

HOUSE BILL 592

C4

71r1211

By: **Delegates Smigiel, Anderson, Carter, Conaway, Dumais, Heller, Kramer,
Lee, Manno, Schuler, and Waldstreicher**

Introduced and read first time: February 8, 2007

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Insurance – Uninsured Motorist Coverage – Insureds**

3 FOR the purpose of defining the term “insured” for purposes of uninsured motorist
4 coverage under certain policies of motor vehicle liability insurance to include a
5 family member of the named insured who is domiciled in the named insured’s
6 household, whether or not the family member physically resides in the named
7 insured’s household; providing for the application of this Act; and generally
8 relating to uninsured motorist coverage under policies of motor vehicle liability
9 insurance.

10 BY repealing and reenacting, with amendments,
11 Article – Insurance
12 Section 19–509(a)
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2006 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Insurance
17 Section 19–509(c)
18 Annotated Code of Maryland
19 (2006 Replacement Volume and 2006 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Insurance

19–509.

(a) (1) In this section[,] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) **“INSURED” INCLUDES A FAMILY MEMBER OF THE NAMED INSURED WHO IS DOMICILED IN THE NAMED INSURED’S HOUSEHOLD, WHETHER OR NOT THE FAMILY MEMBER PHYSICALLY RESIDES IN THE NAMED INSURED’S HOUSEHOLD.**

(3) [“uninsured] **“UNINSURED motor vehicle”** means a motor vehicle:

[(1)] (I) the ownership, maintenance, or use of which has resulted in the bodily injury or death of an insured; and

[(2)] (II) for which the sum of the limits of liability under all valid and collectible liability insurance policies, bonds, and securities applicable to bodily injury or death:

[(i)] 1. is less than the amount of coverage provided under this section; or

[(ii)] 2. has been reduced by payment to other persons of claims arising from the same occurrence to an amount less than the amount of coverage provided under this section.

(c) In addition to any other coverage required by this subtitle, each motor vehicle liability insurance policy issued, sold, or delivered in the State after July 1, 1975, shall contain coverage for damages, subject to the policy limits, that:

(1) the insured is entitled to recover from the owner or operator of an uninsured motor vehicle because of bodily injuries sustained in a motor vehicle accident arising out of the ownership, maintenance, or use of the uninsured motor vehicle; and

(2) a surviving relative of the insured, who is described in § 3–904 of the Courts Article, is entitled to recover from the owner or operator of an uninsured motor vehicle because the insured died as the result of a motor vehicle accident arising out of the ownership, maintenance, or use of the uninsured motor vehicle.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
2 motor vehicle liability insurance policies issued, sold, delivered, or renewed in the
3 State on or after October 1, 2007.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2007.