



January 30, 2004

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## SENATE BILL No. 159

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DIGEST OF SB 159 (Updated January 29, 2004 12:05 pm - DI 105)

**Citations Affected:** IC 27-7.

**Synopsis:** Commercial vehicle insurance. Specifies that the law requiring an insurer to make available uninsured motorist and underinsured motorist coverage does not apply to the issuance of certain liability insurance policies.

**Effective:** July 1, 2004.

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January 6, 2004, read first time and referred to Committee on Insurance and Financial Institutions.  
January 29, 2004, amended, reported favorably — Do Pass.

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SB 159—LS 6561/DI 97+



January 30, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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## SENATE BILL No. 159

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A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 27-7-5-1.5 IS ADDED TO THE INDIANA CODE
- 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2004]: **Sec. 1.5. (a) As used in this section, "commercial vehicle**
- 4 **policy" means an insurance policy that provides coverage for at**
- 5 **least one (1) of the following:**
- 6 (1) A motor vehicle that is rated or insured as a business or
- 7 commercial vehicle.
- 8 (2) A motor vehicle that is licensed by the state as a
- 9 commercial vehicle.
- 10 (3) A commercial motor vehicle business, including an:
- 11 (A) individual who; or
- 12 (B) entity that;
- 13 is in the business or occupation of selling, repairing, servicing,
- 14 storing, or parking motor vehicles, including a business that
- 15 is a commercial garage operation, an automobile sales entity,
- 16 a motor vehicle repair entity, a motor vehicle service station,
- 17 or a public parking operation.

SB 159—LS 6561/DI 97+



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**(4) A motor vehicle that is used as a public or private livery, or a rental conveyance.**

**(5) A motor vehicle that is owned or used by a named insured that is not a natural person.**

**(b) This chapter does not require an insurer to make available uninsured motorist or underinsured motorist coverage described in section 2 of this chapter in connection with the issuance of:**

**(1) a commercial liability policy, including a commercial vehicle policy;**

**(2) a commercial umbrella or excess liability policy;**

**(3) a commercial liability policy that provides hired or nonowned motor vehicle liability coverage; or**

**(4) a commercial liability policy that provides limited or incidental coverage for liability arising out of the ownership, maintenance, operation, or use of a motor vehicle, including a motor vehicle that is:**

**(A) not subject to motor vehicle registration; and**

**(B) not intended or designed to be used on a public roadway.**

SECTION 2. IC 27-7-5-2, AS AMENDED BY P.L.233-1999, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) The insurer shall make available, in each automobile liability or motor vehicle liability policy of insurance which is delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state, insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person and for injury to or destruction of property to others arising from the ownership, maintenance, or use of a motor vehicle, ~~or in a supplement to such a policy~~, the following types of coverage:

(1) in limits for bodily injury or death and for injury to or destruction of property not less than those set forth in IC 9-25-4-5 under policy provisions approved by the commissioner of insurance, for the protection of persons insured under the policy who are legally entitled to recover damages from owners or operators of uninsured or underinsured motor vehicles because of bodily injury, sickness or disease, including death, and for the protection of persons insured under the policy who are legally entitled to recover damages from owners or operators of uninsured motor vehicles for injury to or destruction of property resulting therefrom; or

(2) in limits for bodily injury or death not less than those set forth

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1 in IC 9-25-4-5 under policy provisions approved by the  
 2 commissioner of insurance, for the protection of persons insured  
 3 under the policy provisions who are legally entitled to recover  
 4 damages from owners or operators of uninsured or underinsured  
 5 motor vehicles because of bodily injury, sickness or disease,  
 6 including death resulting therefrom.

7 The uninsured and underinsured motorist coverages must be provided  
 8 by insurers for either a single premium or for separate premiums, in  
 9 limits at least equal to the limits of liability specified in the bodily  
 10 injury liability provisions of an insured's policy, unless such coverages  
 11 have been rejected in writing by the insured. However, underinsured  
 12 motorist coverage must be made available in limits of not less than fifty  
 13 thousand dollars (\$50,000). At the insurer's option, the bodily injury  
 14 liability provisions of the insured's policy may be required to be equal  
 15 to the insured's underinsured motorist coverage. Insurers may not sell  
 16 or provide underinsured motorist coverage in an amount less than fifty  
 17 thousand dollars (\$50,000). Insurers must make underinsured motorist  
 18 coverage available to all existing policyholders on the date of the first  
 19 renewal of existing policies that occurs on or after January 1, 1995, and  
 20 on any policies newly issued or delivered on or after January 1, 1995.  
 21 Uninsured motorist coverage or underinsured motorist coverage may  
 22 be offered by an insurer in an amount exceeding the limits of liability  
 23 specified in the bodily injury and property damage liability provisions  
 24 of the insured's policy.

25 (b) Any named insured of an automobile or motor vehicle liability  
 26 policy has the right, on behalf of all other named insureds and all other  
 27 insureds, in writing, to:

- 28 (1) reject both the uninsured motorist coverage and the  
 29 underinsured motorist coverage provided for in this section; or  
 30 (2) reject either the uninsured motorist coverage alone or the  
 31 underinsured motorist coverage alone, if the insurer provides the  
 32 coverage not rejected separately from the coverage rejected.

33 No insured may have uninsured motorist property damage liability  
 34 insurance coverage under this section unless the insured also has  
 35 uninsured motorist bodily injury liability insurance coverage under this  
 36 section. Following rejection of either or both uninsured motorist  
 37 coverage or underinsured motorist coverage, unless later requested in  
 38 writing, the insurer need not offer uninsured motorist coverage or  
 39 underinsured motorist coverage in ~~or supplemental to~~ a renewal or  
 40 replacement policy issued to the same insured by the same insurer or  
 41 a subsidiary or an affiliate of the originally issuing insurer. Renewals  
 42 of policies issued or delivered in this state which have undergone

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1 interim policy endorsement or amendment do not constitute newly  
2 issued or delivered policies for which the insurer is required to provide  
3 the coverages described in this section.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill No. 159, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 4, delete "either of the following:" and insert "**an**".

Page 1, delete lines 5 through 6.

Page 1, line 7, delete "(2) An".

Page 1, run in lines 4 and 7.

Page 1, line 9, delete "(A)", begin a new line block indented and insert:

"(1)".

Page 1, line 11, delete "(B)", begin a new line block indented and insert:

"(2)".

Page 1, line 13, delete "(C)", begin a new line block indented and insert:

"(3)".

Page 1, line 13, after "A" insert "**commercial motor vehicle business, including an:**

(A) individual who; or

(B) entity that;

**is in the business or occupation of selling, repairing, servicing, storing, or parking motor vehicles, including a business that is a".**

Page 1, line 16, delete "(D)", begin a new line block indented and insert:

"(4)".

Page 1, after line 17, begin a new line block indented and insert:

**"(5) A motor vehicle that is owned or used by a named insured that is not a natural person."**

Page 2, line 6, delete "an" and insert "**a commercial**".

Page 2, line 7, after "a" insert "**commercial liability**".

Page 2, line 9, delete "policy that does not provide primary motor vehicle" and insert "**commercial liability policy that provides limited or incidental coverage for liability arising out of the ownership, maintenance, operation, or use of a motor vehicle, including a motor vehicle that is:**

(A) not subject to motor vehicle registration; and

(B) not intended or designed to be used on a public roadway."

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Page 2, delete lines 10 through 12.

Page 2, line 15, delete "Except as provided in section 1.5 of this".

Page 2, line 16, delete "chapter, the" and insert "The".

and when so amended that said bill do pass.

(Reference is to SB 159 as introduced.)

PAUL, Chairperson

Committee Vote: Yeas 7, Nays 0.

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