

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 473

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Vehicles" insert "- Waiver"; strike beginning with "authorizing" in line 3 down through "vehicles" in line 12 and substitute "providing that a waiver of personal injury protection under a certain private passenger motor vehicle liability insurance policy constitutes a waiver of certain benefits whether provided under a certain vehicle policy issued to a certain owner of rental vehicles or under another certain form of security used by a certain owner of rental vehicles"; and strike lines 19 through 22 in their entirety and substitute:

"Article - Insurance

Section 19-506

Annotated Code of Maryland

(1996 Volume)

(As enacted by Chapter 11 of the Acts of the General Assembly of 1996)".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 7 on page 2 through line 24 on page 3 and substitute:

"Article - Insurance

19-506.

(a) (1) If the first named insured does not wish to obtain the benefits described in § 19-505 of this subtitle, the first named insured shall make an affirmative written waiver of those benefits.

(2) If the first named insured does not make an affirmative written waiver under this section, the insurer shall provide the coverage described in § 19-505 of this subtitle.

(Over)

(b) (1) As to a private passenger motor vehicle liability insurance policy, a waiver made under this section constitutes a waiver of all the benefits described in § 19-505 of this subtitle, whether provided under:

(I) the first named insured's policy [or];

(II) any other private passenger motor vehicle liability insurance policy issued in the State;

(III) A VEHICLE LIABILITY INSURANCE POLICY ISSUED IN THE STATE TO AN OWNER OF RENTAL VEHICLES; OR

(IV) ANOTHER FORM OF SECURITY USED IN PLACE OF A VEHICLE LIABILITY INSURANCE POLICY BY AN OWNER OF RENTAL VEHICLES AS AUTHORIZED UNDER § 17-103 OF THE TRANSPORTATION ARTICLE.

(2) Subject to paragraph (3) of this subsection, a waiver made under this section is binding on the following individuals covered by the policy:

(i) each named insured;

(ii) each listed driver; and

(iii) each member of the first named insured's family residing in the first named insured's household who is at least 16 years old.

(3) An individual listed in paragraph (2)(ii) or (iii) of this subsection may recover the benefits described in § 19-505 of this subtitle under another private passenger motor vehicle liability insurance policy if that individual:

(i) is the first named insured under the other policy;

(ii) has not waived the benefits described in § 19-505 of this subtitle under the other policy; and

(iii) is not a named insured under any other private passenger motor vehicle

liability insurance policy under which a waiver of the benefits described in § 19-505 of this subtitle is in effect.

(c) A waiver made under this section is not effective unless, prior to the waiver, the insurer gives the first named insured written notice of the nature, extent, and cost of the coverage described in § 19-505 of this subtitle.

(d) (1) A waiver made under this section shall be made on the form that the Commissioner requires.

(2) The form may be part of the insurance contract.

(3) The form shall clearly and concisely explain in 10 point boldface type:

(i) the nature, extent, and cost of the coverage that would be provided under the policy if not waived by the first named insured;

(ii) each effect of a waiver as stated in subsection (b) of this section;

(iii) that a failure of the first named insured to make a waiver requires an insurer to provide the coverage described in § 19-505 of this subtitle;

(iv) that an insurer may not refuse to underwrite a person because the person refuses to waive the coverage described in § 19-505 of this subtitle; and

(v) that a waiver made under this section must be an affirmative written waiver.

(e) A waiver made under this section by a person that is insured continuously by the Maryland Automobile Insurance Fund is effective until the waiver is withdrawn in writing.

(f) (1) An insurer may not refuse to underwrite a person because the person refuses to waive the coverage described in § 19-505 of this subtitle.

(2) An insurer that violates this subsection is subject to the penalties provided by §§ 4-113 and 4-114 of this article.”.