

## SENATE BILL NO. 44

INTRODUCED BY HOLDEN

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING AND LIMITING A MOTOR VEHICLE LIABILITY INSURER'S LIABILITY UNDER A POLICY; AMENDING SECTIONS 33-23-203 AND 33-23-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

**Section 1.** Section 33-23-203, MCA, is amended to read:

**"33-23-203. Limitation of liability under motor vehicle liability policy.** (1) Unless a motor vehicle liability policy specifically provides otherwise, the limits of insurance coverage available under ~~any such~~ each part of the policy, including the limits of liability under uninsured motorist coverage, must be determined as follows, regardless of the number of motor vehicles insured under the policy, the number of policies issued by the same company covering the insured, or the number of separate premiums paid:

(a) ~~the limit~~ limits of insurance ~~coverage coverages~~ available for any one accident ~~is~~ are the ~~limit~~ limits specified for each coverage available under the policy insuring the motor vehicle involved in the accident;

(b) ~~if no~~ the motor vehicle ~~insured under the policy~~ is involved in the accident ~~is not insured under a policy,~~ the ~~limit~~ limits of the insurance ~~coverage coverages~~ available for any one accident ~~is~~ are the highest ~~limit~~ limits of ~~coverage the coverages~~ specified under one policy for ~~any~~ one motor vehicle insured under ~~the~~ that policy; and

(c) the limits of ~~coverage the coverages~~ specified under one policy or under more than one policy issued by the same company ~~for each motor vehicle insured under the policy~~ may not be added together to determine the ~~limit~~ limits of insurance ~~coverage coverages~~ available under the policy or policies for any one accident.

(2) A motor vehicle liability policy may also provide for other reasonable limitations, exclusions, or reductions of coverage ~~which~~ that are designed to prevent duplicate payments for the same element of loss or to prevent the adding together of insurance coverage limits in one policy or from more than one policy issued by the same company.

1           (3) Nothing in this section is intended to create coverage for a motor vehicle that would otherwise  
2 be uninsured."

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4           **Section 2.** Section 33-23-204, MCA, is amended to read:

5           **"33-23-204. Definitions.** As used in this part, the following definitions apply:

6           (1) "Motor vehicle" means ~~every~~ a vehicle propelled by its own power and designed primarily to  
7 transport persons or property upon the highways of the state. The term does not include a bicycle as  
8 defined in 61-1-123.

9           (2) "Motor vehicle liability policy" means ~~any~~ a policy of automobile or motor vehicle insurance  
10 against liability ~~now or hereafter~~ required under Title 61, chapter 6, parts 1 and 3, and all additional  
11 coverages included in or added to the policy by rider, endorsement, or otherwise, whether or not required  
12 under Title 61, including, without limitation, uninsured, underinsured, and medical payment coverages."

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14           NEW SECTION. **Section 3. Applicability.** [This act] applies to all motor vehicle liability policies  
15 issued or renewed after [the effective date of this act].

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17           NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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(b) if no the motor vehicle insured under the policy is involved in the accident is not insured under a policy, the limit limits of the insurance coverage coverages available for any one accident is are the highest limit limits of coverage the coverages specified under one policy for any one motor vehicle insured under the that policy; and

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(2) A motor vehicle liability policy may also provide for other reasonable limitations, exclusions, or reductions of coverage which that are designed to prevent duplicate payments for the same element of loss or to prevent the adding together of insurance coverage limits in one policy or from more than one policy issued by the same company.

1           (3) REGARDLESS OF THE NUMBER OF MOTOR VEHICLES INSURED UNDER A POLICY OR OF THE  
 2 NUMBER OF POLICIES ISSUED BY THE SAME COMPANY COVERING AN INSURED, A COMPANY MAY  
 3 NOT CHARGE DUPLICATE PREMIUMS FOR COVERAGE FOR THE SAME ELEMENT OF LOSS.

4           ~~(3)~~(4) Nothing in this section is intended to create coverage for a motor vehicle that would  
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 18 issued or renewed after [the effective date of this act].

19

20           NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

21

-END-



# CONFERENCE COMMITTEE

on Senate Bill 44

Report No. 1, April 16, 1997

Page 1 of 1

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 44, met and considered the amendments on the House Standing Committee report dated March 14, 1997.

We recommend that Senate Bill 44 (reference copy - salmon) be amended as follows:

1. Page 1, line 14.

Strike: "OR"

Insert: ", "

2: Page 1, line 15.

Following: "paid"

Insert: ", or the number of separate premiums paid"

3. Page 2, lines 1 through 3.

Strike: subsection (3) in its entirety

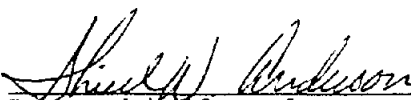
Renumber: subsequent subsection

And that this Conference Committee report be adopted.

For the Senate:

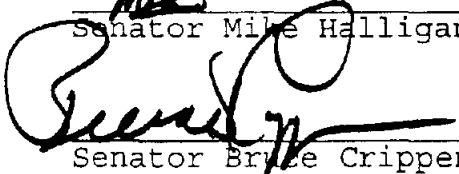
For the House:

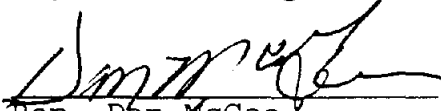
  
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Senator Ric Holden, Chair

  
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Rep. Shiell Anderson, Chair

  
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Senator Mike Halligan

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Rep. Jon Ellingson

  
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Senator Bruce Crippen

  
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Rep. Dan McGee

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# CONFERENCE COMMITTEE

on Senate Bill 44  
Report No. 2, April 17, 1997

Page 1 of 1

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 44, met and considered the Conference Committee Report No. 1 amendments to Senate Bill 44 dated April 16, 1997.

We recommend that Senate Bill 44 (reference copy - salmon) be amended as follows:

1. Page 1, line 14.

Strike: "OR"

Insert: ", "

2. Page 1, line 15.

Following: "paid"

Insert: ", or the number of separate premiums paid"

3. Page 2, lines 1 through 3.

Strike: "REGARDLESS" on line 1 through "LOSS" on line 3

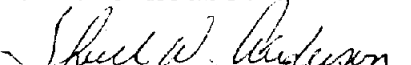
Insert: "An insurer that charges a premium for a specified coverage shall clearly inform or notify the insured in writing of the limits of the coverage with respect to the premium charged and whether the coverage from one policy or motor vehicle may be added to the coverage of another policy or motor vehicle"

And that this Conference Committee report be adopted.

For the Senate:

  
\_\_\_\_\_  
Senator Ric Holden, Chair

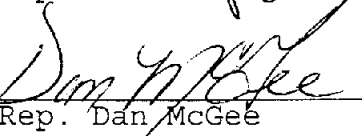
For the House:


  
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Rep. Shiell Anderson, Chair

  
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Senator Mike Halligan

  
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Rep. Jon Ellingson

  
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Senator Bruce Rippen

  
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Rep. Dan McGee

Amd. Coord.  
  
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Sec. of Senate

ADOPT  
  
REJECT

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SB 44  
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# FREE CONFERENCE COMMITTEE

on Senate Bill 44

Report No. 3, April 18, 1997

Page 1 of 1

Mr. President and Mr. Speaker:

We, your FREE Conference Committee on Senate Bill 44, met and considered Conference Committee Report No. 1 amendments to Senate Bill 44 dated April 16, 1997.

We recommend that Senate Bill 44 (reference copy - salmon) be amended as follows:

1. Page 1, line 14.

Strike: "OR"

Insert: ", "

2. Page 1, line 15.

Following: "paid"

Insert: ", or the number of separate premiums paid"

3. Page 2, lines 1 through 3.

Strike: "REGARDLESS" on line 1 through "LOSS" on line 3

Insert: "An insurer that charges a premium for a specified coverage shall clearly inform or notify the insured in writing of the limits of the coverage with respect to the premium charged and whether the coverage from one policy or motor vehicle may be added to the coverage of another policy or motor vehicle"

And that this FREE Conference Committee report be adopted.

For the Senate:

Ric Holden  
Senator Ric Holden, Chair

Mike Halligan  
Senator Mike Halligan

Bruce Crippen  
Senator Bruce Crippen

Amd. Coord.  
508  
Sec. of Senate

For the House:

Shiell Anderson  
Rep. Shiell Anderson, Chair

Jon Ellingson  
Rep. Jon Ellingson

Dan McGee  
Rep Dan McGee

ADOPT

REJECT

FCCR #3  
SB 44

831537CC.SRF

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 6 ~~INSURED IN WRITING OF THE LIMITS OF THE COVERAGE WITH RESPECT TO THE PREMIUM CHARGED~~  
 7 ~~AND WHETHER THE COVERAGE FROM ONE POLICY OR MOTOR VEHICLE MAY BE ADDED TO THE~~  
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