

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

A Bill

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10 REJECTION SHALL CONTINUE UNTIL WITHDRAWN IN WRITING BY THE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16 REJECTION SHALL CONTINUE UNTIL WITHDRAWN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."

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

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
25 of the ownership, maintenance, or use of any motor vehicle shall be delivered
26 or issued for delivery in this state with respect to any motor vehicle
27 registered or principally garaged in this state unless coverage is provided
28 therein or supplemental thereto and is not less than limits described in §
29 27-19-605, under provisions filed with and approved by the Insurance
30 Commissioner, for the protection of persons insured thereunder who are
31 legally entitled to recover damages from owners or operators of uninsured
32 motor vehicles because of bodily injury, sickness, or disease, including
33 death, resulting therefrom.

34 (b) However, the coverage required under this section shall not be
35 applicable where any insured named in the policy shall reject the coverage,

1 and this rejection shall continue until withdrawn in writing by the insured.

2 (c) After a named insured or applicant for insurance rejects this
3 coverage, the insurer or any of its affiliates shall not be required to
4 notify any insured in any renewal, reinstatement, substitute, amended, or
5 replacement policy as to the availability of such coverage."

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

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

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18 hereby repealed.

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

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