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INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
SENATE
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 218, L.D. 628, Bill, “An Act To Clarify Uninsured Vehicle Coverage for Multiple Claimants”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 24-A MRSA §2902, sub-§6, as enacted by PL 1999, c. 663, §2 and affected by §4, is repealed and the following enacted in its place:

6. When 2 or more persons are legally entitled to recover damages from a particular owner or operator of an underinsured motor vehicle, the amount of underinsured vehicle coverage applicable to each injured person is determined as provided in this subsection.

A. If the underinsured motor vehicle policy applicable to 2 or more persons who are legally entitled to recover damages contains both a per person and a per accident limit, the amount of underinsured vehicle coverage applicable to each injured person is determined by subtracting any payments actually made to that person from any bodily injury liability insurance coverage applicable to the particular owner or operator of the underinsured motor vehicle from that person's, operator's or owner's underinsured vehicle coverage policy limits if applicable to that person.

B. If the underinsured motor vehicle policy applicable to 2 or more persons who are legally entitled to recover damages contains only a single per accident limit, the amount of underinsured vehicle coverage available to each injured person is determined by subtracting any payment received by that person from the owner or operator of the underinsured motor vehicle from that single per accident limit. In no event may the maximum amount payable by the insurer to all injured persons exceed the single per accident limit.

C. The amount of underinsured vehicle coverage determined under paragraph A or B must be further reduced by the amount by which the bodily injury liability insurance coverage applicable to the particular owner or operator of the underinsured motor vehicle exceeds all payments from that coverage to all persons legally entitled to

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1 recover damages from that particular owner or operator of the underinsured motor
2 vehicle.

3 D. This subsection does not prohibit an insurer from providing greater amounts of
4 underinsured vehicle coverage than are required under this section.'

5 **SUMMARY**

6 This amendment is the majority report of the committee and replaces the bill. The
7 amendment incorporates the substantive provisions of the bill and makes technical
8 changes to clarify the language.