

vehicle because of the death of the insured under certain circumstances; making stylistic changes; and generally relating to wrongful death claims under the uninsured motorist coverage provision in a motor vehicle liability insurance policy.

BY repealing and reenacting, with amendments,

Article 48A – Insurance Code

Section 541(c)

Annotated Code of Maryland

(1986 Replacement Volume and 1990 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 48A – Insurance Code

541.

(c) (1) In this subsection “uninsured motor vehicle” means a motor vehicle whose ownership, maintenance, or use has resulted in the bodily injury or death of an insured, and for which the sum of the limits of liability under all valid and collectible liability insurance policies, bonds, and securities applicable to the bodily injury or death is less than the amount of coverage provided ~~to the insured~~ under this subsection.

(2) (I) In addition to any other coverage required by this subtitle, every policy of motor vehicle liability insurance issued, sold, or delivered in this State after July 1, 1975 shall contain coverage[, in]—

~~±~~ IN at least the amounts required under Title 17 of the Transportation Article, ~~for damages which the~~ BUT SUBJECT TO POLICY LIMITS, FOR DAMAGES THAT FOR DAMAGES, SUBJECT TO POLICY LIMITS, WHICH:

1. THE insured is entitled to recover from the owner or operator of an uninsured motor vehicle because of bodily injuries sustained in an accident arising out of the ownership, maintenance, or use of such uninsured motor vehicle; AND

2. ~~FOR DAMAGES WHICH THE SURVIVING RELATIVES OF THE INSURED ARE ENTITLED TO RECOVER ARE PERMITTED TO BE RECOVERED~~ THE SURVIVING RELATIVES, AS DEFINED IN § 3-904 OF THE COURTS ARTICLE, OF THE INSURED ARE ENTITLED TO RECOVER FROM THE OWNER OR OPERATOR OF AN UNINSURED MOTOR VEHICLE BECAUSE OF THE DEATH OF THE INSURED AS THE RESULT OF AN ACCIDENT ARISING OUT OF THE OWNERSHIP, MAINTENANCE, OR USE OF THE UNINSURED MOTOR VEHICLE.

(II) There shall be offered in writing to the insured the opportunity to contract for higher amounts than those provided under Title 17 of the Transportation Article if these amounts do not exceed the amounts of the motor vehicle liability coverage provided by the policy.