

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 676 Session of 2021

INTRODUCED BY PITTMAN, MENSCH, STEFANO, BAKER AND SCAVELLO, MAY 11, 2021

AS AMENDED ON THIRD CONSIDERATION, JULY 7, 2022

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in financial responsibility, further providing for
3 DEFINITIONS, FOR AVAILABILITY, SCOPE AND AMOUNT OF COVERAGE, <--
4 FOR request for lower limits of coverage, for coverages in
5 excess of required amounts, for stacking of uninsured and
6 underinsured benefits and option to waive, for notice of
7 available benefits and limits and for availability of
8 uninsured, underinsured, bodily injury liability and property
9 damage coverages and mandatory deductibles.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. Sections 1734, 1736, 1738, 1791 and 1792(a) of~~ <--
13 ~~Title 75 of the Pennsylvania Consolidated Statutes are amended~~
14 ~~to read:~~

15 SECTION 1. THE DEFINITION OF "FINANCIAL RESPONSIBILITY" IN <--
16 SECTION 1702 OF TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED
17 STATUTES IS AMENDED TO READ:

18 § 1702. DEFINITIONS.

19 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
20 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
21 CONTEXT CLEARLY INDICATES OTHERWISE:

1 * * *

2 "FINANCIAL RESPONSIBILITY." THE ABILITY TO RESPOND IN
3 DAMAGES FOR LIABILITY ON ACCOUNT OF ACCIDENTS ARISING OUT OF THE
4 MAINTENANCE OR USE OF A MOTOR VEHICLE IN THE MINIMUM AMOUNT OF
5 ~~[\$15,000]~~ \$30,000 BECAUSE OF INJURY TO ONE PERSON IN ANY ONE
6 ACCIDENT, IN THE AMOUNT OF ~~[\$30,000]~~ \$60,000 BECAUSE OF INJURY
7 TO TWO OR MORE PERSONS IN ANY ONE ACCIDENT AND IN THE MINIMUM
8 AMOUNT OF ~~[\$5,000]~~ \$10,000 BECAUSE OF DAMAGE TO PROPERTY OF
9 OTHERS IN ANY ONE ACCIDENT. THE FINANCIAL RESPONSIBILITY SHALL
10 BE IN A FORM ACCEPTABLE TO THE DEPARTMENT OF TRANSPORTATION.

11 * * *

12 SECTION 2. SECTIONS 1731, 1734, 1736, 1738, 1791 AND 1792 (A)
13 OF TITLE 75 ARE AMENDED TO READ:

14 § 1731. AVAILABILITY, SCOPE AND AMOUNT OF COVERAGE.

15 (A) MANDATORY ~~[OFFERING]~~ COVERAGE.--NO MOTOR VEHICLE
16 LIABILITY INSURANCE POLICY SHALL BE DELIVERED OR ISSUED FOR
17 DELIVERY IN THIS COMMONWEALTH, WITH RESPECT TO ANY MOTOR VEHICLE
18 REGISTERED OR PRINCIPALLY GARAGED IN THIS COMMONWEALTH, UNLESS
19 UNINSURED MOTORIST AND UNDERINSURED MOTORIST COVERAGES ARE
20 ~~[OFFERED THEREIN OR SUPPLEMENTAL THERETO IN AMOUNTS AS PROVIDED~~
21 ~~IN SECTION 1734 (RELATING TO REQUEST FOR LOWER LIMITS OF~~
22 ~~COVERAGE)~~. ~~PURCHASE OF UNINSURED MOTORIST AND UNDERINSURED~~
23 ~~MOTORIST COVERAGES IS OPTIONAL.]~~ PROVIDED THEREIN OR
24 SUPPLEMENTAL THERETO IN AT LEAST THE AMOUNTS SET FORTH IN
25 SUBSECTIONS (B) AND (C), UNLESS THE COVERAGE IS OTHERWISE
26 EXCLUDED.

27 (B) UNINSURED MOTORIST COVERAGE.--UNINSURED MOTORIST
28 COVERAGE SHALL PROVIDE PROTECTION FOR PERSONS WHO SUFFER INJURY
29 ARISING OUT OF THE MAINTENANCE OR USE OF A MOTOR VEHICLE AND ARE
30 LEGALLY ENTITLED TO RECOVER DAMAGES THEREFOR FROM OWNERS OR

1 OPERATORS OF UNINSURED MOTOR VEHICLES. [THE NAMED INSURED SHALL
2 BE INFORMED THAT HE MAY REJECT UNINSURED MOTORIST COVERAGE BY
3 SIGNING THE FOLLOWING WRITTEN REJECTION FORM:

4 REJECTION OF UNINSURED MOTORIST PROTECTION

5 BY SIGNING THIS WAIVER I AM REJECTING UNINSURED MOTORIST
6 COVERAGE UNDER THIS POLICY, FOR MYSELF AND ALL RELATIVES
7 RESIDING IN MY HOUSEHOLD. UNINSURED COVERAGE PROTECTS ME AND
8 RELATIVES LIVING IN MY HOUSEHOLD FOR LOSSES AND DAMAGES
9 SUFFERED IF INJURY IS CAUSED BY THE NEGLIGENCE OF A DRIVER
10 WHO DOES NOT HAVE ANY INSURANCE TO PAY FOR LOSSES AND
11 DAMAGES. I KNOWINGLY AND VOLUNTARILY REJECT THIS COVERAGE.

12

13 SIGNATURE OF FIRST NAMED INSURED

14

15 DATE

16 (B.1) LIMITATION OF REJECTION.--UNINSURED MOTORIST

17 PROTECTION MAY BE REJECTED FOR THE DRIVER AND PASSENGERS FOR
18 RENTAL OR LEASE VEHICLES WHICH ARE NOT OTHERWISE COMMON CARRIERS
19 BY MOTOR VEHICLE, BUT SUCH COVERAGE MAY ONLY BE REJECTED IF THE
20 RENTAL OR LEASE AGREEMENT IS SIGNED BY THE PERSON RENTING OR
21 LEASING THE VEHICLE AND CONTAINS THE FOLLOWING REJECTION

22 LANGUAGE:

23 REJECTION OF UNINSURED MOTORIST PROTECTION

24 I AM REJECTING UNINSURED MOTORIST COVERAGE UNDER THIS
25 RENTAL OR LEASE AGREEMENT, AND ANY POLICY OF INSURANCE OR
26 SELF-INSURANCE ISSUED UNDER THIS AGREEMENT, FOR MYSELF
27 AND ALL OTHER PASSENGERS OF THIS VEHICLE. UNINSURED
28 COVERAGE PROTECTS ME AND OTHER PASSENGERS IN THIS VEHICLE
29 FOR LOSSES AND DAMAGES SUFFERED IF INJURY IS CAUSED BY
30 THE NEGLIGENCE OF A DRIVER WHO DOES NOT HAVE ANY

1 INSURANCE TO PAY FOR LOSSES AND DAMAGES.

2 (B.2) REJECTION LANGUAGE CHANGE.--THE REJECTION LANGUAGE OF
3 SUBSECTION (B.1) MAY ONLY BE CHANGED GRAMMATICALLY TO REFLECT A
4 DIFFERENCE IN TENSE IN THE RENTAL AGREEMENT OR LEASE AGREEMENT.

5 (B.3) VEHICLE RENTAL SERVICES.--THE REQUIREMENTS OF
6 SUBSECTION (B.1) MAY BE MET IN CONNECTION WITH AN EXPEDITED
7 VEHICLE RENTAL SERVICE, WHICH SERVICE BY AGREEMENT OF THE RENTER
8 DOES NOT REQUIRE THE RENTER'S SIGNATURE FOR EACH RENTAL, IF A
9 MASTER ENROLLMENT OR RENTAL AGREEMENT CONTAINS THE REJECTION
10 LANGUAGE OF SUBSECTION (B.1) AND SUCH AGREEMENT IS SIGNED BY THE
11 RENTER.] SUCH COVERAGE SHALL BE IN THE MINIMUM AMOUNT OF \$30,000
12 BECAUSE OF INJURY TO ONE PERSON IN ANY ONE ACCIDENT, AND IN THE
13 MINIMUM AMOUNT OF \$60,000 BECAUSE OF INJURY TO TWO OR MORE
14 PERSONS IN ANY ONE ACCIDENT.

15 (C) UNDERINSURED MOTORIST COVERAGE.--UNDERINSURED MOTORIST
16 COVERAGE SHALL PROVIDE PROTECTION FOR PERSONS WHO SUFFER INJURY
17 ARISING OUT OF THE MAINTENANCE OR USE OF A MOTOR VEHICLE AND ARE
18 LEGALLY ENTITLED TO RECOVER DAMAGES THEREFOR FROM OWNERS OR
19 OPERATORS OF UNDERINSURED MOTOR VEHICLES. [THE NAMED INSURED
20 SHALL BE INFORMED THAT HE MAY REJECT UNDERINSURED MOTORIST
21 COVERAGE BY SIGNING THE FOLLOWING WRITTEN REJECTION FORM:

22 REJECTION OF UNDERINSURED MOTORIST PROTECTION
23 BY SIGNING THIS WAIVER I AM REJECTING UNDERINSURED
24 MOTORIST COVERAGE UNDER THIS POLICY, FOR MYSELF AND ALL
25 RELATIVES RESIDING IN MY HOUSEHOLD. UNDERINSURED COVERAGE
26 PROTECTS ME AND RELATIVES LIVING IN MY HOUSEHOLD FOR LOSSES
27 AND DAMAGES SUFFERED IF INJURY IS CAUSED BY THE NEGLIGENCE OF
28 A DRIVER WHO DOES NOT HAVE ENOUGH INSURANCE TO PAY FOR ALL
29 LOSSES AND DAMAGES. I KNOWINGLY AND VOLUNTARILY REJECT THIS
30 COVERAGE.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

.....
SIGNATURE OF FIRST NAMED INSURED
.....

DATE

(C.1) FORM OF WAIVER.--INSURERS SHALL PRINT THE REJECTION FORMS REQUIRED BY SUBSECTIONS (B) AND (C) ON SEPARATE SHEETS IN PROMINENT TYPE AND LOCATION. THE FORMS MUST BE SIGNED BY THE FIRST NAMED INSURED AND DATED TO BE VALID. THE SIGNATURES ON THE FORMS MAY BE WITNESSED BY AN INSURANCE AGENT OR BROKER. ANY REJECTION FORM THAT DOES NOT SPECIFICALLY COMPLY WITH THIS SECTION IS VOID. IF THE INSURER FAILS TO PRODUCE A VALID REJECTION FORM, UNINSURED OR UNDERINSURED COVERAGE, OR BOTH, AS THE CASE MAY BE, UNDER THAT POLICY SHALL BE EQUAL TO THE BODILY INJURY LIABILITY LIMITS. ON POLICIES IN WHICH EITHER UNINSURED OR UNDERINSURED COVERAGE HAS BEEN REJECTED, THE POLICY RENEWALS MUST CONTAIN NOTICE IN PROMINENT TYPE THAT THE POLICY DOES NOT PROVIDE PROTECTION AGAINST DAMAGES CAUSED BY UNINSURED OR UNDERINSURED MOTORISTS. ANY PERSON WHO EXECUTES A WAIVER UNDER SUBSECTION (B) OR (C) SHALL BE PRECLUDED FROM CLAIMING LIABILITY OF ANY PERSON BASED UPON INADEQUATE INFORMATION.] SUCH COVERAGE SHALL BE IN THE MINIMUM AMOUNT OF \$30,000 BECAUSE OF INJURY TO ONE PERSON IN ANY ONE ACCIDENT, AND IN THE MINIMUM AMOUNT OF \$60,000 BECAUSE OF INJURY TO TWO OR MORE PERSONS IN ANY ONE ACCIDENT.

(D) LIMITATION ON RECOVERY.--

(1) A PERSON WHO RECOVERS DAMAGES UNDER UNINSURED MOTORIST COVERAGE OR COVERAGES CANNOT RECOVER DAMAGES UNDER UNDERINSURED MOTORIST COVERAGE OR COVERAGES FOR THE SAME ACCIDENT.

(2) A PERSON PRECLUDED FROM MAINTAINING AN ACTION FOR

1 NONECONOMIC DAMAGES UNDER SECTION 1705 (RELATING TO ELECTION
2 OF TORT OPTIONS) MAY NOT RECOVER FROM UNINSURED MOTORIST
3 COVERAGE OR UNDERINSURED MOTORIST COVERAGE FOR NONECONOMIC
4 DAMAGES.

5 § 1734. [Request for {lower} ~~different~~ limits of coverage. <--

6 A named insured may request in writing the issuance of
7 coverages under section 1731 (relating to availability, scope
8 and amount of coverage) in amounts {equal to or less than} ~~other~~ <--

9 ~~than~~ the limits of liability for bodily injury.] ~~A named insured~~ <--

10 ~~shall be conclusively presumed to have uninsured and~~
11 ~~underinsured motorist coverage in the same amount as the bodily~~
12 ~~injury liability in the policy, unless another amount is elected~~
13 ~~in accordance with this chapter.~~ REQUEST FOR DIFFERENT LIMITS. <--

14 (A) GENERAL RULE.--A NAMED INSURED MAY REQUEST IN WRITING
15 THE ISSUANCE OF COVERAGES UNDER SECTION 1731 (RELATING TO
16 AVAILABILITY, SCOPE AND AMOUNT OF COVERAGE) IN AMOUNTS OTHER
17 THAN THE LIMITS OF LIABILITY FOR BODILY INJURY, SUBJECT TO THE
18 MANDATORY COVERAGE SET FORTH IN SECTION 1731. A NAMED INSURED
19 SHALL BE CONCLUSIVELY PRESUMED TO HAVE UNINSURED AND
20 UNDERINSURED MOTORIST COVERAGE IN THE SAME AMOUNT OF BODILY
21 INJURY LIABILITY IN THE POLICY, UNLESS ANOTHER AMOUNT IS
22 SELECTED OR OTHERWISE PROVIDED IN ACCORDANCE WITH THIS CHAPTER.

23 (B) NOTICE OF UNINSURED AND UNDERINSURED MOTORIST
24 COVERAGE.--

25 (1) NO LATER THAN THE INITIAL ISSUANCE OR INITIAL
26 RENEWAL OF ALL MOTOR VEHICLE POLICIES DELIVERED OR ISSUED FOR
27 DELIVERY IN THE FIRST YEAR FOLLOWING 180 DAYS AFTER THE
28 EFFECTIVE DATE OF THIS SECTION, EACH INSURER SHALL PROVIDE IN
29 WRITING TO THE NAMED INSURED UNDER EACH POLICY THE FOLLOWING
30 NOTICE WITH RESPECT TO THE PURCHASE OF UNINSURED AND

1 UNDERINSURED MOTORIST COVERAGE:

2 UNINSURED AND UNDERINSURED MOTORIST COVERAGE IS
3 AVAILABLE TO PROVIDE COMPENSATION FOR INJURIES CAUSED
4 BY PERSONS WHO EITHER HAVE NO AUTOMOBILE INSURANCE OR
5 DO NOT HAVE ENOUGH AUTOMOBILE INSURANCE TO COMPENSATE
6 YOU AND YOUR FAMILY FOR YOUR LOSS. THIS COVERAGE IS
7 IMPORTANT TO PROVIDE PROTECTION FOR YOU.

8 PREVIOUSLY, YOU WERE ABLE TO REJECT THE PURCHASE OF
9 UNINSURED AND UNDERINSURED COVERAGE. YOU ARE NOW
10 REQUIRED TO PURCHASE THIS COVERAGE IN THE MINIMUM
11 AMOUNT OF \$30,000 BECAUSE OF INJURY TO ONE PERSON IN
12 ANY ONE ACCIDENT, AND IN THE MINIMUM AMOUNT OF
13 \$60,000 BECAUSE OF INJURY TO TWO OR MORE PERSONS IN
14 ANY ONE ACCIDENT.

15 PREVIOUSLY, YOU WERE ALSO ABLE TO PURCHASE STACKING
16 OF UNINSURED AND UNDERINSURED MOTORIST COVERAGE.
17 STACKING INCREASES YOUR UNINSURED AND UNDERINSURED
18 MOTORIST COVERAGE BY ADDING THE LIMITS OF THIS
19 COVERAGE FOR EACH VEHICLE FOR WHICH THE INJURED
20 PERSON IS AN INSURED.

21 WHILE STACKING HAS BEEN ELIMINATED BY LAW, YOU STILL
22 HAVE THE RIGHT TO PURCHASE UNINSURED AND UNDERINSURED
23 MOTORIST COVERAGE UP TO AT LEAST FOUR TIMES THE
24 AMOUNT OF YOUR LIABILITY COVERAGE. YOU ALSO RETAIN
25 THE RIGHT TO PURCHASE UNINSURED AND UNDERINSURED
26 MOTORIST COVERAGE LESS THAN THE AMOUNT OF YOUR
27 LIABILITY COVERAGE, PROVIDED THAT IT AT LEAST EQUALS
28 THE \$30,000 AND \$60,000 COVERAGE PROTECTIONS NOTED
29 ABOVE.

30 (2) EACH INSURER SHALL CERTIFY TO THE INSURANCE

1 DEPARTMENT THAT IT HAS COMPLIED WITH THE NOTICE REQUIREMENT
2 IN PARAGRAPH (1). AN INSURER'S FAILURE TO ESTABLISH
3 COMPLIANCE WITH THIS NOTICE REQUIREMENT SHALL BE SUBJECT TO
4 THE DEPARTMENT'S REVIEW AND ENFORCEMENT UNDER THE ACT OF
5 DECEMBER 17, 1968 (P.L.1224, NO.387), KNOWN AS THE UNFAIR
6 TRADE PRACTICES AND CONSUMER PROTECTION LAW.

7 [§ 1736. Coverages in excess of required amounts.

8 The coverages provided under this subchapter may be offered
9 by insurers in amounts higher than those required by this
10 chapter ~~{but}~~~~and~~ may ~~{not}~~ be greater than the limits of <--
11 liability specified in the bodily injury liability provisions of
12 the insured's policy.] <--

13 § 1738. Stacking of uninsured and underinsured benefits [~~and~~
14 ~~option to waive~~] prohibited.

15 [(a) Limit for each vehicle.--When more than one vehicle is
16 insured under one or more policies providing uninsured or
17 underinsured motorist coverage, the stated limit for uninsured
18 or underinsured coverage shall apply separately to each vehicle
19 so insured. The limits of coverages available under this
20 subchapter for an insured shall be the sum of the limits for
21 each motor vehicle as to which the injured person is an insured.

22 (b) Waiver.--Notwithstanding the provisions of subsection
23 (a), a named insured may waive coverage providing stacking of
24 uninsured or underinsured coverages in which case the limits of
25 coverage available under the policy for an insured shall be the
26 stated limits for the motor vehicle as to which the injured
27 person is an insured.

28 (c) More than one vehicle.--Each named insured purchasing
29 uninsured or underinsured motorist coverage for more than one
30 vehicle under a policy shall be provided the opportunity to

1 waive the stacked limits of coverage and instead purchase
2 coverage as described in subsection (b). The premiums for an
3 insured who exercises such waiver shall be reduced to reflect
4 the different cost of such coverage.

5 (d) Forms.--

6 (1) The named insured shall be informed that he may
7 exercise the waiver of the stacked limits of uninsured
8 motorist coverage by signing the following written rejection
9 form:

10 UNINSURED COVERAGE LIMITS

11 By signing this waiver, I am rejecting stacked limits
12 of uninsured motorist coverage under the policy for
13 myself and members of my household under which the limits
14 of coverage available would be the sum of limits for each
15 motor vehicle insured under the policy. Instead, the
16 limits of coverage that I am purchasing shall be reduced
17 to the limits stated in the policy. I knowingly and
18 voluntarily reject the stacked limits of coverage. I
19 understand that my premiums will be reduced if I reject
20 this coverage.

21 Signature of First Named Insured

22 Date

23 (2) The named insured shall be informed that he may
24 exercise the waiver of the stacked limits of underinsured
25 motorist coverage by signing the following written rejection
26 form:

27 UNDERINSURED COVERAGE LIMITS

28 By signing this waiver, I am rejecting stacked limits
29 of underinsured motorist coverage under the policy for
30 myself and members of my household under which the limits

1 of coverage available would be the sum of limits for each
2 motor vehicle insured under the policy. Instead, the
3 limits of coverage that I am purchasing shall be reduced
4 to the limits stated in the policy. I knowingly and
5 voluntarily reject the stacked limits of coverage. I
6 understand that my premiums will be reduced if I reject
7 this coverage.

8 Signature of First Named Insured

9 Date

10 (e) Signature and date.--The forms described in subsection
11 (d) must be signed by the first named insured and dated to be
12 valid. Any rejection form that does not comply with this section
13 is void.]

14 ~~(a) General rule. Regardless of the number of policies~~ <--
15 ~~issued, vehicles or premiums shown on a policy, premiums paid,~~
16 ~~persons covered, vehicles involved in an accident, claims made~~
17 ~~or lawsuits filed, in no event shall the limit of liability for~~
18 ~~uninsured or underinsured motorist coverage applicable to two or~~
19 ~~more motor vehicles covered under the same or separate policies,~~
20 ~~where the injured person is a named insured or resident relative~~
21 ~~under the policy or policies, be added together to determine the~~
22 ~~liability for the coverage available to an injured person or~~
23 ~~persons for any one accident.~~

24 ~~(b) Noncovered vehicles. If a person insured for uninsured~~
25 ~~or underinsured coverage under a policy is an occupant of a~~
26 ~~vehicle not covered in the policy, the priority of recovery in~~
27 ~~section 1733 (relating to priority of recovery) shall apply. The~~
28 ~~maximum amount payable under section 1733(a)(2) shall be the~~
29 ~~single highest limit on any one vehicle for which the injured~~
30 ~~person is a named insured or resident relative under the policy.~~

1 ~~(c) Covered vehicles. If a person insured for uninsured or~~
2 ~~underinsured motorist coverage is an occupant of a vehicle~~
3 ~~covered in that policy, the uninsured or underinsured motorist~~
4 ~~coverage afforded by the policy covering the vehicle occupied at~~
5 ~~the time of the accident shall be the only uninsured and~~
6 ~~underinsured motorist coverage available.~~

7 ~~(d) Pedestrians. If a person insured for uninsured or~~
8 ~~underinsured motorist coverage is injured as a pedestrian in a~~
9 ~~motor vehicle accident, the uninsured or underinsured motorist~~
10 ~~coverage shall be the single highest limit on any one vehicle~~
11 ~~for which the injured person is a named insured or insured under~~
12 ~~the policy.~~

13 (A) GENERAL RULE.--THE LIMIT OF LIABILITY FOR UNINSURED AND <--
14 UNDERINSURED MOTORIST COVERAGE APPLICABLE TO TWO OR MORE MOTOR
15 VEHICLES COVERED UNDER ONE OR MORE POLICIES DELIVERED OR ISSUED
16 FOR DELIVERY IN THIS COMMONWEALTH SHALL NOT BE ADDED TOGETHER TO
17 DETERMINE THE LIMIT OF THE COVERAGE AVAILABLE TO AN INSURED FOR
18 INJURIES SUSTAINED IN AN ACCIDENT.

19 (B) PERSONS IN NONCOVERED VEHICLES.--IF AN INSURED IS
20 INJURED AS AN OCCUPANT OF A VEHICLE NOT COVERED BY THE POLICY
21 UNDER WHICH THE PERSON IS AN INSURED, THE INSURED MAY RECOVER,
22 UNLESS THE COVERAGE IS OTHERWISE EXCLUDED:

23 (1) BENEFITS IN ACCORDANCE WITH SECTION 1733(A)(1)
24 (RELATING TO PRIORITY OF RECOVERY).

25 (2) BENEFITS UNDER SECTION 1733(A)(2), PROVIDED THE
26 MAXIMUM TOTAL RECOVERY UNDER ALL POLICIES PROVIDING BENEFITS
27 IN ACCORDANCE WITH SECTION 1733(A)(2) SHALL BE THE SINGLE-
28 HIGHEST LIMIT ON ANY ONE VEHICLE UNDER ANY ONE POLICY FOR
29 WHICH THE PERSON IS AN INSURED.

30 (3) NOTWITHSTANDING ANY EXCLUSION IN A MOTOR VEHICLE

1 POLICY SUBJECT TO THIS CHAPTER, AN INSURER MAY NOT EXCLUDE
2 UNINSURED AND UNDERINSURED MOTORIST COVERAGE SOLELY BECAUSE
3 AN INSURED IS INJURED IN A VEHICLE OPERATED BY THE INSURED
4 BUT NOT COVERED BY THE INSURED'S POLICY, PROVIDED THE
5 INSURED'S USE OF THE VEHICLE IS WITH THE PERMISSION OF THE
6 OWNER OF THE VEHICLE AND THE VEHICLE IS FURNISHED FOR THE
7 REGULAR USE OF THE INSURED.

8 (C) PERSONS IN COVERED VEHICLES.--IF AN INSURED IS INJURED
9 AS AN OCCUPANT OF A VEHICLE COVERED BY THE POLICY UNDER WHICH
10 THE PERSON IS AN INSURED, UNLESS THE COVERAGE IS OTHERWISE
11 EXCLUDED, THE INSURED MAY RECOVER ONLY THE UNINSURED OR
12 UNDERINSURED MOTORIST COVERAGE AFFORDED BY THE POLICY COVERING
13 THE VEHICLE OCCUPIED BY THE INSURED AT THE TIME OF THE ACCIDENT.
14 THE LIMITATION UNDER THIS SUBSECTION DOES NOT APPLY TO GUEST
15 PASSENGERS WHO MAY STILL RECOVER IN ACCORDANCE WITH THE SOURCES
16 OF PAYMENT PROVIDED UNDER SECTION 1733.

17 (D) PEDESTRIANS.--IF AN INSURED IS INJURED AS A PEDESTRIAN,
18 THE MAXIMUM TOTAL RECOVERY UNDER ALL POLICIES PROVIDING BENEFITS
19 IN ACCORDANCE WITH SECTION 1733(A) (2) SHALL BE THE SINGLE-
20 HIGHEST LIMIT ON ANY ONE VEHICLE FOR WHICH THE PERSON IS AN
21 INSURED.

22 § 1791. Notice of available benefits and limits.

23 **[It]** EXCEPT AS OTHERWISE SPECIFIED BY STATUTE, IT shall be <--
24 presumed that the insured has been advised of the benefits and
25 limits available under this chapter provided the following
26 notice in bold print of at least ten-point type is given to the
27 applicant at the time of application for original coverage, and
28 no other notice or rejection shall be required:

29 IMPORTANT NOTICE

30 Insurance companies operating in the Commonwealth of

1 Pennsylvania are required by law to make available for
2 purchase the following benefits for you, your spouse or
3 other relatives or minors in your custody or in the
4 custody of your relatives, residing in your household,
5 occupants of your motor vehicle or persons struck by your
6 motor vehicle:

7 (1) Medical benefits, up to at least \$100,000.

8 (1.1) Extraordinary medical benefits, from \$100,000
9 to \$1,100,000 which may be offered in increments of
10 \$100,000.

11 (2) Income loss benefits, up to at least \$2,500 per
12 month up to a maximum benefit of at least \$50,000.

13 (3) Accidental death benefits, up to at least
14 \$25,000.

15 (4) Funeral benefits, \$2,500.

16 (5) As an alternative to paragraphs (1), (2), (3)
17 and (4), a combination benefit, up to at least \$177,500
18 of benefits in the aggregate or benefits payable up to
19 three years from the date of the accident, whichever
20 occurs first, subject to a limit on accidental death
21 benefit of up to \$25,000 and a limit on funeral benefit
22 of \$2,500, provided that nothing contained in this
23 subsection shall be construed to limit, reduce, modify or
24 change the provisions of section 1715(d) (relating to
25 availability of adequate limits).

26 (6) [Uninsured, underinsured and bodily] Bodily
27 injury liability coverage up to at least \$100,000 because
28 of injury to one person in any one accident and up to at
29 least \$300,000 because of injury to two or more persons
30 in any one accident or, at the option of the insurer, up

1 to at least \$300,000 in a single limit for these
2 coverages, except for policies issued under the Assigned
3 Risk Plan. Also, at least ~~[\$5,000]~~ \$10,000 for damage to <--
4 property of others in any one accident.

5 ~~[Additionally, insurers] (7) Uninsured and <--~~
6 ~~underinsured liability coverage up to at least \$300,000~~
7 ~~because of injury to one person in any one accident and~~
8 ~~up to at least \$900,000 because of injury to two or more~~
9 ~~persons in any one accident or, at the option of the~~
10 ~~insurer, up to at least \$900,000 in a single limit for~~
11 ~~these coverages, except for policies issued under the~~
12 ~~Assigned Risk Plan. (7) UNINSURED AND UNDERINSURED <--~~
13 ~~MOTORIST COVERAGE UP TO AT LEAST FOUR TIMES THE AMOUNT OF~~
14 ~~BODILY INJURY LIABILITY COVERAGE THAT IS PURCHASED,~~
15 ~~EXCEPT FOR POLICIES ISSUED UNDER THE ASSIGNED RISK PLAN.~~

16 (8) Insurers may offer higher benefit levels than
17 those enumerated above as well as additional benefits.

18 [However, an insured may elect to purchase lower benefit <--
19 levels than those enumerated above.

20 Your signature on this notice or your payment of any
21 renewal premium evidences your actual knowledge and
22 understanding of the availability of these benefits and
23 limits as well as the benefits and limits you have
24 selected.] YOUR SIGNATURE ON THIS NOTICE EVIDENCES YOUR <--
25 ACTUAL KNOWLEDGE AND UNDERSTANDING OF THE BENEFITS
26 AVAILABLE.

27 If you have any questions or you do not understand all of
28 the various options available to you, contact your agent
29 or company.

30 If you do not understand any of the provisions contained

1 in this notice, contact your agent or company before you
2 sign.

3 § 1792. Availability of uninsured, underinsured, bodily injury
4 liability and property damage coverages and mandatory
5 deductibles.

6 (a) Availability of ~~[coverages.--]~~ UNINSURED, UNDERINSURED, <--
7 BODILY INJURY LIABILITY AND PROPERTY DAMAGE COVERAGES AND
8 MANDATORY DEDUCTIBLES.--

9 (1) Except for policies issued under Subchapter D
10 (relating to Assigned Risk Plan) ~~[, an]~~:

11 (i) An insurer DELIVERING OR issuing ~~[a policy of <--~~
12 ~~bodily injury liability coverage]~~ FOR DELIVERY AN <--
13 AUTOMOBILE POLICY pursuant to this chapter shall make
14 available for purchase ~~[higher]~~ limits of ~~[uninsured, <--~~
15 ~~underinsured and]~~ bodily injury liability coverages up to
16 at least \$100,000 because of injury to one person in any
17 one accident and up to at least \$300,000 because of
18 injury to two or more persons in any one accident or, at
19 the option of the insurer, up to at least \$300,000 in a
20 single limit for these coverages.

21 ~~(ii) An insurer issuing a policy of bodily injury <--~~
22 ~~coverage under this chapter shall make available for~~
23 ~~purchase higher limits of uninsured and underinsured~~
24 ~~liability coverages up to at least \$300,000 because of~~
25 ~~injury to one person in any one accident and up to~~
26 ~~\$900,000 because of injury to two or more persons in any~~
27 ~~one accident or, at the option of the insurers, up to at~~
28 ~~least \$900,000 in a single limit for these coverages. AN <--~~
29 INSURER DELIVERING OR ISSUING FOR DELIVERY AN AUTOMOBILE
30 POLICY OF INSURANCE IN THIS COMMONWEALTH PURSUANT TO THIS

1 CHAPTER SHALL MAKE AVAILABLE FOR PURCHASE LIMITS OF
2 UNINSURED AND UNDERINSURED MOTORIST COVERAGE UP TO AT
3 LEAST FOUR TIMES THE AMOUNT OF BODILY INJURY COVERAGE
4 THAT IS PURCHASED.

5 (2) Additionally, an insurer shall make available for
6 purchase at least ~~[\$5,000]~~ \$10,000 because of damage to <--
7 property of others in any one accident. However, the
8 exclusion of availability relating to the Assigned Risk Plan
9 shall not apply to damage to property of others in any one
10 accident.

11 * * *

12 Section ~~2~~ 3. The amendment OR ADDITION of 75 Pa.C.S. §§ <--
13 1702, 1731, 1734, 1736, 1738, 1791 and 1792(a) shall apply to <--
14 policies DELIVERED OR issued FOR DELIVERY or renewed on or after <--
15 180 days after the effective date of this section. NOTHING IN <--
16 THIS ACT SHALL BE CONSTRUED TO ALTER THE ELECTION OF TORT
17 OPTIONS IN A POLICY ISSUED OR RENEWED ON OR AFTER ONE YEAR AFTER
18 THE EFFECTIVE DATE OF THIS SECTION.

19 ~~Section 3. This act shall take effect in 180 days.~~ <--

20 SECTION 4. THE FOLLOWING SHALL APPLY: <--

21 (1) ANY CHANGE IN COVERAGE OF AN AUTOMOBILE INSURANCE
22 POLICY DELIVERED, OR ISSUED FOR DELIVERY, IN THIS
23 COMMONWEALTH RESULTING FROM THE AMENDMENTS OF 75 PA.C.S. §§
24 1702, 1731 AND 1734 SHALL NOT IMPACT THE VALIDITY OF ANY
25 WAIVER, REJECTION, SELECTION OF BENEFITS OR AMOUNT OF
26 BENEFITS IN THAT POLICY BEYOND THE COVERAGE AMOUNTS AS A
27 RESULT OF THOSE AMENDMENTS, NOR REQUIRE THAT NEW FORMS BE
28 SIGNED BY THE NAMED INSURED IN THE POLICY.

29 (2) ANY FILING APPROVED BY THE INSURANCE DEPARTMENT
30 UNDER 75 PA.C.S. THAT CONTAINS AN EXCLUSION FOR UNINSURED OR

1 UNDERINSURED MOTORIST COVERAGE THAT HAS NOT BEEN PREVIOUSLY
2 APPROVED BY THE INSURANCE DEPARTMENT SHALL BE POSTED ON THE
3 INSURANCE DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE
4 NO LATER THAN SEVEN DAYS AFTER APPROVAL AND SHALL REMAIN
5 AVAILABLE ON THAT WEBSITE FOR ONE YEAR AFTER THE RENEWAL
6 EFFECTIVE DATE OF THE FILING.

7 SECTION 5. THIS ACT SHALL TAKE EFFECT IN 180 DAYS.