississippi Insurance Department.

Source: Miss. Code Ann. §§ 83-5-1; 83-11-102 (Rev 2011)

Rule 2.02: Purpose

The purpose of this Regulation is to provide a form for insurers to use in the course of the sale or issuance of multi-vehicle, non stacking uninsured motorist insurance coverage which informs the named insured or applicant of the limitation on stacking imposed and that such coverage is an alternative to coverage without such limitation in accordance with Miss. Code Ann. § 83-11-102

Source:Miss. Code Ann. §83-11-102 (Rev. 2011)

Rule 2.03: Coverages Under a Non-stacking Policy

Insurers may offer multi-vehicle, non-stacking uninsured motorist insurance coverage to an insured in an automobile liability policy that covers four (4) or more vehicles. Insurers must offer uninsured motorist insurance that would cover bodily injury and property damage with limits no less than four times those in the Mississippi Motor Vehicle safety Responsibility Law in accordance with Miss. Code Ann. § 83-11-101 and § 83-11-102. The Mississippi Motor Vehicle Safety Responsibility Law sets out minimum split limits of twenty-five thousand dollars (\$25,000) for bodily injury to or death of one person in any one accident, fifty thousand dollars (\$50,000) for bodily injury to or death of two or more persons in any one accident, and twenty-five thousand dollars (\$25,000) for injury to or destruction of property of others.

Thus, the minimum limits an insurer must offer for a non-stacking uninsured motorist insurance policy are one hundred thousand dollars (\$100,000) for bodily injury to or death of one person in any one accident, two hundred thousand dollars (\$200,000) for bodily injury to or death of two or more persons in any one accident, and one hundred thousand dollars (\$100,000) for injury to or destruction of property of others. Should the minimum requirements in the Mississippi Motor Vehicle Safety Responsibility law be increased, the minimum limits for the non-stacking uninsured motorist coverage must be increased accordingly.

Source: Miss. Code Ann. §§ 63-15-3, 63-15-11, 63-15-31; 63-15-43 (Rev. 2004); 83-11-101; 83-11-102 (Rev. 2011)

Rule 2.04: Disclosures of Limitations of Non-Stacking Policy

A disclosure document containing the disclosures required in Miss. Code Ann. § 83-11-102 and this regulation shall be provided in the course of the sale or issuance of non-stacking uninsured motorist coverage. Said disclosure document shall be in the form of the disclosure listed in Appendix A.

Source: Miss. Code Ann. §83-11-102 (Rev. 2011)

Rule 2.05: Severability

If any provision of any section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: Miss. Code Ann. §83-5-1 (Rev. 2011)

Rule 2.06: Effective Date

The Effective Date of this Regulation shall be July 1, 2013.

Source: House Bill 545, 2013 Regular Session; Miss. Code Ann. §25-43-3.113 (Rev. 2010)

Rule 2.07: Appendix A-Approved Form - Effective 7/1/13.

THIS FORM TO BE USED WHEN INSURED SELECTS NON-STACKING UM COVERAGE

**MISSISSIPPI NON-STACKING
UNINSURED MOTORIST INSURANCE**

Miss. Code Ann. §83-11-102 provides for an **optional** Non-stacking Uninsured Motorist Coverage available to an insured under an auto liability policy that covers **four (4) or more** vehicles. The Non-stacking Uninsured Motorist limits selected shall cover all vehicles listed in the policy and does not apply per vehicle. The selection of this Non-stacking coverage imposes a limitation on adding together or stacking of coverages. **If the insured selects the Non-stacking Uninsured Motorist Policy, in the event of an accident, the total limit of uninsured motorist coverage available from the policy will be only the one limit previously selected by the insured. It is an alternative to stackable uninsured motorist coverage where the coverage limits for each vehicle may be added together or stacked to determine the total coverage available. While only one limit of uninsured motorist coverage is available from a Non-stacking Uninsured Motorist policy, other limits of uninsured motorist coverage from other policies might be available to add to the single coverage available from the Non-stacking Uninsured Motorist policy depending upon the specific circumstances.**

The minimum limits required under Mississippi law for Non-stacking Uninsured Motorist Coverage are four (4) times the limits required by the Mississippi Motor Vehicle Safety Responsibility Law. Therefore, the Non-stacking Uninsured Motorist Coverage limits pursuant to Miss. Code Ann. §83-11-102 require \$100,000 per person, \$200,000 per accident and \$100,000 for property damage. An

increase to the statutory limits under this Law shall increase the minimum limits for Non-stacking Uninsured Motorist coverage accordingly.

I understand the limitations imposed by the Non-stacking Uninsured Motorist policy and that such coverage is an alternative to coverage without such limitation. I further agree that acceptance of this limitation shall apply to any policy from the same insurer, including sister insurers in the same holding company, which renews the coverage, extends the coverage, or changes covered vehicles unless and until I make a written request for a change to stackable uninsured motorist coverage.

Selection of Non-stacking Uninsured Motorist coverage is affirmed by your signature below. I select the following coverages at the limits shown below:

€ Non-stackable UM Bodily Injury and UM Property Damage at limits of _____ per person / _____ per accident / _____ property damage.

€ Non-stackable UM Bodily Injury Coverage (No Property Coverage) at limits of per person / _____ per accident.

€ Non-stackable Combined Single-limit UM Coverage (Includes Bodily Injury and Property Damage Coverage together) at the limit of _____ per accident.

Date: _____ Policy Number (if available): _____
Applicant Name (Print): _____ Address: _____

Signature of Applicant: _____ Proposed Effective Date of Coverage: _____

Amended Form (Effective 7/1/2013)

Source: House Bill 545, 2013 Regular Session; Miss. Code Ann. §83-11-102 (Rev. 2011)