

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Senate Judiciary Committee**

# A Bill

**SENATE BILL**

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 23-89-209 TO CLARIFY THE  
9 LAW PERTAINING TO UNDERINSURED MOTORIST COVERAGE; AND FOR  
10 OTHER PURPOSES."

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12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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14 SECTION 1. Subsection (a) of Arkansas Code 23-89-209 is amended to read  
15 as follows:

16 "(a) Every insurer writing automobile liability insurance covering  
17 liability arising out of the ownership, maintenance, or use of any motor  
18 vehicles in this state shall make underinsured motorist coverage available to  
19 the named insured, which coverage enables the insured or the insured's legal  
20 representative to recover from the insurer the amount of damages for bodily  
21 injury or death to which the insured is legally entitled from the owner or  
22 operator of another motor vehicle. Underinsured motorist coverage shall be at  
23 least equal to the limits prescribed for bodily injury or death under Arkansas  
24 Code 27-19-605. Liability of the insurer pursuant to underinsured motorist  
25 coverage shall not be reduced by the tort-feasor's insurance coverage except  
26 to the extent that the injured party would receive compensation in excess of  
27 his damages."

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29 SECTION 2. All provisions of this act of a general and permanent nature  
30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
31 Revision Commission shall incorporate the same in the Code.

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33 SECTION 3. If any provision of this act or the application thereof to  
34 any person or circumstance is held invalid, such invalidity shall not affect  
35 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this  
2 act are declared to be severable.

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4       SECTION 4. All laws and parts of laws in conflict with this act are  
5 hereby repealed.

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