

collectible insurance or qualified self insurance may include uninsured motorist coverage as provided in subsection (c) of this section.

541A-

(A)--UNLESS--THE--INSURED--HAS--MADE--AN--AFFIRMATIVE--WRITTEN--WAIVER--OF--THE--DIFFERENCE--IN--BENEFITS--BETWEEN--THE--2--TYPES--OF--COVERAGES,--A--POLICY--OF--MOTOR--VEHICLE--INSURANCE--ISSUED--OR--DELIVERED--IN--THIS--STATE--MAY--NOT--PROVIDE--MOTOR--VEHICLE--LIABILITY--COVERAGE--IN--AN--AMOUNT--THAT--EXCEEDS--THE--AMOUNT--OF--UNINSURED--MOTORIST--COVERAGE--PROVIDED--UNDER--THE--POLICY.

(B)--(1)--BEFORE--AN--INDIVIDUAL--MAKES--A--WAIVER--UNDER--THIS--SECTION,--THE--INDIVIDUAL--MUST--BE--INFORMED--IN--WRITING--OF--THE--RIGHT--TO--RECEIVE--UNINSURED--MOTORIST--COVERAGE--IN--AN--AMOUNT--EQUAL--TO--THE--AMOUNT--OF--MOTOR--VEHICLE--LIABILITY--COVERAGE--PROVIDED--UNDER--THE--POLICY.

(2)--AN--INSURER--MAY--NOT--REFUSE--TO--UNDERWRITE--AN--INDIVIDUAL--BECAUSE--THE--INDIVIDUAL--REFUSES--TO--MAKE--A--WAIVER--IN--ACCORDANCE--WITH--THIS--SECTION.

(3)--A--WAIVER--MADE--UNDER--THIS--SECTION--SHALL--BE--MADE--ON--A--FORM--REQUIRED--BY--THE--COMMISSIONER.

(4)--THE--FORM--MAY--BE--PART--OF--THE--CONTRACT--OF--INSURANCE.

(5)--THE--FORM--SHALL--CLEARLY--AND--CONCISELY--EXPLAIN:

(i)--THAT--THE--INDIVIDUAL--IS--ENTITLED--TO--RECEIVE--UNINSURED--MOTORIST--COVERAGE--IN--AN--AMOUNT--EQUAL--TO--THE--AMOUNT--OF--MOTOR--VEHICLE--LIABILITY--COVERAGE--PROVIDED--UNDER--THE--POLICY,--AND

(ii)--THAT--AN--INSURER--MAY--NOT--REFUSE--TO--UNDERWRITE--AN--INDIVIDUAL--BECAUSE--THE--INDIVIDUAL--REFUSES--TO--MAKE--A--WAIVER--IN--ACCORDANCE--WITH--THIS--SECTION.

(C)--A--PERSON--WHO--IS--CONVICTED--OF--A--VIOLATION--OF--THIS--SECTION--IS--SUBJECT--TO--THE--PENALTIES--PROVIDED--UNDER--§§--55--AND--55A--OF--THIS--ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1989.

Approved May 25, 1989.