

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 628

S.P. 218

In Senate, February 21, 2013

An Act To Clarify Uninsured Vehicle Coverage for Multiple Claimants

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative CROCKETT of Bethel.

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

2 **Sec. 1. 24-A MRSA §2902, sub-§6**, as enacted by PL 1999, c. 663, §2 and
3 affected by §4, is amended to read:

4 **6.** When 2 or more persons are legally entitled to recover damages from a particular
5 owner or operator of an underinsured motor vehicle, the amount of underinsured vehicle
6 coverage applicable to each injured person is determined by subtracting any payments
7 actually made to the injured person from any bodily injury liability insurance coverage
8 applicable to the particular owner or operator of the underinsured motor vehicle from the
9 injured person's, operator's or owner's underinsured vehicle coverage policy limits if
10 applicable to that person. In the event that an underinsured vehicle policy applicable to 2
11 or more claimants contains a single per accident limit, the amount of underinsured vehicle
12 coverage available to each claimant must be calculated by deducting any payment
13 received from the owner or operator of the underinsured motor vehicle from that single
14 limit. In no event may the maximum amount payable by the insurer to all claimants
15 exceed the single limit. The amount of underinsured motor vehicle coverage must be
16 further reduced by the amount by which the bodily injury liability insurance coverage
17 applicable to the particular owner or operator of the underinsured motor vehicle exceeds
18 all payments from that coverage to all persons legally entitled to recover damages from
19 that particular owner or operator of the underinsured motor vehicle. This subsection does
20 not prohibit an insurer from providing greater amounts of underinsured vehicle coverage
21 than are required under this section.

22 **SUMMARY**

23 This bill provides that in the event that an underinsured vehicle policy applicable to 2
24 or more claimants contains a single per accident limit, the amount of underinsured vehicle
25 coverage available to each claimant must be calculated by deducting any payment
26 received from the owner or operator of the underinsured motor vehicle from that single
27 limit. In no event may the maximum amount payable by the insurer to all claimants
28 exceed that limit.