

April 8, 2008

Dear Insurer:

The purpose of this letter is to establish uniformity and consistency with the language of the DC Code to describe an *underinsured* and *uninsured motor vehicle*.

Effective immediately, District of Columbia motor vehicle policy filings will not be approved unless they contain the following terms in their definitions of an “underinsured” and “uninsured” motor vehicle.

A. *Underinsured motor vehicle* – The term “underinsured motor vehicle” means an insured motor vehicle where the limits on 3rd-party personal liability or property damage coverage under the insurance required by § 31-2406 are insufficient to pay the loss up to the limit of uninsured motor vehicle coverage as requested by the insured. District of Columbia Official Code § 31-2402(32 A).

B. *Uninsured motor vehicle* – Pursuant to § 31-2406(f) Mandatory uninsured motorist protection-(1) For purposes of this subsection, the term “uninsured motor vehicle” means a motor vehicle which:

(A) Is a motor vehicle which is not insured by a motor vehicle liability policy applicable to the accident;

(B) Is covered by a motor vehicle liability policy of insurance but the insured denies coverage for any reason or becomes the subject of insolvency proceedings in any jurisdiction; or

(C) Is a motor vehicle which causes bodily injury or property damage and whose owner or operator cannot be identified.

These definitions may include terms and conditions more favorable than the requirements of the law but cannot deviate from these requirements. All other terms and conditions of the no-fault motor vehicle law, as cited in DC Official Code § 31-2401 et. seq. and 26 DCMR continue to apply.

All insurers, with non-complying forms, will need to re-submit forms containing this language for approval. Copies of approved forms should be mailed to the policyholder’s last known address within a reasonable period of time.

If you have any questions, please contact Angela King, Insurance Examiner at (202) 442-7798 or angela.king@dc.gov.

Sincerely,

Angela J. King, CPCU, MS Insurance Mgmt.
Insurance Examiner