



General Assembly

**Amendment**

January Session, 2007

LCO No. 6959

**\*SB0110506959SRO\***

Offered by:  
SEN. FASANO, 34<sup>th</sup> Dist.

To: Senate Bill No. 1105

File No. 31

Cal. No. 113

**"AN ACT ADOPTING THE NATIONAL ASSOCIATION OF  
INSURANCE COMMISSIONERS' INTERSTATE INSURANCE  
PRODUCT REGULATION COMPACT."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 38a-335 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) Each automobile liability insurance policy shall provide  
6 insurance in accordance with the regulations adopted pursuant to  
7 section 38a-334 against loss resulting from the liability imposed by law,  
8 with limits not less than those specified in subsection (a) of section 14-  
9 112, for damages because of bodily injury or death of any person and  
10 injury to or destruction of property arising out of the ownership,  
11 maintenance or use of a specific motor vehicle or motor vehicles within  
12 any state, territory, or possession of the United States of America or  
13 Canada.

14 (b) Each automobile liability insurance policy issued, renewed,  
15 amended or endorsed on or after October 1, 1988, and covering a  
16 private passenger motor vehicle as defined in subsection (e) of section  
17 38a-363, shall contain or have attached thereto a conspicuous statement  
18 specifying whether the policy provides liability, collision or  
19 comprehensive coverage for damage to a rented private passenger  
20 motor vehicle and, where the policy provides such coverage, the limit  
21 of coverage provided and whether any deductible amount applies.

22 (c) Each automobile liability insurance policy issued, renewed,  
23 amended or endorsed on or after October 1, 2007, and covering a  
24 private passenger motor vehicle, as defined in subsection (e) of section  
25 38a-363, shall provide basic reparations benefits for persons who suffer  
26 economic loss through injury arising out of the ownership,  
27 maintenance or use of such motor vehicle in accordance with the  
28 provisions of section 2 of this act.

29 [(c)] (d) Each automobile liability insurance policy issued, renewed,  
30 amended or endorsed on or after April 8, 1974, shall provide that if the  
31 provisions of the motor vehicle financial responsibility law or the  
32 motor vehicle compulsory insurance law or any similar law of any  
33 state, territory or possession of the United States of America or any  
34 Province of Canada, require insurance with respect to the operation or  
35 use of the motor vehicle in such state, territory, possession or province  
36 and such insurance requirements are greater than the insurance  
37 provided by the policy, the limits of the company's liability and the  
38 kinds of coverage afforded by the policy shall be as set forth in such  
39 law, in lieu of the insurance otherwise provided by the policy, but only  
40 to the extent required by such law and only with respect to the  
41 operation or use of the motor vehicle in such state, territory, possession  
42 or province; provided the insurance under this subsection shall be  
43 reduced to the extent that there is other valid and collectible insurance  
44 under such policy or any other motor vehicle insurance policy. In no  
45 event shall any person be entitled to receive duplicate payments for  
46 the same element of loss.

47 [(d)] (e) With respect to the insured motor vehicle, the coverage  
48 afforded under the bodily injury liability and property damage  
49 liability provisions in any such policy shall apply to the named insured  
50 and relatives residing in his household unless any such person is  
51 specifically excluded by endorsement.

52 Sec. 502. (NEW) (*Effective from passage*) (a) For the purposes of this  
53 section:

54 (1) "Basic reparations benefits" means benefits that reimburse  
55 persons suffering economic loss through injury arising out of the  
56 ownership, maintenance or use of a private passenger motor vehicle as  
57 provided in sections 38a-19 and 38a-363 to 38a-388, inclusive, of the  
58 general statutes;

59 (2) "Injury" has the same meaning as provided in section 38a-363 of  
60 the general statutes;

61 (3) "Owner" has the same meaning as provided in section 38a-363 of  
62 the general statutes; and

63 (4) "Private passenger motor vehicle" has the same meaning as  
64 provided in section 38a-363 of the general statutes.

65 (b) The owner's insurer is liable to pay, without regard to fault, basic  
66 reparations benefits under a uniform separately identifiable coverage  
67 of five thousand dollars per person per accident for economic loss  
68 resulting from injury arising out of the ownership, maintenance or use  
69 of a private passenger motor vehicle as a motor vehicle, subject to the  
70 provisions of sections 38a-19 and 38a-363 to 38a-388, inclusive, of the  
71 general statutes.

72 (c) Injury does not arise out of the ownership, maintenance or use of  
73 a parked vehicle as a private passenger motor vehicle unless (1) the  
74 injury was sustained by a person while occupying the vehicle, (2) the  
75 vehicle was parked in such a way as to cause unreasonable risk of the  
76 injury which occurred, or (3) the injury was the direct result of physical

77 contact with (A) equipment permanently mounted on such vehicle,  
78 while such equipment was being operated or used, or (B) property  
79 being lifted onto or lowered from such vehicle in the loading or  
80 unloading process.

81 (d) Basic reparations benefits are payable to or for the benefit of the  
82 injured person or, in the event of his death, to or for the benefit of his  
83 dependent survivors.

84 (e) The maximum amount of basic reparations benefits payable for  
85 all economic loss resulting from injury to any one person as the result  
86 of any one accident shall not exceed five thousand dollars per person  
87 regardless of the number of insurers involved. If two or more insurers  
88 are liable to pay benefits for such an injury, any insurer paying the  
89 benefits due shall be entitled to recover from each of the other insurers  
90 an equitable pro rata share of the benefits paid and expenses incurred  
91 in processing the claim.

92 (f) Basic reparations benefits for work loss, other than  
93 unemployment compensation, shall not exceed eighty-five per cent of  
94 the value of such work loss. Basic reparations benefits for work loss  
95 and survivor's loss shall not in any event exceed two hundred dollars  
96 for loss sustained in any one week, such maximum to apply pro rata to  
97 any lesser period."