

230-RICR-20-05-1

TITLE 230 - DEPARTMENT OF BUSINESS REGULATION

CHAPTER 20 - INSURANCE

SUBCHAPTER 05 - PERSONAL LINES - AUTOMOBILE AND HOMEOWNERS INSURANCE

PART 1 - Uninsured and Underinsured Motorist Insurance

1.1 Authority

This regulation is promulgated in accordance with R.I. Gen. Laws §§ 27-7-2.1, 27-10-13 and 27-10.3-1.

1.2 Purpose

The purpose of this Regulation is to implement the requirement of uninsured and underinsured motorist coverage in motor vehicle liability policies issued in this State.

1.3 Definitions

- A. The definitions set forth in R.I. Gen. Laws § 27-7-2.1 are hereby incorporated into this Regulation by reference. In addition, as used in this Regulation:
1. “Liability Limits” means the limit of liability shown in the policy of the insured for coverage of Bodily Injury or Property Damage as the result of a motor vehicle accident.
 2. “Policy” means any contract or agreement of insurance delivered or issued for delivery in this state by or on behalf of any insurer licensed in this state.
 3. “Signature” includes electronic signatures if the parties have agreed to conduct the transaction by electronic means in accordance with R.I. Gen. Laws § 42-127.1-7.
 4. “Writing” includes electronic writings if the parties have agreed to conduct the transaction by electronic means in accordance with R.I. Gen. Laws § 42-127.1-7.

1.4 Requirement for Uninsured Motorist Coverage

No motor vehicle liability policy insuring against loss resulting from liability imposed by law for bodily injury arising out of the ownership, maintenance, or

use of a motor vehicle shall be delivered or issued for delivery in this State with respect to any motor vehicle registered or principally garaged in this State unless Uninsured/Underinsured Motorist bodily injury Coverage is provided therein or supplemental thereto, not less than the limit set forth in R.I. Gen. Laws § 31-31-7 or such coverage is rejected as provided in § 1.5 of this Part. The insurance company must offer uninsured/underinsured bodily injury liability limits equal to the bodily injury liability limits in the policy. The insurer must offer Uninsured Motorist Property Damage in a minimum amount of \$25,000.

1.5 Rejection of Uninsured Motorist Coverage

- A. The insured may elect to purchase coverage in an amount less than the bodily injury liability limits in the policy. However, the named insured may not elect uninsured/underinsured motorist bodily injury liability limits less than the minimum under R.I. Gen. Laws § 31-31-7, unless the named insured has elected to purchase the bodily injury liability minimum liability limits in the policy under R.I. Gen. Laws § 31-31-7. Only if the named insured has elected to purchase the bodily injury minimum liability limits under R.I. Gen. Laws § 31-31-7, may the named insured elect to reduce the uninsured/underinsured motorist bodily injury liability limits to zero. With regard to uninsured/underinsured motorist bodily injury, if the named insured rejects uninsured/underinsured motorist bodily injury coverage, that election must be in writing in a form substantially similar to that set forth in a bulletin issued for that purpose.
- B. If collision coverage is included in the policy no written rejection of Uninsured Motorist Property Damage is required. If the insured has not purchased collision a written rejection of Uninsured Motorist Property Damage is required. If a rejection is sent but not returned by the insured the Uninsured Motorist Property Damage shall be included in the policy at the \$25,000 minimum limit. The named insured may reject Uninsured Motorist Property Damage.
- C. The insurance company must notify the named insured of the availability of uninsured motorist coverage or increased optional limits any time the policy is renewed, reinstated, substituted, amended, altered, modified, transferred or replaced. A separate notice is not required but the notice must be prominent, clear and in writing.

1.6 Results of Selection of Coverage

If an insured elects Uninsured/Underinsured Motorist liability limits that are less than the liability limits or rejects Uninsured Motorist Property Damage Liability coverage, these selections shall be followed and included in any renewal, supplementary, replacement or substitute policy, even if liability limits or insured vehicles are subsequently changed. Where the insured elects Uninsured/Underinsured Motorist liability limits equal to the bodily injury liability limits and the bodily injury liability limits are later changed, the Uninsured/Underinsured Motorist bodily injury Liability limits will also change to

reflect the same amount. The insured may change any original or subsequent election by notifying the company in writing of his/her desire for such change.

1.7 Waiver of Statutory Deductible

- A. Property damage liability caused by collision shall have the statutory deductible waived:
1. Where a motor vehicle legally parked and unattended is involved in a motor vehicle accident with an uninsured owner or operator;
 2. Where a motor vehicle is struck as the result of the operation by an uninsured motorist driving the wrong way on a one-way street;
 3. Where there is property damage caused by collision to a vehicle struck in the rear by a vehicle owned or operated by an uninsured motorist; or
 4. Where there is property damage caused by collision when struck by a stolen vehicle.

1.8 Rates for Uninsured Motorist Property Damage Coverage

In accordance with R.I. Gen. Laws § 27-7-2.1(e), rates for Uninsured Motorist Property Damage coverage shall be established by a filing made by the insurer and approved by the Commissioner. The filed rates may not be excessive, inadequate or unfairly discriminatory.

1.9 Arbitration

- A. In accordance with R.I. Gen. Laws §§ 10-3-2 and 27-10.3-1(5) in all policies containing uninsured/underinsured motorist coverage, the provision requiring arbitration of benefits under that coverage must be placed immediately before the testimonium clause or the signatures of the parties.
- B. If the arbitration provision is in violation of (a) above it may be enforced at the option of the insured, and in the event the insured exercises the option to arbitrate, then the provisions of this chapter shall apply and be the exclusive remedy available to the insured.

1.10 Severability

If any provision of this Regulation or the application thereof to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality shall not affect other provisions or applications of this Regulation which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Regulation are severable.