

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 2021

H.P. 1422

House of Representatives, February 23, 2006

An Act To Clarify the Uninsured Motorist Laws

Reported by Representative PERRY of Calais for the Joint Standing Committee on Insurance and Financial Services pursuant to Resolve 2005, chapter 100.

Reference to the Committee on Insurance and Financial Services suggested and ordered printed under Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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 1975, c. 437, §1, is
3 further amended to read:

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

18 **SUMMARY**

19 This bill is submitted by the Joint Standing Committee on Insurance and Financial
20 Services pursuant to Resolve 2005, chapter 100. The bill clarifies the Legislature's intent
21 regarding the uninsured motorist statute in response to the Law Court's decision in
22 Butterfield v. Norfolk and Dedham Mutual Fire Insurance Company, 2004 ME 124,
23 Maine Supreme Judicial Court, September 30, 2004. The bill clarifies that an insurance
24 policy may limit uninsured motorist coverage to the recovery of damages by an insured
25 person under the policy for bodily injury, sickness or disease, including death, sustained
26 by that insured person.