

Mississippi Amends Law to Weaken Defense of Uninsured Motorist Carriers for Defense to Claims Involving Owners and Operators Subject to Immunity under the Mississippi Tort Claims Act

On June 10, 2020, Governor Tate Reeves signed into law Senate Bill 2230, aimed at expanding coverage under Mississippi's Uninsured Motorist Act. The Bill, which will become effective July 1, 2020 expands coverage under the Uninsured Motorist Act to include coverage for bodily injury or death caused in whole or in part by owners or operators of vehicles ordinarily immune under the Mississippi Tort Claims Act.

Prior to Senate Bill 2230, coverage under Mississippi's Uninsured Motorist Act was limited to claims for bodily injury or death resulting "from the owner or operator of an uninsured motor vehicle." Miss. Code Ann. §83-11-101(1). While Mississippi law has previously included vehicles "owned or operated by a person protected by immunity under the Mississippi Tort Claims Act" as meeting the definition of an uninsured motor vehicle under certain conditions, uninsured motorist carriers have been previously able to argue against liability for many of these claims based upon the immune status of owners and operators of that vehicle. Specifically, the prior law required carriers to provide uninsured motorist coverage which undertook to pay "the insured all sums which he shall be legally entitled to recover." Miss. Code Ann. §83-11-101(1). Because in many instances, owners and operators were afforded immunity under the Mississippi Tort Claims Act, This limitation naturally provided a defense for uninsured motorist carriers in that injured parties are not "legally entitled to recover" against owners and operators subject to the Mississippi Tort Claims Act based upon their immune status.

Senate Bill 2230 effectively abolishes this defense in that, as of July 1, 2020, the paradox between vehicles subject to the Mississippi Tort Claims Act being classified as uninsured motor vehicles, but being immune from recovery, has now been explicitly resolved.

For the full text of Senate Bill 2230, click [here](#).

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