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SENATE BILL 117

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

William H. Payne

AN ACT

RELATING TO MOTOR VEHICLE INSURANCE; ADDING PROVISIONS
RELATING TO COMBINING POLICY LIMITS ON TWO OR MORE POLICIES
PROVIDING UNINSURED MOTORIST COVERAGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new Section 66-5-301.3 NMSA 1978 is enacted
to read:

"66-5-301.3. [NEW MATERIAL] INSURANCE AGAINST UNINSURED
MOTORISTS--STACKING--ELECTION BY INSURED.--Unless a named
insured makes a specific election to have the limits of
liability for uninsured motorist coverage for two or more
vehicles insured under the same or separate policies added
together, the limits of liability for uninsured motorist
coverage for two or more vehicles insured under the same or
separate policies shall not be added together to determine the

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1 limit of insurance coverage available to an injured person for
2 any one accident. An insurer shall notify its policyholders
3 and applicants that they may elect to have two or more
4 uninsured motorist coverage limits added together. The
5 election by the policyholder or applicant shall be made in
6 writing on a form promulgated by the superintendent of
7 insurance. If the election form is signed by a named insured,
8 it is conclusively presumed that there was an informed,
9 knowing acceptance of the provisions of this section. No
10 insurer is responsible for a person who makes or refuses to
11 make this election as to any or all vehicles insured by the
12 person regardless of whether that person can benefit from the
13 purchase of the selected uninsured motorist coverage. The
14 form may be signed by any named insured and shall be valid for
15 all persons insured under the policy. A copy of the form
16 shall be retained by the insurer. The election made shall
17 apply to all policies issued supplemental to or as a renewal
18 or reinstatement of the policy or policies for which the
19 election was made unless a named insured requests, in writing,
20 cancellation of the election and pays the appropriate premium
21 for such coverage. If a named insured does not make the
22 election provided for in this subsection and at the time of
23 the accident:

24 A. the injured person was occupying a motor
25 vehicle owned by the injured person or a family member

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1 residing with him, the only uninsured motorist coverage
2 available to the injured person is the coverage purchased for
3 that particular vehicle. In addition, no uninsured motorist
4 coverage applies or is available to an injured person who was,
5 at the time of the accident, occupying a motor vehicle owned
6 by the injured person or a family member residing with him for
7 which no uninsured motorist coverage was purchased;

8 B. the injured person was occupying a motor
9 vehicle not owned by the injured person or a family member
10 residing with him, the injured person is entitled to the
11 highest limits of uninsured motorist coverage afforded for any
12 one vehicle as to which the injured person is a named insured
13 or insured family member. This coverage shall be excess over
14 the coverage on the vehicle occupied by the injured person;
15 and

16 C. the injured person is not occupying a motor
17 vehicle, the injured person is entitled to the highest limits
18 of uninsured motorist coverage afforded for any one vehicle as
19 to which the injured person is a named insured or insured
20 family member. "

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5
6 January 28, 1999

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8 Mr. President:

9
10 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
11 whom has been referred

12
13 SENATE BILL 117

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15 has had it under consideration and reports same with
16 recommendation that it DO NOT PASS.

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19 Respectfully submitted,

Roman M. Maes, Chairman

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 4 Against

Yes: 5

No: Fidel, Kidd, Kysar, Rawson

Excused: Robinson

Absent: 0

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