



General Assembly

February Session, 2010

***Raised Bill No. 257***

LCO No. 1209

\*01209\_\_\_\_\_INS\*

Referred to Committee on Insurance and Real Estate

Introduced by:  
(INS)

***AN ACT CONCERNING MEDICAL PAYMENTS COVERAGE FOR  
AUTOMOBILE INSURANCE POLICIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-335 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) Each automobile liability insurance policy shall provide (1)  
4 insurance in accordance with the regulations adopted pursuant to  
5 section 38a-334 against loss resulting from the liability imposed by law,  
6 with limits not less than those specified in subsection (a) of section 14-  
7 112, for damages because of bodily injury or death of any person and  
8 injury to or destruction of property arising out of the ownership,  
9 maintenance or use of a specific motor vehicle or motor vehicles within  
10 any state, territory, or possession of the United States of America or  
11 Canada, and (2) medical payments coverage, in the amount of at least  
12 five thousand dollars per person per year, that provides coverage for  
13 hospital emergency room services. Such medical payments coverage  
14 shall be secondary to any health insurance coverage or other source of  
15 reimbursement to which the insured has a legal right.

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

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

42 (d) With respect to the insured motor vehicle, the coverage afforded  
43 under the bodily injury liability and property damage liability  
44 provisions and the medical payments coverage in any such policy shall  
45 apply to the named insured and relatives residing in [his] such  
46 insured's household unless any such person is specifically excluded by  
47 endorsement.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2010</i>	38a-335
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***Statement of Purpose:***

To require automobile liability insurance policies to include medical payments coverage.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*