

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 349

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Waiver” and substitute “Offer”; in line 3, strike “providing that, if” and substitute “requiring an insurer to offer to”; in line 4, strike “does not wish to have”; strike beginning with the comma in line 6 down through “coverage” in line 7; strike beginning with “does” in line 8 down through “waiver” in line 9 and substitute “elects certain coverage”; strike beginning with “providing” in line 9 down through “form;” in line 11 and substitute “requiring an insurer to make the offer to the first named insured on a certain form;”; in line 12, after “explanations;” insert “requiring the offer to meet certain criteria;”; strike beginning with “allowing” in line 12 down through “writing;” in line 15; in line 16, in each instance, strike “person” and substitute “first named insured”; in the same line, strike “refuses to waive” and substitute “requests or elects”; and in line 19, strike “waivers” and substitute “the offering”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 7 on page 2 through line 9 on page 3, inclusive, and substitute:

“(B) AN INSURER SHALL OFFER TO THE FIRST NAMED INSURED UNDER A POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE LIABILITY INSURANCE LIABILITY COVERAGE FOR CLAIMS MADE BY A FAMILY MEMBER IN THE SAME AMOUNT AS THE LIABILITY COVERAGE FOR CLAIMS MADE BY A NONFAMILY MEMBER UNDER THE POLICY OR BINDER.

“(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN OFFER MADE UNDER THIS SECTION SHALL BE MADE ON A FORM THAT THE COMMISSIONER REQUIRES.

(2) THE FORM:

(Over)

(I) MAY BE PART OF THE INSURANCE APPLICATION, POLICY, CONTRACT, OR BINDER;

(II) SHALL CLEARLY AND CONCISELY EXPLAIN IN 10 POINT BOLDFACE TYPE THE NATURE, EXTENT, BENEFIT, AND COST OF THE AMOUNT OF LIABILITY COVERAGE FOR CLAIMS MADE BY FAMILY MEMBERS THAT IS AVAILABLE TO THE FIRST NAMED INSURED; AND

(III) SHALL STATE THAT AN INSURER MAY NOT REFUSE TO UNDERWRITE A FIRST NAMED INSURED BECAUSE THE FIRST NAMED INSURED REQUESTS OR ELECTS THE LIABILITY COVERAGE FOR CLAIMS MADE BY FAMILY MEMBERS IN AN AMOUNT EQUAL TO THE COVERAGE PROVIDED FOR CLAIMS MADE BY NONFAMILY MEMBERS.”.

AMENDMENT NO. 3

On page 3, in line 10, strike “(F)” and substitute “(D)”; in the same line, strike “PERSON” and substitute “FIRST NAMED INSURED”; in line 11, strike “PERSON REFUSES TO WAIVE” and substitute “FIRST NAMED INSURED REQUESTS OR ELECTS”.