

150 (ii) This rejection shall be on a form provided by the insurer that includes a reasonable
151 explanation of the purpose of uninsured motorist coverage.

152 (iii) This rejection continues for that issuer of the liability coverage until the insured in
153 writing requests uninsured motorist coverage from that liability insurer.

154 (b) (i) All persons, including governmental entities, that are engaged in the business of,
155 or that accept payment for, transporting natural persons by motor vehicle, and all school
156 districts that provide transportation services for their students, shall provide coverage for all
157 motor vehicles used for that purpose, by purchase of a policy of insurance or by self-insurance,
158 uninsured motorist coverage of at least \$25,000 per person and \$500,000 per accident.

159 (ii) This coverage is secondary to any other insurance covering an injured covered
160 person.

161 (c) Uninsured motorist coverage:

162 [~~(i) is secondary to the benefits provided by Title 34A, Chapter 2, Workers'~~
163 ~~Compensation Act;]~~

164 **H→ [(i) does not cover any benefit paid, agreed to be paid, or ordered to be paid under Title**
165 **34A, Chapter 2, Workers' Compensation Act, including any benefit subject to reimbursement**
166 **in accordance with Subsection 34A-2-106(5);] (i) does not cover any benefit paid or payable under**
166a **Title 34A, Chapter 2, Workers' Compensation Act, except that the covered person is credited**
166b **an amount described in Subsection 34A-2-106(5); ←H**

167 (ii) may not be subrogated by the workers' compensation insurance carrier;

168 (iii) may not be reduced by any benefits provided by workers' compensation insurance;

169 (iv) may be reduced by health insurance subrogation only after the covered person has
170 been made whole;

171 (v) may not be collected for bodily injury or death sustained by a person:

172 (A) while committing a violation of Section 41-1a-1314;

173 (B) who, as a passenger in a vehicle, has knowledge that the vehicle is being operated
174 in violation of Section 41-1a-1314; or

175 (C) while committing a felony; and

176 (vi) notwithstanding Subsection (5)(c)(v), may be recovered:

177 (A) for a person under 18 years of age who is injured within the scope of Subsection
178 (5)(c)(v) but limited to medical and funeral expenses; or

179 (B) by a law enforcement officer as defined in Section 53-13-103, who is injured
180 within the course and scope of the law enforcement officer's duties.

615 resident sibling.

616 (B) Each parent's policy under this Subsection (4)(b)(ii) is liable only for the
617 percentage of the damages that the limit of liability of each parent's policy of underinsured
618 motorist coverage bears to the total of both parents' underinsured coverage applicable to the
619 accident.

620 (iii) A covered person's recovery under any available policies may not exceed the full
621 amount of damages.

622 (iv) Underinsured coverage on a motor vehicle occupied at the time of an accident is
623 primary coverage, and the coverage elected by a person described under Subsections
624 31A-22-305(1)(a), (b), and (c) is secondary coverage.

625 (v) The primary and the secondary coverage may not be set off against the other.

626 (vi) A covered person as described under Subsection (4)(b)(i) is entitled to the highest
627 limits of underinsured motorist coverage under only one additional policy per household
628 applicable to that covered person as a named insured, spouse, or relative.

629 (vii) A covered injured person is not barred against making subsequent elections if
630 recovery is unavailable under previous elections.

631 (viii) (A) As used in this section, "interpolicy stacking" means recovering benefits for a
632 single incident of loss under more than one insurance policy.

633 (B) Except to the extent permitted by this Subsection (4), interpolicy stacking is
634 prohibited for underinsured motorist coverage.

635 (c) Underinsured motorist coverage:

636 [~~(i) is secondary to the benefits provided by Title 34A, Chapter 2, Workers'~~
637 ~~Compensation Act;~~]

638 **Ĥ→ [(i) does not cover any benefit paid, agreed to be paid, or ordered to be paid under Title**
639 **34A, Chapter 2, Workers' Compensation Act, including any benefit subject to reimbursement**
640 **in accordance with Subsection 34A-2-106(5);] (i) does not cover any benefit paid or payable under**
640a **Title 34A, Chapter 2, Workers' Compensation Act, except that the covered person is credited**
640b **an amount described in Subsection 34A-2-106(5); ←Ĥ**

641 (ii) may not be subrogated by a workers' compensation insurance carrier;

642 (iii) may not be reduced by benefits provided by workers' compensation insurance;

643 (iv) may be reduced by health insurance subrogation only after the covered person is
644 made whole;

645 (v) may not be collected for bodily injury or death sustained by a person:

677 provide notice of the tender to all underinsured motorist insurers for which the liability insurer
678 received notice under Subsection (6)(d):]

679 [(f) If a claimant accepts the policy limits tender of each liability insurer, the liability
680 insurer shall pay the claimant the accepted policy limits:]

681 [(g) (i) The subrogation rights of an underinsured motorist insurer are waived, unless:]

682 [(A) within five days of delivery of the notice of tender from the liability insurer, the
683 underinsured motorist insurer affirmatively asserts the underinsured motorist insurer's rights to
684 subrogation by delivering notice to the liability insurer of the underinsured motorist insurer's
685 rights to subrogate; and]

686 [(B) the underinsured motorist insurer reimburses the liability insurer for the policy
687 limits paid to the claimant:]

688 [(ii) If the subrogation rights of an underinsured motorist insurer are not waived under
689 Subsection (6)(g)(i), any liability release signed by the claimant or the claimant's representative
690 is rescinded:]

691 [(iii) A claimant's underinsured motorist coverage is preserved if the claimant provides
692 notice to the underinsured motorist insurer as described in Subsection (6)(d):]

693 [(h) A person providing a notice required in this Subsection (6) shall deliver the notice
694 by a service that provides proof of delivery:]

695 (6) An underinsured motorist insurer does not have a right of reimbursement against a
696 person liable for the damages resulting from an injury-causing occurrence if the person's
697 liability insurer has tendered the policy limit ~~to~~ and the limits have been accepted by the
697a claimant ~~to~~ .

698 (7) Except as otherwise provided in this section, a covered person may seek, subject to
699 the terms and conditions of the policy, additional coverage under any policy:

700 (a) that provides coverage for damages resulting from motor vehicle accidents; and

701 (b) that is not required to conform to Section 31A-22-302.

702 (8) (a) When a claim is brought by a named insured or a person described in
703 Subsection 31A-22-305(1) and is asserted against the covered person's underinsured motorist
704 carrier, the claimant may elect to resolve the claim:

705 (i) by submitting the claim to binding arbitration; or

706 (ii) through litigation.

707 (b) Unless otherwise provided in the policy under which underinsured benefits are