

March 23, 2009

S 749. REVISE UM/UIM LIABILITY COVERAGE REQUIREMENTS. Filed 3/23/09. *TO REVISE AND CLARIFY THE REQUIREMENTS FOR UNINSURED AND UNDERINSURED MOTORIST COVERAGE IN MOTOR VEHICLE LIABILITY INSURANCE POLICIES.*

Amends GS 20-279.21 to require a named insured holding a motor vehicle liability insurance policy to purchase minimum uninsured and underinsured motorist coverage equal to \$30,000 because of bodily injury to or death of one person in any one accident and \$60,000 because of bodily injury to or death of two or more persons in any one accident (equivalent to bodily liability coverage provided for in subdivision (b)(2)). Also requires that underinsured motorist coverage be equal to the amount of uninsured motorist coverage that the insured purchases. Deletes language that exempted commercial vehicles from requiring uninsured and underinsured motorist coverage and, instead, states that no motor vehicle other than a motor vehicle covered under a personal auto policy, the form for which is promulgated by the North Carolina Rate Bureau and approved by the Commissioner of Insurance, is required to be covered by uninsured or underinsured motorist coverage. Provides that payment of the premium for the cost of uninsured or underinsured motorist coverage by or on the behalf of the insured creates an irrebuttable presumption that reasonable notice has been given to the insured, with evidence of the premium paid constituting irrebuttable proof of the amount of coverage purchased. Makes technical, stylistic, and conforming changes. Effective for motor vehicle liability insurance policies issued or renewed after October 1, 2009.

Intro. by Clodfelter.

GS 20

May 7, 2009

S 749. REVISE UM/UIM LIABILITY COVERAGE REQUIREMENTS. Filed 3/23/09. Senate committee substitute makes the following changes to 1st edition.

Amends GS 20-279.21 to restore provisions (deleted in 1st edition) prohibiting the issuance of a policy of bodily injury liability insurance arising out of the ownership, maintenance, or use of any motor vehicle registered or principally garaged in North Carolina unless coverage is provided under provisions approved by the Commissioner of Insurance (Commissioner) for the protection of persons entitled to recover damages from owners or operators of uninsured motor vehicles and hit-and-run motor vehicles. Provides that the limits of uninsured motorist (UIM) bodily injury coverage is to be equal to the highest limits of bodily injury liability for any one vehicle insured under the policy, but the limits may not exceed \$1 million per person and \$1 million per accident. Provides additional criteria regarding the limits that apply to UIM bodily injury coverage. Also provides similar guidelines regarding UIM property damage coverage. Clarifies that only a motor vehicle covered under a personal auto policy is subject to the requirements of this section. Provides that a personal auto policy does not include any endorsement to any policy other than a personal auto policy, even if the form for the endorsement is promulgated by the North Carolina Rate Bureau and approved by the Commissioner [applies to UIM and underinsured coverage (UI)]. Provides that evidence of the coverage limits stated in the policy for UIM or UI coverage constitutes irrebuttable proof of the amount of UI and UIM coverage provided by the policy (was, evidence of the amount of the premium paid for the cost of UIM or UI coverage). Makes technical and conforming changes. Makes conforming changes to the title.

July 6, 2009

S 749. REVISE UM/UIM LIABILITY COVERAGE REQUIREMENTS. Filed 3/23/09. House committee substitute makes the following changes to 2nd edition. (1) Rewrites the prescribed notice-to-policy-holders wording in GS 20-279.21(m) to (1) add a statement that motorists are required to purchase uninsured motorist coverage, (2) add a statement that the policy limits for the uninsured motorist coverage (and any additional underinsured motorist coverage) need not be at the regular policy limits and (3) add a further statement that if no different limits are chosen, then the limits will be the same as the highest limits for any one of the vehicles covered under the policy. (2) Deletes provision in GS 20-279.21(m) that payment of the premium for the cost of uninsured or underinsured motorist coverage would create an irrebuttable presumption that the notice required by the statute had been given and that statements of coverage limits in the policy

for uninsured and underinsured motorist coverage would constitute irrebuttable proof of the amount of that coverage. (3) Deletes changes to GS 20-279.21(e), regarding uninsured or underinsured motorist coverage policies that (a) limited the coverage of that section to policies issued on forms promulgated by the NC Rate Bureau and approved by the Commissioner of Insurance and (b) provided that a personal auto policy shall not include an endorsement to any policy other than the personal auto policy, even if the form for the endorsement was issued by the Rate Bureau and approved by the Commissioner. Makes technical and stylistic changes.

August 5, 2009

S 749. REVISE UM/UIM LIABILITY COVERAGE REQUIREMENTS. Filed 3/23/09. House committee substitute makes the following changes to 3rd edition. Amends GS 20-279.21(b)(3) and (4) to clarify that an insurer may rely upon the information provided by an insured as to the number of vehicles covered by a particular policy to determine whether that policy is a fleet policy exempt from certain insurance requirements. Amends the recommended notice to be given to insured by insurer in GS 20-279.21(m) so that it more accurately reflects the amended provisions.

September 1, 2009

SL 2009-561 (S 749). REVISE UNINSURED/UNDERINSURED MOTORIST LIABILITY COVERAGE REQUIREMENTS. AN ACT TO REVISE AND CLARIFY THE REQUIREMENTS FOR UNINSURED AND UNDERINSURED MOTORIST COVERAGE IN MOTOR VEHICLE LIABILITY INSURANCE POLICIES. Summarized in *Daily Bulletin* 3/23/09, 5/7/09, 7/6/09, and 8/5/09. Enacted August 28, 2009. Effective February 1, 2010.