

**Vermont Department of Banking, Insurance, Securities
and Health Care Administration**

Insurance Division Bulletin 152

UNINSURED MOTORIST FORM FILINGS

The purpose of this bulletin is to notify insurance companies how the Department interprets the uninsured motorist statute and the requirements for form filings.

The uninsured motorist statute, 23 V.S.A. §941(a), mandates coverage for damage caused by “uninsured, underinsured and hit-and-run motor vehicles” without defining what a hit-and-run vehicle is. In the past, the Department has approved policies that interpreted “hit-and-run” to mean an actual hit, or physical contact. While the Vermont Supreme Court has not opined on this issue, at least three Superior Court opinions have, each of which declared that the statute does not permit an insurer to limit coverage to damage caused by a “hit-and-run” vehicle that makes actual contact with the insured. *See, Grant v. New Hampshire Indemnity Co.*, 8 Vermont Trial Court Reporter 18, Docket No. 14-1-02 (Benn. Sup. Ct. July 17, 2003)(collecting cases). The *Grant* opinion also cites to Supreme Court opinions from Maine, Massachusetts, New Hampshire and Rhode Island, all of which have statutes similarly worded to Vermont’s, and all of which preclude the limitation of coverage to damage caused by actual contact.

The Department has adopted this interpretation, and does not accept forms that purport to limit uninsured motorist coverage to damage caused by actual contact by a “hit-and-run” vehicle. Acceptable alternatives include requirements of sworn statements from the insured, reporting to the police, and proof of claim by the preponderance of the evidence, but do not include requirements for independent corroboration.

Insurers are advised to review their filed forms, and if existing forms are noncompliant, to refile their forms within 90 days of this bulletin. Until such time as new forms are approved, insurers shall process pending and new claims in accordance with the interpretation in this bulletin.

Questions relating to the Insurance Division filings should be directed to Phil Keller, Director of Insurance Rates and Forms.

Dated at Montpelier, Vermont this 13th day of February, 2007.

s/PJT

Paulette J. Thabault, Commissioner