

122st MAINE LEGISLATURE

First Regular Session

Legislative Document No. 122

H.P. 98

**An Act To Allow Insurers To Limit Their Uninsured Motorist Coverage to Persons Listed
on the Policy**

Referred to the Committee on Insurance and Financial Services .

**Presented by Representative FISCHER of Presque Isle.
Cosponsored by Senator MAYO of Sagadahoc and
Representative PERRY A of Calais.**

Fiscal Impact: Not Yet Determined, Fiscal Note

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

Sec. 1. 24-A MRSA §2902, sub-§1, as amended by PL 1975, c. 437, §1, is further amended to read:

1. ~~No~~ A policy insuring against liability arising out of the ownership, maintenance or use of any motor vehicle ~~shall~~ may not be delivered or issued for delivery in this State with respect to any such vehicle registered or principally garaged in this State, unless coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured, underinsured or hit-and-run motor vehicles, for bodily injury, sickness or disease, including death, sustained by an insured person resulting from the ownership, maintenance or use of such uninsured, underinsured or hit-and-run motor vehicle. The coverage herein required may be referred to as "uninsured vehicle coverage." For the purposes of this section, "underinsured motor vehicle" means a motor vehicle for which coverage is provided, but in amounts less than the minimum limits for bodily injury liability insurance provided for under the motorist's financial responsibility laws of this State or less than the limits of the injured party's uninsured vehicle coverage.

SUMMARY

This bill clarifies the Legislature's intent regarding the uninsured motorist statute in response to the recent Law Court decision in Butterfield v. Norfolk and Dedham Mutual Fire Insurance Company, 2004 ME 124, Maine Supreme Judicial Court, September 30, 2004. The bill clarifies that an insurance policy may limit uninsured motorist coverage to the recovery of damages by an insured person under the policy for bodily injury, sickness or disease, including death, sustained by that insured person.