

THE LIABILITY COVERAGE, WHERE THE LIABILITY INSURANCE COVERAGE UNDER A POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE INSURANCE IS IN EXCESS OF THAT REQUIRED UNDER § 17-107 OF THE TRANSPORTATION ARTICLE;

3. THAT AN INSURER MAY NOT REFUSE TO UNDERWRITE A PERSON BECAUSE THE PERSON REFUSES TO MAKE A WAIVER OF THE EXCESS UNINSURED MOTORIST COVERAGE UNDER THIS SUBSECTION; AND

4. THAT A WAIVER MADE UNDER THIS SUBSECTION MUST BE AN AFFIRMATIVE, WRITTEN WAIVER.

(4) FAILURE OF THE FIRST NAMED INSURED TO MAKE A AFFIRMATIVE WRITTEN WAIVER UNDER THIS SUBSECTION ~~ALLOWS~~ REQUIRES AN INSURER TO PROVIDE UNINSURED MOTORIST COVERAGE IN AN AMOUNT ~~LESS THAN~~ EQUAL TO THE AMOUNT OF THE LIABILITY COVERAGE, WHERE THE LIABILITY INSURANCE COVERAGE UNDER A POLICY OR BINDER OF PRIVATE PASSENGER MOTOR VEHICLE INSURANCE IS IN EXCESS OF THAT REQUIRED UNDER § 17-103 OF THE TRANSPORTATION ARTICLE.

(5) (I) AN INSURER MAY NOT REFUSE TO UNDERWRITE A PERSON BECAUSE THE PERSON REFUSES TO MAKE A WAIVER OF THE EXCESS UNINSURED MOTORIST COVERAGE UNDER THIS SUBSECTION.

(II) A VIOLATION OF THIS PARAGRAPH IS SUBJECT TO THE PENALTIES PROVIDED UNDER §§ 55 AND 55A OF THIS ARTICLE.

(6) A WAIVER MADE UNDER THIS SUBSECTION BY PERSONS CONTINUOUSLY INSURED BY AN INSURER OR BY THE MARYLAND AUTOMOBILE INSURANCE FUND SHALL BE CONSTRUED TO BE EFFECTIVE UNTIL WITHDRAWN IN WRITING.

(7) SUBJECT TO APPROVAL BY THE COMMISSIONER, THE WAIVER MADE UNDER THIS SUBSECTION MAY BE MADE ON THE SAME FORM AS THE WAIVER MADE UNDER § 539(F) OF THIS SUBTITLE.

(H) THE AMOUNT OF UNINSURED MOTORIST COVERAGE UNDER A MOTOR VEHICLE INSURANCE POLICY MAY NOT EXCEED THE AMOUNT OF THE LIABILITY COVERAGE UNDER THE SAME POLICY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only to motor vehicle insurance policies issued or delivered on or after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1992.

Approved May 26, 1992.