



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 722

S.P. 239

In Senate, February 28, 2017

An Act Regarding Uninsured Vehicle Coverage

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator KATZ of Kennebec.

Cosponsored by Senators: CARPENTER of Aroostook, DION of Cumberland,

Representatives: FREY of Bangor, HUBBELL of Bar Harbor.

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

2 **Sec. 1. 24-A MRSA §2902, sub-§1**, as amended by PL 2005, c. 591, §1, is
3 further amended to read:

4 **1.** A policy insuring against liability arising out of the ownership, maintenance or use
5 of any motor vehicle may not be delivered or issued for delivery in this State with respect
6 to any such vehicle registered or principally garaged in this State, unless coverage is
7 provided in the policy or supplemental to the policy for the protection of persons insured
8 under the policy who are legally entitled to recover damages from owners or operators of
9 uninsured, underinsured or hit-and-run motor vehicles, for bodily injury, sickness or
10 disease, including death, sustained by an insured person resulting from the ownership,
11 maintenance or use of such uninsured, underinsured or hit-and-run motor vehicle. The
12 coverage required by this section may be referred to as "uninsured vehicle coverage." For
13 the purposes of this section, "underinsured motor vehicle" means a motor vehicle for
14 which coverage is provided, but in amounts less than the minimum limits for bodily
15 injury liability insurance provided for under the motorist's financial responsibility laws of
16 this State or less than the limits of the injured party's uninsured vehicle coverage. For the
17 purposes of this section, an umbrella or excess policy that provides excess limits to a
18 policy described in Title 29-A, section 1605 must also provide uninsured vehicle
19 coverage equal to the limits of liability purchased, unless the named insured rejects such
20 coverage in writing. Rejection of such coverage by a named insured constitutes a
21 rejection of coverage by all insureds under the policy, applies to all persons and vehicles
22 then or thereafter eligible to be covered under the policy and remains effective upon
23 policy amendment or renewal, unless the named insured requests such coverage in
24 writing.

25 **Sec. 2. 24-A MRSA §2902, sub-§8** is enacted to read:

26 **8.** A document tendered to settle a claim for bodily injury that may be the subject of
27 coverage under this section must prominently contain the following language, which must
28 be read and signed by the releasing party or parties:

29 "WARNING
30 IF YOU SIGN THIS RELEASE YOU MAY FORFEIT YOUR RIGHT TO
31 UNINSURED VEHICLE INSURANCE BENEFITS FROM YOUR OWN
32 AUTOMOBILE INSURANCE POLICY, UMBRELLA POLICY OR OTHER EXCESS
33 INSURANCE POLICY. CONSULT WITH YOUR INSURANCE AGENT, YOUR
34 INSURANCE COMPANY AND/OR YOUR ATTORNEY BEFORE SIGNING.

35 I certify that I have read the above warning and fully understand it."

36 **SUMMARY**

37 This bill explicitly provides that the laws governing uninsured vehicle coverage apply
38 to umbrella policies and excess policies. It also requires that documents tendered to settle
39 a claim for bodily injury that may be the subject of coverage under the laws governing
40 uninsured vehicle coverage contain a warning to ensure that persons settling bodily injury

1 claims understand that by signing a release they may be giving up their right to uninsured
2 vehicle insurance benefits from other sources, including their own insurance companies.