

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 893 Session of  
2021

---

INTRODUCED BY LAUGHLIN, PITTMAN AND BAKER, OCTOBER 6, 2021

---

REFERRED TO TRANSPORTATION, OCTOBER 6, 2021

---

AN ACT

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

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

11 Section 1. The definition of "financial responsibility" in  
12 section 1702 of Title 75 of the Pennsylvania Consolidated  
13 Statutes is amended to read:

14 § 1702. Definitions.

15 The following words and phrases when used in this chapter  
16 shall have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 \* \* \*

19 "Financial responsibility." The ability to respond in  
20 damages for liability on account of accidents arising out of the  
21 maintenance or use of a motor vehicle in the minimum amount of

1 ~~[\$15,000]~~ \$25,000 because of injury to one person in any one  
2 accident, in the amount of ~~[\$30,000]~~ \$50,000 because of injury  
3 to two or more persons in any one accident and in the minimum  
4 amount of ~~[\$5,000]~~ \$10,000 because of damage to property of  
5 others in any one accident. The financial responsibility shall  
6 be in a form acceptable to the Department of Transportation.

7 \* \* \*

8 Section 2. Sections 1734, 1736, 1738, 1791 and 1792(a) of  
9 Title 75 are amended to read:

10 § 1734. Request for ~~[lower]~~ different limits of coverage.

11 A named insured may request in writing the issuance of  
12 coverages under section 1731 (relating to availability, scope  
13 and amount of coverage) in amounts ~~[equal to or less than]~~ other  
14 than the limits of liability for bodily injury. A named insured  
15 shall be conclusively presumed to have uninsured and  
16 underinsured motorist coverage in the same amount as the bodily  
17 injury liability in the policy, unless another amount is elected  
18 in accordance with this chapter.

19 § 1736. Coverages in excess of required amounts.

20 The coverages provided under this subchapter may be offered  
21 by insurers in amounts higher than those required by this  
22 chapter ~~[but]~~ and may ~~[not]~~ be greater than the limits of  
23 liability specified in the bodily injury liability provisions of  
24 the insured's policy.

25 § 1738. Stacking of uninsured and underinsured benefits ~~[and~~  
26 ~~option to waive]~~ prohibited.

27 ~~[(a) Limit for each vehicle.--When more than one vehicle is~~  
28 ~~insured under one or more policies providing uninsured or~~  
29 ~~underinsured motorist coverage, the stated limit for uninsured~~  
30 ~~or underinsured coverage shall apply separately to each vehicle~~

1 so insured. The limits of coverages available under this  
2 subchapter for an insured shall be the sum of the limits for  
3 each motor vehicle as to which the injured person is an insured.

4 (b) Waiver.--Notwithstanding the provisions of subsection  
5 (a), a named insured may waive coverage providing stacking of  
6 uninsured or underinsured coverages in which case the limits of  
7 coverage available under the policy for an insured shall be the  
8 stated limits for the motor vehicle as to which the injured  
9 person is an insured.

10 (c) More than one vehicle.--Each named insured purchasing  
11 uninsured or underinsured motorist coverage for more than one  
12 vehicle under a policy shall be provided the opportunity to  
13 waive the stacked limits of coverage and instead purchase  
14 coverage as described in subsection (b). The premiums for an  
15 insured who exercises such waiver shall be reduced to reflect  
16 the different cost of such coverage.

17 (d) Forms.--

18 (1) The named insured shall be informed that he may  
19 exercise the waiver of the stacked limits of uninsured  
20 motorist coverage by signing the following written rejection  
21 form:

22 UNINSURED COVERAGE LIMITS

23 By signing this waiver, I am rejecting stacked limits  
24 of uninsured motorist coverage under the policy for  
25 myself and members of my household under which the limits  
26 of coverage available would be the sum of limits for each  
27 motor vehicle insured under the policy. Instead, the  
28 limits of coverage that I am purchasing shall be reduced  
29 to the limits stated in the policy. I knowingly and  
30 voluntarily reject the stacked limits of coverage. I

1 understand that my premiums will be reduced if I reject  
2 this coverage.

3 Signature of First Named Insured

4 Date

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

9 UNDERINSURED COVERAGE LIMITS

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

20 Signature of First Named Insured

21 Date

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

26 (a) Prohibition.--The limit of liability for uninsured or  
27 underinsured motorist coverage applicable to two or more motor  
28 vehicles covered under the same or separate policy of an insured  
29 person shall not be added together to determine the limit of the  
30 coverage available to an injured person for any one accident.

1 (b) Noncovered vehicles.--If an insured is injured as an  
2 occupant of a vehicle not covered under the insured's policy or  
3 policies, unless such coverage is otherwise excluded, the  
4 priority of recovery under section 1733 (relating to priority of  
5 recovery) shall apply. The maximum payment under section 1733(a)  
6 (2) shall be the single highest limit on any one vehicle for  
7 which the injured person is an insured.

8 (c) Covered vehicles.--If an insured is injured as an  
9 occupant of a vehicle covered under the insured's policy or  
10 policies, unless such coverage is otherwise excluded, the  
11 uninsured or underinsured motorist coverage afforded by the  
12 policy covering the vehicle occupied at the time of the accident  
13 shall be the only uninsured or underinsured motorist coverage  
14 available.

15 (d) Pedestrians.--If an insured is injured as a pedestrian  
16 in a motor vehicle accident, the uninsured or underinsured  
17 motorist coverage shall be the single highest limit on any one  
18 vehicle for which the injured person is an insured.

19 (e) Definition.--For the purposes of this section, the term  
20 "insured" shall be as defined in section 1702 (relating to  
21 definitions)

22 § 1791. Notice of available benefits and limits.

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

28 IMPORTANT NOTICE

29 Insurance companies operating in the Commonwealth of  
30 Pennsylvania are required by law to make available for

1 purchase the following benefits for you, your spouse or  
2 other relatives or minors in your custody or in the  
3 custody of your relatives, residing in your household,  
4 occupants of your motor vehicle or persons struck by your  
5 motor vehicle:

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

7 (1.1) Extraordinary medical benefits, from \$100,000  
8 to \$1,100,000 which may be offered in increments of  
9 \$100,000.

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

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

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

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

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

1 coverages, except for policies issued under the Assigned  
2 Risk Plan. Also, at least \$5,000 for damage to property  
3 of others in any one accident.

4 [Additionally, insurers] (7) Uninsured and  
5 underinsured liability coverage up to at least \$300,000  
6 because of injury to one person in any one accident and  
7 up to at least \$900,000 because of injury to two or more  
8 persons in any one accident or, at the option of the  
9 insurer, up to at least \$900,000 in a single limit for  
10 these coverages, except for policies issued under the  
11 Assigned Risk Plan.

12 (8) Insurers may offer higher benefit levels than  
13 those enumerated above as well as additional benefits.  
14 However, an insured may elect to purchase lower benefit  
15 levels than those enumerated above.

16 Your signature on this notice or your payment of any  
17 renewal premium evidences your actual knowledge and  
18 understanding of the availability of these benefits and  
19 limits as well as the benefits and limits you have  
20 selected.

21 If you have any questions or you do not understand all of  
22 the various options available to you, contact your agent  
23 or company.

24 If you do not understand any of the provisions contained  
25 in this notice, contact your agent or company before you  
26 sign.

27 § 1792. Availability of uninsured, underinsured, bodily injury  
28 liability and property damage coverages and mandatory  
29 deductibles.

30 (a) Availability of coverages.--

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

3           (i) An insurer issuing a policy of bodily injury  
4 liability coverage pursuant to this chapter shall make  
5 available for purchase higher limits of [uninsured,  
6 underinsured and] bodily injury liability coverages up to  
7 at least \$100,000 because of injury to one person in any  
8 one accident and up to at least \$300,000 because of  
9 injury to two or more persons in any one accident or, at  
10 the option of the insurer, up to at least \$300,000 in a  
11 single limit for these coverages.

12           (ii) An insurer issuing a policy of bodily injury  
13 coverage under this chapter shall make available for  
14 purchase higher limits of uninsured and underinsured  
15 liability coverages up to at least \$300,000 because of  
16 injury to one person in any one accident and up to  
17 \$900,000 because of injury to two or more persons in any  
18 one accident or, at the option of the insurer, up to at  
19 least \$900,000 in a single limit for these coverages.

20           (2) Additionally, an insurer shall make available for  
21 purchase at least \$5,000 because of damage to property of  
22 others in any one accident. However, the exclusion of  
23 availability relating to the Assigned Risk Plan shall not  
24 apply to damage to property of others in any one accident.

25 \* \* \*

26 Section 3. Any change in coverage of a private passenger  
27 automobile insurance policy resulting from the amendment of 75  
28 Pa.C.S. § 1702 shall not impact the validity of any waiver,  
29 selection of benefits or amount of benefits in that policy  
30 beyond the coverage amounts as a result of the amendment of 75



1 Pa.C.S. § 1702, nor require that new forms be signed by the  
2 insured named in the policy.

3 Section 4. The amendment of 75 Pa.C.S. §§ 1702, 1734, 1736,  
4 1738, 1791 and 1792(a) shall apply to policies issued or renewed  
5 on or after 180 days after the effective date of this section.  
6 Nothing in the amendment of 75 Pa.C.S. §§ 1702, 1734, 1736,  
7 1738, 1791 and 1792(a) shall be construed to alter the election  
8 of tort options in a policy issued or renewed on or after one  
9 year after the effective date of this section.

10 Section 5. This act shall take effect in 180 days.