

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-NINTH SESSION**

**S.F. No. 992**

(SENATE AUTHORS: LATZ)

DATE	D-PG	OFFICIAL STATUS
02/19/2015	367	Introduction and first reading Referred to Commerce

1.1 A bill for an act  
 1.2 relating to insurance; regulating underinsured motorist coverages; amending  
 1.3 Minnesota Statutes 2014, section 65B.49, subdivision 3a.  
 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2014, section 65B.49, subdivision 3a, is amended to read:

1.6 Subd. 3a. **Uninsured and underinsured motorist coverages.** (1) No plan of  
 1.7 reparation security may be renewed, delivered or issued for delivery, or executed in this  
 1.8 state with respect to any motor vehicle registered or principally garaged in this state  
 1.9 unless separate uninsured and underinsured motorist coverages are provided therein. Each  
 1.10 coverage, at a minimum, must provide limits of \$25,000 because of injury to or the death  
 1.11 of one person in any accident and \$50,000 because of injury to or the death of two or more  
 1.12 persons in any accident. In the case of injury to, or the death of, two or more persons in  
 1.13 any accident, the amount available to any one person must not exceed the coverage limit  
 1.14 provided for injury to, or the death of, one person in any accident.

1.15 (2) Every owner of a motor vehicle registered or principally garaged in this state shall  
 1.16 maintain uninsured and underinsured motorist coverages as provided in this subdivision.

1.17 (3) No reparation obligor is required to provide limits of uninsured and underinsured  
 1.18 motorist coverages in excess of the bodily injury liability limit provided by the applicable  
 1.19 plan of reparation security.

1.20 (4) No recovery shall be permitted under the uninsured and underinsured motorist  
 1.21 coverages of this section for basic economic loss benefits paid or payable, or which would  
 1.22 be payable but for any applicable deductible.

1.23 (5) If at the time of the accident the injured person is occupying a motor vehicle,  
 1.24 the limit of liability for uninsured and underinsured motorist coverages available to the

2.1 injured person is the limit specified for that motor vehicle. However, if the injured person  
2.2 is occupying a motor vehicle of which the injured person is not an insured, the injured  
2.3 person may be entitled to excess insurance protection afforded by a policy in which the  
2.4 injured party is otherwise insured. The excess insurance protection is limited to the extent  
2.5 of covered damages sustained, and further is available only to the extent by which the limit  
2.6 of liability for like coverage applicable to any one motor vehicle listed on the automobile  
2.7 insurance policy of which the injured person is an insured exceeds the limit of liability of  
2.8 the coverage available to the injured person from the occupied motor vehicle.

2.9 If at the time of the accident the injured person is not occupying a motor vehicle or  
2.10 motorcycle, the injured person is entitled to select any one limit of liability for any one  
2.11 vehicle afforded by a policy under which the injured person is insured.

2.12 (6) Regardless of the number of policies involved, vehicles involved, persons  
2.13 covered, claims made, vehicles or premiums shown on the policy, or premiums paid, in no  
2.14 event shall the limit of liability for uninsured and underinsured motorist coverages for two  
2.15 or more motor vehicles be added together to determine the limit of insurance coverage  
2.16 available to an injured person for any one accident.

2.17 (7) The uninsured and underinsured motorist coverages required by this subdivision  
2.18 do not apply to bodily injury of the insured while occupying a motor vehicle owned by the  
2.19 insured, unless the occupied vehicle is an insured motor vehicle.

2.20 (8) The uninsured and underinsured motorist coverages required by this subdivision  
2.21 do not apply to bodily injury of the insured while occupying a motorcycle owned by  
2.22 the insured.

2.23 (9) A cause of action to recover underinsured motorist benefits must be commenced  
2.24 within six years from the date of settlement with, or judgment against, the tortfeasor.

2.25 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following  
2.26 final enactment. Any policy or contract provision that conflicts with this section is void  
2.27 and unenforceable on or after that date.