

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Beebe**

A Bill

ACT 1334 OF 1995
SENATE BILL 747

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 23-89-403 TO PROVIDE THAT
9 WHEN BODILY INJURY COVERAGE HAS BEEN REJECTED THAT THE
10 REJECTION SHALL CONTINUE UNTIL WITHDRAWN IN WRITING BY THE
11 INSURED; AND FOR OTHER PURPOSES."

Subtitle

14 "TO PROVIDE THAT WHEN BODILY INJURY
15 COVERAGE HAS BEEN REJECTED THAT THE
16 REJECTION SHALL CONTINUE UNTIL WITHDRAWN
17 IN WRITING BY THE INSURED."

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

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21 SECTION 1. Arkansas Code 23-89-403 as amended by Act 527 of 1995 is
22 amended to read as follows:

23 "§ 23-89-403. Bodily injury coverage required.

24 (a) No automobile liability insurance covering liability arising out of
25 the ownership, maintenance, or use of any motor vehicle shall be delivered or
26 issued for delivery in this state with respect to any motor vehicle registered
27 or principally garaged in this state unless coverage is provided therein or
28 supplemental thereto and is not less than limits described in § 27-19-605,
29 under provisions filed with and approved by the Insurance Commissioner, for
30 the protection of persons insured thereunder who are legally entitled to
31 recover damages from owners or operators of uninsured motor vehicles because
32 of bodily injury, sickness, or disease, including death, resulting therefrom.

33 (b) However, the coverage required under this section shall not be
34 applicable where any insured named in the policy shall reject the coverage,
35 and this rejection shall continue until withdrawn in writing by the insured.

36 (c) After a named insured or applicant for insurance rejects this

1 coverage, the insurer or any of its affiliates shall not be required to notify
2 any insured in any renewal, reinstatement, substitute, amended, or replacement
3 policy as to the availability of such coverage."

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

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9 SECTION 3. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.

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

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18 SECTION 5. EMERGENCY. It is hereby found and determined by the General
19 Assembly that the present insurance laws should be clarified to indicate that
20 once an insured has rejected bodily injury coverage that the insurer should
21 not be required thereafter to notify the insured of the availability of the
22 rejected coverage at such time as the coverage not rejected is renewed,
23 reinstated, substituted, amended, or replaced; that this act so provides; and
24 this act should go into effect immediately in order to clarify the law as soon
25 as possible. Therefore, an emergency is hereby declared to exist and this act
26 being necessary for the immediate preservation of the public peace, health and
27 safety shall be in full force and effect from and after its passage and
28 approval.

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BECAME LAW WITHOUT GOVERNOR'S SIGNATURE: 4-17-95

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