

SENATE BILL 803

C4

3lr2647
CF 3lr2663

By: **Senator Klausmeier**

Introduced and read first time: February 1, 2013

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Liability Insurance – Personal Injury Protection and**
3 **Uninsured Motorist Coverages – Limitation**

4 FOR the purpose of providing that a motor vehicle liability insurance policy may
5 provide that, in a certain action for uninsured or underinsured motorist
6 coverage arising out of the same accident or occurrence as a certain action for
7 personal injury protection, a certain insurer may offset certain payments
8 received for personal injury protection for certain damages; providing that a
9 certain motor vehicle liability insurance policy may provide that certain benefits
10 may be offset under certain coverage for certain elements; providing that
11 certain sections may not be construed to provide less than full indemnification
12 to a certain insured; and generally relating to motor vehicle liability insurance
13 and personal injury protection and uninsured motorist coverages.

14 BY repealing and reenacting, with amendments,
15 Article – Insurance
16 Section 19–509.1 and 19–513(b) and (e)
17 Annotated Code of Maryland
18 (2011 Replacement Volume and 2012 Supplement)

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

21 **Article – Insurance**

22 19–509.1.

23 **(A) (1)** A final judgment in an action for personal injury protection
24 coverage under a motor vehicle liability insurance policy does not preclude a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 subsequent action for uninsured or underinsured motorist coverage arising out of the
2 same motor vehicle accident or occurrence.

3 **(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A**
4 **MOTOR VEHICLE LIABILITY INSURANCE POLICY MAY PROVIDE THAT, IN AN**
5 **ACTION FOR UNINSURED OR UNDERINSURED MOTORIST COVERAGE ARISING**
6 **OUT THE SAME MOTOR VEHICLE ACCIDENT OR OCCURRENCE AS AN ACTION FOR**
7 **PERSONAL INJURY PROTECTION COVERAGE, THE INSURER MAY OFFSET**
8 **PAYMENTS RECEIVED UNDER PERSONAL INJURY PROTECTION COVERAGE FOR**
9 **DAMAGES INCURRED FOR THE SAME ELEMENTS OF LOSS.**

10 **(B) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROVIDE LESS**
11 **THAN FULL INDEMNIFICATION TO AN INSURED.**

12 19-513.

13 (b) **(1) (I)** Notwithstanding any other provision of this subtitle, a
14 person may not recover benefits under the coverages described in §§ 19-504, 19-505,
15 19-509, and 19-512 of this subtitle from more than one motor vehicle liability
16 insurance policy or insurer on a duplicative or supplemental basis.

17 **(II) A MOTOR VEHICLE LIABILITY INSURANCE POLICY MAY**
18 **PROVIDE THAT BENEFITS MAY BE OFFSET UNDER THE COVERAGES DESCRIBED**
19 **UNDER §§ 19-505 AND 19-509 OF THIS SUBTITLE FOR THE SAME ELEMENTS OF**
20 **LOSS ARISING OUT OF THE SAME MOTOR VEHICLE ACCIDENT OR OCCURRENCE.**

21 **(2) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROVIDE**
22 **LESS THAN FULL INDEMNIFICATION TO AN INSURED.**

23 (e) **(1)** Benefits payable under the coverages described in §§ 19-505 and
24 19-509 of this subtitle shall be reduced to the extent that the recipient has recovered
25 benefits under the workers' compensation laws of a state or the federal government for
26 which the provider of the workers' compensation benefits has not been reimbursed.

27 **(2) A MOTOR VEHICLE LIABILITY INSURANCE POLICY MAY**
28 **PROVIDE THAT BENEFITS MAY BE OFFSET UNDER THE COVERAGES DESCRIBED**
29 **UNDER §§ 19-505 AND 19-509 OF THIS SUBTITLE FOR THE SAME ELEMENTS OF**
30 **LOSS ARISING OUT OF THE SAME MOTOR VEHICLE ACCIDENT OR OCCURRENCE.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2013.