

LEGISLATIVE BILL 1008

Approved by the Governor March 19, 1996

Introduced by Landis, 46

AN ACT relating to insurance; to amend sections 44-6405 and 44-6408, Revised Statutes Supplement, 1994; to change provisions relating to uninsured and underinsured motor vehicle insurance coverages; to provide an operative date; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 44-6405, Revised Statutes Supplement, 1994, is amended to read:

44-6405. Uninsured motor vehicle shall mean a motor vehicle with respect to the ownership, operation, maintenance, or use of which:

(1) There is no bodily injury liability insurance or bond applicable at the time of the accident; ~~or~~

(2) There is bodily injury liability insurance or a bond applicable at the time of the accident but the insurer writing such insurance or bond (a) denies coverage or (b) is or becomes insolvent as described in section 44-2403 within four years after the time of the accident which occurred while the named insured's uninsured motorist coverage was in effect; ~~or~~

~~(3) The owner or operator is unknown and bodily injury, sickness, disease, or death of an insured results from actual physical contact between such motor vehicle and the insured or a motor vehicle occupied by the insured; or~~

~~(4) The owner or operator is unknown and bodily injury, sickness, disease, or death of an insured is caused by such motor vehicle without actual physical contact between such motor vehicle and the insured or a motor vehicle occupied by the insured if (a) the accident has been reported, as required by law, to the proper law enforcement authorities and (b) the facts of the accident can be corroborated by competent evidence provided by an independent and disinterested person and not by the insured or any person occupying the insured motor vehicle.~~

Sec. 2. Section 44-6408, Revised Statutes Supplement, 1994, is amended to read:

44-6408. (1) No policy insuring against liability imposed by law for bodily injury, sickness, disease, or death suffered by a natural person arising out of the ownership, operation, maintenance, or use of a motor vehicle within the United States, its territories or possessions, or Canada shall be delivered, issued for delivery, or renewed with respect to any motor vehicle principally garaged in this state unless coverage is provided for the protection of persons insured who are legally entitled to recover compensatory damages for bodily injury, sickness, disease, or death from (a) the owner or operator of an uninsured motor vehicle ~~or a hit-and-run motor vehicle~~ in limits of twenty-five thousand dollars because of bodily injury, sickness, disease, or death of one person in any one accident and, subject to such limit for one person, fifty thousand dollars because of bodily injury, sickness, disease, or death of two or more persons in any one accident, and (b) the owner or operator of an underinsured motor vehicle in limits of twenty-five thousand dollars because of bodily injury, sickness, disease, or death of one person in any one accident and, subject to such limit for one person, fifty thousand dollars because of bodily injury, sickness, disease, or death of two or more persons in any one accident.

(2) At the written request of the named insured, the insurer shall provide higher limits of uninsured and underinsured motorist coverages in accordance with its rating plan and rules, except that in no event shall the insurer be required to provide limits higher than one hundred thousand dollars per person and three hundred thousand dollars per accident.

(3) After purchase of uninsured and underinsured motorist coverages, no insurer or any affiliated insurer shall be required to notify any policyholder in any renewal, reinstatement, substitute, amended, altered, modified, transfer, or replacement policy as to the availability of optional limits of such coverages. The named insured may, subject to the limitations of this section, make a written request for additional coverage or coverage more extensive than that provided in a prior policy.

Sec. 3. This act becomes operative on January 1, 1997.

Sec. 4. Original sections 44-6405 and 44-6408, Revised Statutes Supplement, 1994, are repealed.