

59 (ii) (A) a motor vehicle covered with lower liability limits than required by Section  
60 31A-22-304; and

61 (B) the motor vehicle described in Subsection (2)(a)(ii)(A) is uninsured to the extent of  
62 the deficiency;

63 (b) an unidentified motor vehicle that left the scene of an accident proximately caused  
64 by the motor vehicle operator;

65 (c) a motor vehicle covered by a liability policy, but coverage for an accident is  
66 disputed by the liability insurer for more than 60 days or continues to be disputed for more than  
67 60 days; or

68 (d) (i) an insured motor vehicle if, before or after the accident, the liability insurer of  
69 the motor vehicle is declared insolvent by a court of competent jurisdiction; and

70 (ii) the motor vehicle described in Subsection (2)(d)(i) is uninsured only to the extent  
71 that the claim against the insolvent insurer is not paid by a guaranty association or fund.

72 (3) Uninsured motorist coverage under Subsection 31A-22-302(1)(b) provides  
73 coverage for covered persons who are legally entitled to recover damages from owners or  
74 operators of uninsured motor vehicles because of bodily injury, sickness, disease, or death.

75 (4) (a) For new policies written on or after January 1, 2001, the limits of uninsured  
76 motorist coverage shall be equal to the lesser of the limits of the named insured's motor vehicle  
77 liability coverage or the maximum uninsured motorist coverage limits available by the insurer  
78 under the named insured's motor vehicle policy, unless a named insured rejects or purchases  
79 coverage in a lesser amount by signing an acknowledgment form that:

80 (i) is filed with the department;

81 (ii) is provided by the insurer;

82 (iii) waives the higher coverage;

83 (iv) ~~[reasonably explains the purpose of]~~ need only state in this or similar language that  
84 uninsured motorist coverage provides benefits or protection to you and other covered persons  
85 for bodily injury resulting from an accident caused by the fault of another party where the other  
86 party has no liability insurance; and

87 (v) discloses the ~~Ŝ~~ **→ [premium required to purchase the statutory minimum uninsured**  
88 **motorist coverage and]** ~~←Ŝ~~ additional premiums required to purchase uninsured motorist coverage  
89 with limits equal to the lesser of the limits of the named insured's motor vehicle liability

276 Subsections (10)(a) through (c) are satisfied.

277 (ii) The specified tier as defined by Rule 26(c)(3) of the Utah Rules of Civil Procedure  
278 shall be determined based on the claimant's specific monetary amount in the written demand  
279 for payment of uninsured motorist coverage benefits as required in Subsection (10)(a)(i)(A).

280 (iii) Rules 26.1 and 26.2 of the Utah Rules of Civil Procedure do not apply to

280a **§→ arbitration ←§** claims

281 under this part.

282 (i) All issues of discovery shall be resolved by the arbitrator or the arbitration panel.

283 (j) A written decision by a single arbitrator or by a majority of the arbitration panel  
284 shall constitute a final decision.

285 (k) (i) Except as provided in Subsection (10), the amount of an arbitration award may  
286 not exceed the uninsured motorist policy limits of all applicable uninsured motorist policies,  
287 including applicable uninsured motorist umbrella policies.

288 (ii) If the initial arbitration award exceeds the uninsured motorist policy limits of all  
289 applicable uninsured motorist policies, the arbitration award shall be reduced to an amount  
290 equal to the combined uninsured motorist policy limits of all applicable uninsured motorist  
291 policies.

292 (l) The arbitrator or arbitration panel may not decide the issues of coverage or  
293 extra-contractual damages, including:

294 (i) whether the claimant is a covered person;

295 (ii) whether the policy extends coverage to the loss; or

296 (iii) any allegations or claims asserting consequential damages or bad faith liability.

297 (m) The arbitrator or arbitration panel may not conduct arbitration on a class-wide or  
298 class-representative basis.

299 (n) If the arbitrator or arbitration panel finds that the action was not brought, pursued,  
300 or defended in good faith, the arbitrator or arbitration panel may award reasonable attorney fees  
301 and costs against the party that failed to bring, pursue, or defend the claim in good faith.

302 (o) An arbitration award issued under this section shall be the final resolution of all  
303 claims not excluded by Subsection (9)(l) between the parties unless:

304 (i) the award was procured by corruption, fraud, or other undue means;

305 (ii) either party, within 20 days after service of the arbitration award:

306 (A) files a complaint requesting a trial de novo in the district court; and

493 (ii) is provided by the insurer;  
 494 (iii) waives the higher coverage;  
 495 (iv) ~~[reasonably explains the purpose of]~~ need only state in this or similar language that  
 496 underinsured motorist coverage provides benefits or protection to you and other covered  
 497 persons for bodily injury resulting from an accident caused by the fault of another party where  
 498 the other party has insufficient liability insurance; and

499 (v) discloses the ~~§~~ **→** [premium required to purchase the statutory minimum underinsured  
 500 motorist coverage and] ~~←~~ **§** additional premiums required to purchase underinsured motorist  
 501 coverage with limits equal to the lesser of the limits of the named insured's motor vehicle  
 502 liability coverage or the maximum underinsured motorist coverage limits available by the  
 503 insurer under the named insured's motor vehicle policy.

504 (b) Any selection or rejection under Subsection (3)(a) continues for that issuer of the  
 505 liability coverage until the insured requests, in writing, a change of underinsured motorist  
 506 coverage from that liability insurer.

507 (c) (i) Subsections (3)(a) and (b) apply retroactively to any claim arising on or after  
 508 January 1, 2001, for which, as of May 14, 2013, an insured has not made a written demand for  
 509 arbitration or filed a complaint in a court of competent jurisdiction.

510 (ii) The Legislature finds that the retroactive application of Subsections (3)(a) and (b)  
 511 clarifies legislative intent and does not enlarge, eliminate, or destroy vested rights.

512 ~~(b)~~ (d) For purposes of this Subsection (3), "new policy" means:

513 (i) any policy that is issued which does not include a renewal or reinstatement of an  
 514 existing policy; or

515 (ii) a change to an existing policy that results in:

516 (A) a named insured being added to or deleted from the policy; or

517 (B) a change in the limits of the named insured's motor vehicle liability coverage.

518 ~~(c)~~ (e) (i) As used in this Subsection (3)~~(c)~~(e), "additional motor vehicle" means a  
 519 change that increases the total number of vehicles insured by the policy, and does not include  
 520 replacement, substitute, or temporary vehicles.

521 (ii) The adding of an additional motor vehicle to an existing personal lines or  
 522 commercial lines policy does not constitute a new policy for purposes of Subsection  
 523 (3)~~(b)~~(d).

679 for payment of uninsured motorist coverage benefits as required in Subsection (9)(a)(i)(A).

680 (iii) Rules 26.1 and 26.2 of the Utah Rules of Civil Procedure do not apply to

680a §→ arbitration ←§ claims

681 under this part.

682 (i) An issue of discovery shall be resolved by the arbitrator or the arbitration panel.

683 (j) A written decision by a single arbitrator or by a majority of the arbitration panel

684 constitutes a final decision.

685 (k) (i) Except as provided in Subsection (9), the amount of an arbitration award may

686 not exceed the underinsured motorist policy limits of all applicable underinsured motorist

687 policies, including applicable underinsured motorist umbrella policies.

688 (ii) If the initial arbitration award exceeds the underinsured motorist policy limits of all

689 applicable underinsured motorist policies, the arbitration award shall be reduced to an amount

690 equal to the combined underinsured motorist policy limits of all applicable underinsured

691 motorist policies.

692 (l) The arbitrator or arbitration panel may not decide an issue of coverage or

693 extra-contractual damages, including:

694 (i) whether the claimant is a covered person;

695 (ii) whether the policy extends coverage to the loss; or

696 (iii) an allegation or claim asserting consequential damages or bad faith liability.

697 (m) The arbitrator or arbitration panel may not conduct arbitration on a class-wide or

698 class-representative basis.

699 (n) If the arbitrator or arbitration panel finds that the arbitration is not brought, pursued,

700 or defended in good faith, the arbitrator or arbitration panel may award reasonable attorney fees

701 and costs against the party that failed to bring, pursue, or defend the arbitration in good faith.

702 (o) An arbitration award issued under this section shall be the final resolution of all

703 claims not excluded by Subsection (8)(l) between the parties unless:

704 (i) the award is procured by corruption, fraud, or other undue means;

705 (ii) either party, within 20 days after service of the arbitration award:

706 (A) files a complaint requesting a trial de novo in the district court; and

707 (B) serves the nonmoving party with a copy of the complaint requesting a trial de novo

708 under Subsection (8)(o)(ii)(A).

709 (p) (i) Upon filing a complaint for a trial de novo under Subsection (8)(o), a claim shall