

## **Bulletin 330**

### **UNINSURED MOTORIST COVERAGE**

The Maine Insurance Code requires that motor vehicle insurance policies provide coverage for uninsured vehicles. Specifically, Title 24-A M.R.S.A. § 2902(1) provides in part that this protection extends to “persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured, underinsured or hit-and-run motor vehicles” (emphasis added). A recent Maine Supreme Judicial Court decision has held that policy wording utilized by many insurers fails to comply with this section.

*Butterfield v. Norfolk & Dedham*, 2004 ME 124 (September 30, 2004), involves policy language that limits uninsured motorist recovery to injuries sustained by “insured persons” or family members as defined in the policy. The Court held that the insurer impermissibly applied this wording to deny a wrongful death claim filed by the named insured due to the death of a daughter who was not an insured person or a family member as defined in the policy. Insurers issuing motor vehicle policies should review their uninsured motorist provisions in light of the *Butterfield* decision and take steps, if necessary, to conform their policies to section 2902(1) by February 1, 2005. Insurers using forms filed by a designated advisory organization on behalf of members and subscribers pursuant to section 2412(1)(C) may rely on conforming policies or endorsements.

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Superintendent of Insurance

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