

Article 48A - Insurance Code

539.

(f) (1) (i) If the first named insured does not wish to obtain the benefits described under this section, the first named insured shall make an affirmative written waiver of those benefits.

(ii) As to a policy of private passenger motor vehicle liability insurance, a waiver made under this subsection shall constitute a waiver of all the benefits described under this section, whether provided under the first named insured's policy or any other private passenger motor vehicle liability insurance policy issued in this State.

(iii) A waiver made under this subsection shall be binding on the following persons covered by the policy:

1. All named insureds;
2. All listed drivers; and
3. All members of the first named insured's family residing in the first named insured's household who are 16 years of age or older.

(2) (i) Before a first named insured makes a waiver under this subsection, the first named insured must be informed in writing of the nature and extent of the coverage and benefits described under this section.

(ii) A waiver made under this subsection shall be made on a form required by the Commissioner.

(iii) The form may be part of the contract of insurance.

(iv) The form shall clearly and concisely explain in 10 point boldface type:

1. The nature, extent, and cost of the coverage and benefits that would be provided under the policy if not waived by the first named insured;

2. That, as to a policy of private passenger motor vehicle liability insurance, a waiver made under this subsection constitutes a waiver of all the benefits described under this section, whether provided under the first named insured's policy or any other private passenger motor vehicle liability policy or coverage issued in this State;

3. That a waiver made under this subsection shall be binding on the following persons covered under the policy:

- A. All named insureds;
- B. All listed drivers; and
- C. All members of the first named insured's family residing in the first named insured's household who are 16 years of age or older;