



# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 628

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S.P. 218

In Senate, February 21, 2013

### **An Act To Clarify Uninsured Vehicle Coverage for Multiple Claimants**

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Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator KATZ of Kennebec.  
Cosponsored by Representative CROCKETT of Bethel.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24-A MRSA §2902, sub-§6**, as enacted by PL 1999, c. 663, §2 and  
3 affected by §4, is amended to read:

4 **6.** When 2 or more persons are legally entitled to recover damages from a particular  
5 owner or operator of an underinsured motor vehicle, the amount of underinsured vehicle  
6 coverage applicable to each injured person is determined by subtracting any payments  
7 actually made to the injured person from any bodily injury liability insurance coverage  
8 applicable to the particular owner or operator of the underinsured motor vehicle from the  
9 injured person's, operator's or owner's underinsured vehicle coverage policy limits if  
10 applicable to that person. In the event that an underinsured vehicle policy applicable to 2  
11 or more claimants contains a single per accident limit, the amount of underinsured vehicle  
12 coverage available to each claimant must be calculated by deducting any payment  
13 received from the owner or operator of the underinsured motor vehicle from that single  
14 limit. In no event may the maximum amount payable by the insurer to all claimants  
15 exceed the single limit. The amount of underinsured motor vehicle coverage must be  
16 further reduced by the amount by which the bodily injury liability insurance coverage  
17 applicable to the particular owner or operator of the underinsured motor vehicle exceeds  
18 all payments from that coverage to all persons legally entitled to recover damages from  
19 that particular owner or operator of the underinsured motor vehicle. This subsection does  
20 not prohibit an insurer from providing greater amounts of underinsured vehicle coverage  
21 than are required under this section.

22 **SUMMARY**

23 This bill provides that in the event that an underinsured vehicle policy applicable to 2  
24 or more claimants contains a single per accident limit, the amount of underinsured vehicle  
25 coverage available to each claimant must be calculated by deducting any payment  
26 received from the owner or operator of the underinsured motor vehicle from that single  
27 limit. In no event may the maximum amount payable by the insurer to all claimants  
28 exceed that limit.