

# Index

## **ACCEPTANCE**

- Contracts, acceptance by insurer, § 2:14
- Waiver and estoppel, acceptance of renewal premium, § 6:20

## **ACCIDENTAL DEATH**

- Generally, § 15:23

## **ACQUIRED ORGANIZATIONS**

- Commercial liability insurance, § 12:21

## **ACTIONS**

- Generally, §§ 5:1-5:45
- Declaratory Judgment Actions** (this index)
- Equitable action, § 5:35
- Garnishment, § 5:33
- Impleading insurer, § 5:31
- Insured's recovery on liability policy, § 5:31
- Parties to Actions** (this index)
- Pretrial Practice and Procedure** (this index)
- Property damage insurance, § 13:29
- Subrogation, Contribution, and Assignment** (this index)
- Third party recovery on liability policy
  - generally, §§ 5:32-5:35
  - equitable action, § 5:35
  - garnishment, §§ 5:33, 5:34
- Trial** (this index)
- Underinsured motorist insurance, § 11:2
- Vexatious Refusal to Pay** (this index)

## **ADJUSTMENT OF CLAIMS**

- Property damage insurance claims, § 13:19

## **ADJUSTMENT OF LOSS**

- Waiver and estoppel, § 6:23

## **ADMINISTRATIVE LAW**

- Contracts, construction of, § 1:32

## **ADVERTISING INJURY LIABILITY**

- Generally, § 12:17

## **AGENTS AND BROKERS**

- Generally, §§ 2:2-2:11
- Actual authority, § 2:4
- Apparent authority, § 2:5
- Definitions and regulations, § 2:2

**AGENTS AND BROKERS—Cont'd**

- Determination of agency, § 2:10
- Duration of agency, § 2:8
- Liability of agents to applicants and insureds, § 2:11
- Notice to agent, § 2:7
- Ratification, § 2:6
- Termination of independent insurance agent, § 2:9

**AGREEMENT OF SALE**

- Motor vehicle liability insurance, transfer of vehicle, § 9:34

**AIRCRAFT**

- Commercial liability insurance, § 12:12

**ALL RISK PROPERTY DAMAGE INSURANCE**

- Generally, § 13:12

**AMBIGUITIES IN CONTRACTS**

- Generally, §§ 1:22-1:25

**APPLICATIONS FOR INSURANCE**

- Generally, § 2:12
- Life insurance
  - generally, §§ 15:8-15:10
  - good health, § 15:10
  - representations by applicant, § 15:9
- Motor vehicle liability insurance, § 9:9

**APPRAISALS**

- Pretrial practice and procedure, § 5:3
- Property damage insurance, § 13:24

**ASSIGNMENT**

- Subrogation, Contribution, and Assignment** (this index)

**ATTACHMENT OF LIABILITY**

- Cancellation after, § 3:13

**ATTORNEYS' FEES**

- Declaratory judgment actions, § 5:41
- Legal Expense Fund, § 7:50
- Liability insurance, § 7:50
- Vexatious refusal to pay, § 5:29

**AUTHORITY OF AGENTS AND BROKERS**

- Generally, §§ 2:4, 2:5

**AUTOMOBILES**

- Motor Vehicles** (this index)

**AVOIDANCE OF COVERAGE**

- Generally, §§ 3:15-3:29
- Affirmative defense, § 3:21
- Breach of policy conditions, § 3:29

## INDEX

### **AVOIDANCE OF COVERAGE—Cont'd**

- Breach of warranty, § 3:19
- Definitions, § 3:16
- Deposit, § 3:25
- Election of rescission, § 3:24
- Misrepresentation
  - generally, § 3:17 et seq.
  - definitions, § 3:16
  - materiality of misrepresentation, §§ 3:18, 3:23
  - waiver of misrepresentation, § 3:26
- Misrepresentation, generally, § 3:17 et seq.
- Promissory warranties, § 3:29
- Property damage insurance, §§ 13:16, 13:17
- Separate coverages, § 3:15
- Statutory limitations, § 3:22
- Tender, necessity of, § 3:25
- Third parties, rights of, § 3:27
- Waiver of misrepresentation, § 3:26

### **BAD FAITH REFUSAL TO SETTLE**

- Generally, §§ 8:1-8:3
- Assignability, § 8:2
- Establishing bad faith, § 8:3
- Nature of action, § 8:2

### **BANKRUPTCY**

- Uninsured motorist insurance, insolvency of liability insurer, § 10:14

### **BENEFICIARIES**

- Life Insurance (this index)

### **BINDERS**

- Generally, § 2:13

### **BOATS**

- Commercial liability insurance, § 12:12

### **BREACH OF POLICY CONDITIONS**

- Avoidance, § 3:29
- Property damage insurance, § 13:16

### **BREACH OF WARRANTY**

- Avoidance, § 3:19

### **BURDEN OF PROOF**

- Declaratory judgment actions, § 5:40
- Motor vehicle liability insurance, burden of proof of permission to use, § 9:25
- Trial, § 5:13

### **CANCELLATION AND TERMINATION**

- Generally, §§ 3:1-3:14
- Agents, termination of independent insurance agent, § 2:9

**CANCELLATION AND TERMINATION—Cont'd**

- Attachment of liability, cancellation after, § 3:13
- Attempted wrongful cancellation, § 3:14
- Automobile policies, § 3:6
- Avoidance of Coverage** (this index)
- Commercial casualty policies, § 3:7
- Commercial liability insurance, § 12:28
- Finance company, § 3:12
- Insured, cancellation by, § 3:12
- Insurer, cancellation by
  - generally, §§ 3:2-3:11
  - automobile policies, § 3:6
  - commercial casualty policies, § 3:7
  - notice of cancellation, §§ 3:9, 3:10
  - property policies, § 3:5
  - refund of unearned premium, § 3:11
  - statutory regulation, §§ 3:3-3:8
- Motor vehicle liability insurance, §§ 3:6, 9:9
- Notice of cancellation, § 3:9
- Property policies, § 3:5
- Refund of unearned premium, § 3:11
- Reinstatement of coverage, § 2:27
- Waiver and estoppel, § 6:21

**CAPACITY**

- Property damage insurance, insurable interest, § 13:7

**CARE OF PROPERTY BY INSURED**

- Liability insurance, § 7:33

**CAUSATION**

- Homeowner's insurance, § 14:9
- Liability insurance, § 7:15
- Life insurance, cause of death limited, § 15:22

**CERTIFICATE OF INSURANCE**

- Motor vehicle liability insurance (Form SR-22), § 9:3

**CHANGE OF BENEFICIARIES**

- Generally, § 15:18

**CHECKS**

- Payment by check, § 2:32

**COINSURANCE CLAUSES**

- Generally, § 13:27

**COMMERCIAL LIABILITY INSURANCE**

- Generally, §§ 12:1-12:31
- Acquired organizations, § 12:21
- Advertising injury liability, § 12:17
- Auto, aircraft, and watercraft, liability from, § 12:12

## INDEX

### COMMERCIAL LIABILITY INSURANCE—Cont'd

- Bodily injury and property damage
  - generally, §§ 12:3-12:16
  - damages covered, § 12:5
  - exclusions
    - auto, aircraft, and watercraft, liability from, § 12:12
    - contract, liability assumed by, § 12:11
    - employee and related exclusions, § 12:15
    - expected or intended harm, § 12:10
    - mobile equipment liability, § 12:13
    - products, completed operations hazard, § 12:14
  - fire to rented premises, § 12:7
  - mobile equipment, § 12:8
  - occurrence format, § 12:3
  - products, completed operations hazard, §§ 12:6, 12:14
- Business limitation, § 12:20
- Cancellation and termination, § 3:7
- Conditions. Limits and conditions, *infra*
- Contract, liability assumed by, § 12:11
- Coverage A. Bodily injury and property damage, *supra*
- Coverage B, § 12:17
- Death or extension of named insured, § 12:21
- Discrimination, cancellation, and nonrenewal, § 12:28
- Duty to defend, § 12:25
- Employee and related exclusions, § 12:15
- Exclusions. Bodily injury and property damage, *supra*
- Expected or intended harm, § 12:10
- Fire to rented premises, § 12:7
- Garage liability policy, § 12:29
- Landlords and tenants
  - generally, § 12:31
  - fire to rented premises, § 12:7
- Limits and conditions
  - generally, §§ 12:24-12:28
  - conditions of coverage, § 12:27
  - discrimination, cancellation, and nonrenewal, § 12:28
  - duty to defend, § 12:25
  - limits of coverage, § 12:24
  - other insurance, § 12:26
- Mobile equipment, §§ 12:8, 12:13
- Occurrence format, § 12:3
- Owners' liability insurance, § 12:31
- Personal and advertising injury liability, § 12:17
- Persons insured
  - generally, §§ 12:19-12:23
  - acquired organizations, § 12:21
  - business limitation, § 12:20

**COMMERCIAL LIABILITY INSURANCE—Cont'd**

- Persons insured—Cont'd
  - death or extension of named insured, § 12:21
  - severability of insureds, § 12:23
- Products, completed operations hazard, §§ 12:6, 12:14
- Professional liability insurance, § 12:30
- Property damage. Bodily injury and property damage, supra
- Severability of insureds, § 12:23
- Supplementary payments coverage, § 12:18
- Tenants. Landlords and tenants, supra

**COMPROMISE AND SETTLEMENT**

- Bad Faith Refusal to Settle** this index
- Duty to settle, § 7:44
- Excepting liability insurance coverage, settlement with insured tortfeasor, § 7:46
- Post-loss issues, settlement and release of tortfeasor, § 4:18
- Unfair Claims Settlement Practices Act, § 7:40

**COMPULSORY APPRAISAL**

- Generally, § 5:3
- Property damage insurance, § 13:24

**COMPULSORY ARBITRATION**

- Generally, § 5:3

**CONDITIONS OF COVERAGE**

- Limits and Conditions of Coverage** (this index)

**CONDITIONS PRECEDENT TO ACTION**

- Generally, § 5:2

**CONFLICTING CLAUSES**

- Contracts, § 1:33

**CONSENT OF INSURED**

- Life insurance, insurable interest, § 15:7

**CONTRACTS AND POLICIES**

- Generally, §§ 1:1-1:40, 2:1-2:33
- Acceptance or rejection by insurer, § 2:14
- Administrative agencies, construction by, § 1:32
- Agents and brokers
  - generally, §§ 2:2-2:11
  - actual authority, § 2:4
  - apparent authority, § 2:5
  - definitions and regulations, § 2:2
  - determination of agency, § 2:10
  - duration of agency, § 2:8
  - liability of agents to applicants and insureds, § 2:11
  - notice to agent, § 2:7
  - ratification, § 2:6
  - termination of independent insurance agent, § 2:9

## INDEX

### CONTRACTS AND POLICIES—Cont'd

- Ambiguities, §§ 1:22-1:25
- Application for insurance, § 2:12
- Approval of policy forms, § 1:5
- Authority of agents and brokers, §§ 2:4, 2:5
- Automobile insurance, § 2:25
- Binders, § 2:13
- Brokers. Agents and brokers, *supra*
- Canons of construction, §§ 1:17-1:34
- Causes of action in insureds, § 2:26
- Check, payment by, § 2:32
- Commercial liability insurance, liability assumed by contract, § 12:11
- Conflicting clauses, § 1:33
- Construction of policy provisions, generally, §§ 1:17-1:40
- Definitions, §§ 1:21, 2:2
- Documents comprising insurance contracts, § 1:8
- Duration of agency, § 2:8
- Duress by lender, § 2:33
- Excuses for nonperformance, § 4:10
- Expiration of coverage, § 2:18
- Extrinsic evidence, § 1:35
- Formation of insurance contracts, generally, §§ 2:1-2:33
- Governing law, §§ 1:11, 1:12
- Group policies, §§ 1:10, 2:15
- Incapacity or impossibility of performance, § 4:5
- Independent insurance producer contracts, § 2:23
- Intent of parties, § 1:18
- Kansas connection, §§ 1:15, 1:16
- Language
  - position or sequence, § 1:30
  - punctuation used in terminology, § 1:29
- Liability insurance
  - policy limits, § 7:18
  - policy period, § 7:13
- Liability of agents to applicants and insureds, § 2:11
- Life insurance
  - generally, §§ 15:11-15:15
  - incontestable policy, § 15:11
  - nonforfeiture of reserves, § 15:15
  - payment of premiums, § 15:13
  - terms of insurance contract, § 15:12
  - waiver of premium, § 15:14
- Mail, payment by, § 2:31
- Notice
  - to agent, § 2:7
  - of premium due, § 2:29
  - of rejection, § 2:16

**CONTRACTS AND POLICIES—Cont'd**

- Oral contracts, § 1:9
- Parties' own construction, § 1:31
- Performance by insured, sufficiency
  - generally, §§ 4:2-4:10
  - excuses for nonperformance, § 4:10
  - incapacity or impossibility, § 4:5
  - prejudice, §§ 4:4-4:9
  - substantial performance, § 4:3
- Position or sequence of language, § 1:30
- Precontractual negotiations, § 1:36
- Prejudice, §§ 4:4-4:9
- Premium payment
  - generally, §§ 2:28-2:33
  - check, payment by, § 2:32
  - duress by lender, § 2:33
  - mail, payment by, § 2:31
  - notice of premium due, § 2:29
  - persons to whom paid, § 2:30
- Pretrial practice and procedure, contract actions, § 5:5
- Printed provisions, § 1:28
- Province of court or jury, § 1:38
- Public policy, § 1:6
- Punctuation used in terminology, § 1:29
- Ratification, § 2:6
- Reasonableness of construction
  - generally, § 1:34
  - expectations of parties to contract, §§ 1:7, 1:37
- Reformation, § 1:40
- Reinstatement of coverage, § 2:27
- Rejection by insurer, § 2:14
- Renewal
  - generally, §§ 2:19-2:26
  - automobile insurance, § 2:25
  - causes of action in insureds, § 2:26
  - contractual obligations, § 2:20
  - independent insurance producer contracts, § 2:23
  - residential property insurance, § 2:24
  - statutory limitations on nonrenewal, §§ 2:21, 2:22
- Residential property insurance, § 2:24
- Restatement view, §§ 1:13, 1:14
- Separate contracts, each coverage as, § 1:39
- Sequence of language, § 1:30
- Statutes, § 1:4
  - applicable statutes read into policies, § 1:26
  - limitations on nonrenewal, §§ 2:21, 2:22
- Substantial performance, § 4:3

## INDEX

### **CONTRACTS AND POLICIES—Cont'd**

- Termination of independent insurance agent, § 2:9
- Terms of contract, generally, §§ 1:4-1:16
- Trial, contract actions, § 5:17
- Typed and printed provisions, § 1:28
- Whole policy, consideration of, §§ 1:19, 1:27

### **CONTRIBUTION**

- Subrogation, Contribution, and Assignment** (this index)

### **COOPERATION OF INSURED**

- Post-loss issues, § 4:20

### **CORPORATIONS**

- Waiver and estoppel, conduct of corporations, § 6:28

### **CUSTODY OF PROPERTY BY INSURED**

- Liability insurance, § 7:33
- Motor vehicles, permissive users. **Motor Vehicle Liability Insurance** (this index)

### **DAMAGES**

- Generally, §§ 7:20-7:22
- Bodily injury, personal injury, and property damage, § 7:20
- Contribution by joint tortfeasor as damages, § 7:21
- Punitive damages, § 7:22
- Underinsured motorist insurance, §§ 11:4-11:6
- Uninsured motorist insurance
  - generally, §§ 10:18-10:21
  - causation, § 10:18
  - limits of coverage, § 10:21
- Vexatious refusal to pay, § 5:21

### **DEATH OF INSURED**

- Commercial liability insurance, death or extension of named insured, § 12:21
- Liability insurance, defendant ad litem for deceased insured, § 7:45
- Life Insurance** (this index)
- Property damage insurance, death of insured, § 13:4

### **DECEPTION**

- Misrepresentations** (this index)

### **DECLARATORY JUDGMENT ACTIONS**

- Generally, §§ 5:36-5:41
- Attorney's fees, § 5:41
- Burdens of proof, § 5:40
- Intervention, § 5:39
- Judgment, § 5:40
- Parties, § 5:38
- Stay of action, § 5:39
- Tort action, § 5:39
- Trial, § 5:40

**DEFINITIONS**

Avoidance, § 3:16  
Contracts, §§ 1:21, 2:2  
Motor vehicle liability insurance, § 9:1

**DELAY**

Uninsured motorist insurance, § 10:20

**DEMONSTRATION VEHICLES**

Motor vehicle liability insurance, § 9:7

**DEPOSIT**

Avoidance, § 3:25

**DISCLAIMERS**

Waiver and estoppel, disclaimer of waiver and estoppel in application or policy,  
§ 6:4

**DISCRIMINATION**

Commercial liability insurance, § 12:28

**DURESS**

Contracts, duress by lender, § 2:33

**DUTY TO DEFEND**

Generally, §§ 7:42, 7:43, 12:25

**DUTY TO INVESTIGATE**

Generally, § 7:41

**DUTY TO SETTLE**

Generally, § 7:44

**ELECTION OR CHOICE**

Avoidance, election of rescission, § 3:24

**EMPLOYEES OF INSURED**

Generally, § 7:31  
Commercial liability insurance, employee and related exclusions, § 12:15

**EQUITY**

Equitable actions, § 5:35  
Property damage insurance, equitable right to proceeds, § 13:3

**ESCAPE CLAUSES**

Liability insurance, § 7:36

**EVIDENCE**

**Burden of Proof** (this index)  
Life insurance, evidence of death, § 15:21  
Motor vehicle liability insurance  
    proof of financial responsibility, § 9:4  
    uninsured motorist insurance, *infra*  
Post-loss issues, proof of loss, § 4:15  
Presumptions, § 5:14

## INDEX

### **EVIDENCE—Cont'd**

- Uninsured motorist insurance
  - elements of proof in actions on uninsured motorist claims, § 10:6
  - proof of uninsured status, § 10:16

### **EXCESS CLAUSES**

- Liability insurance, § 7:36

### **EXCLUSIONS**

- Commercial Liability Insurance** (this index)
- Homeowner's insurance
  - from liability coverage, § 14:12
  - from property coverage, § 14:9
- Liability insurance
  - generally, §§ 7:23-7:33
  - business pursuits, § 7:32
  - care, custody, or control of property by insured, damage to, § 7:33
- Commercial Liability Insurance** (this index)
  - coverage by exclusion, § 7:24
  - employees of insured, § 7:31
  - family exclusion clause, Motor Vehicle Financial Responsibility Law, § 7:27
  - motor vehicles
    - Motor Vehicle Financial Responsibility Law, §§ 7:25-7:28
    - ownership, maintenance, or use, injury or damage arising from, § 7:30
  - uninsured motorist coverage, § 7:29
- Motor vehicle liability insurance
  - generally, §§ 9:31-9:34
  - coverage limited by exclusion, § 9:33
  - Motor Vehicle Financial Responsibility Law, § 9:3
  - named individuals or classes, § 9:32
  - vehicles transferred pursuant to agreement of sale, § 9:34
- Property damage insurance, § 13:15
- Uninsured motorist insurance, § 10:17

### **EXCUSE**

- Contracts, excuses for nonperformance, § 4:10

### **EXHAUSTION OF LIABILITY COVERAGE**

- Underinsured motorist insurance, § 11:6

### **EXPECTED OR INTENDED HARM**

- Generally, §§ 7:17, 12:10

### **EXPIRATION OF COVERAGE**

- Generally, § 2:18

### **EXPRESS PERMISSION**

- Motor vehicle liability insurance, § 9:19

### **EXPRESS WAIVER**

- Generally, § 6:8

**EXTRINSIC EVIDENCE**

Contracts, § 1:35

**FAIR PLAN**

Generally, § 13:31

**FALSE STATEMENTS**

**Misrepresentations** (this index)

**FALSE SWEARING**

Post-loss issues, § 4:19

**FAMILY EXCLUSION CLAUSE,**

Motor Vehicle Financial Responsibility Law, § 7:27

**FELONIOUS BENEFICIARIES**

Life insurance, § 15:19

**FINANCE COMPANIES**

Cancellation and termination, § 3:12

**FIRE**

Commercial liability insurance, fire to rented premises, § 12:7

**FORMATION OF INSURANCE CONTRACTS**

**Contracts and Policies** (this index)

**FORM SR-22**

Motor vehicle liability insurance, § 9:3

**FORWARDING SUIT PAPERS**

Post-loss issues, § 4:16

**FRAUD**

**Misrepresentations** (this index)

**GARAGE LIABILITY POLICY**

Generally, § 12:29

**GARNISHMENT**

Actions related to policies, § 5:33

**GOOD HEALTH**

Life insurance, § 15:10

**GOVERNING LAW**

Contracts, §§ 1:11, 1:12

**GOVERNMENTAL IMMUNITY**

Liability insurance, § 7:49

**GROUP POLICIES**

Generally, §§ 1:10, 2:15

**HIT-AND-RUN VEHICLES**

Uninsured motorist insurance, § 10:15

## INDEX

### **HOMEOWNER'S INSURANCE**

- Generally, §§ 2:24, 14:1-14:17
- Additional coverage
  - conditions applicable to both coverages, § 14:17
  - liability coverages, § 14:16
  - property coverages, § 14:8
- Causation, § 14:9
- Contracts, residential property insurance, § 2:24
- Coverages included, §§ 14:5-14:17
- Exclusions
  - from liability coverage, § 14:12
  - from property coverage, § 14:9
- Liability coverage, §§ 14:11, 14:12
- Liability insurance, residents of insured's household, § 7:8
- Medical payments to others, § 14:14
- Personal property, § 14:7
- Persons insured, §§ 14:3, 14:4
- Premises, coverage limited by, § 14:13
- Real property, § 14:6

### **IDENTIFICATION**

- Life insurance beneficiary, § 15:17

### **IMPLEADER**

- Actions related to policies, impleading insurer, § 5:31

### **IMPLIED PERMISSION**

- Motor vehicle liability insurance, § 9:19

### **IMPLIED WAIVER OR ESTOPPEL**

- Generally, § 6:18

### **INCAPACITY**

- Contract performance, § 4:5

### **INCONTESTABLE POLICY**

- Life insurance, § 15:11

### **INDEPENDENT INSURANCE PRODUCERS**

- Contracts, § 2:23

### **INSOLVENCY**

- Uninsured motorist insurance, insolvency of liability insurer, § 10:14

### **INSTRUCTIONS TO JURY**

- Generally, §§ 5:15, 5:30
- Uninsured motorist claims, § 10:7

### **INSURABLE INTEREST**

- Liability insurance, § 7:9
- Life insurance
  - generally, §§ 15:3-15:7
  - consent of insured, § 15:7

**INSURABLE INTEREST—Cont'd**

- Life insurance—Cont'd
  - lack of insurable interest, effect of, § 15:6
  - persons with insurable interests, § 15:4
  - time, § 15:5
- Property damage insurance
  - generally, §§ 13:6-13:8
  - capacity, § 13:7
  - time, § 13:8

**INSURANCE CARD**

- Motor vehicle liability insurance, § 9:4

**INTENTION**

- Contracts, intent of parties, § 1:18
- Intended harm, §§ 7:17, 12:10

**INTEREST**

- Prejudgment Interest** (this index)

**INTERPLEADER**

- Liability insurance, § 7:3

**INTERVENTION**

- Declaratory judgment actions, § 5:39

**INVESTIGATIONS**

- Liability insurance, investigation duty, § 7:41
- Waiver and estoppel, investigation or adjustment of loss, § 6:23

**JOINDER OF ACTIONS**

- Generally, § 5:9

**JOINT TORTFEASORS**

- Liability insurance, contribution by joint tortfeasor as damages, § 7:21

**JUDGMENTS**

- Generally, § 5:19
- Declaratory judgment actions, § 5:40

**JURISDICTION**

- Generally, §§ 5:6, 5:12

**JURY INSTRUCTIONS**

- Instructions to Jury** (this index)

**JURY QUESTIONS**

- Questions of Law and Fact** (this index)

**JUSTIFICATION**

- Contracts, excuses for nonperformance, § 4:10

**KNOWLEDGE**

- Notice and Knowledge** (this index)

## INDEX

### LANDLORDS AND TENANTS

Generally, § 12:31

Fire to rented premises, § 12:7

### LANGUAGE

**Contracts and Policies** (this index)

### LEGAL EXPENSE FUND

Generally, § 7:50

### LIABILITY INSURANCE

Generally, §§ 7:1-7:51

Additional insureds, § 7:7

Advertising injury liability, § 12:17

Attorneys' fees, Legal Expense Fund, § 7:50

Bodily injury, § 7:20

Business pursuits, § 7:32

Care, custody, or control of property by insured, damage to, § 7:33

Causation, § 7:15

**Commercial Liability Insurance** (this index)

Contribution by joint tortfeasor as damages, § 7:21

Damages

generally, §§ 7:20-7:22

bodily injury, personal injury, and property damage, § 7:20

contribution by joint tortfeasor as damages, § 7:21

punitive damages, § 7:22

Deceased insured, defendant ad litem for, § 7:45

Duty to defend, §§ 7:42, 7:43

Duty to investigate, § 7:41

Duty to settle, § 7:44

Employees of insured, § 7:31

Excepting liability insurance coverage, settlement with insured tortfeasor, § 7:46

Excess and escape clauses, conflict, § 7:36

Exclusions

generally, §§ 7:23-7:33

business pursuits, § 7:32

care, custody, or control of property by insured, damage to, § 7:33

coverage by exclusion, § 7:24

employees of insured, § 7:31

family exclusion clause, Motor Vehicle Financial Responsibility Law, § 7:27

motor vehicles

Motor Vehicle Financial Responsibility Law, §§ 7:25-7:28

ownership, maintenance, or use, injury or damage arising from, § 7:30

uninsured motorist coverage, § 7:29

Expected or intended harm, § 7:17

Family exclusion clause, Motor Vehicle Financial Responsibility Law, § 7:27

Garage liability policy, § 12:29

Governmental immunity and liability insurance, § 7:49

Homeowner's insurance, §§ 14:11, 14:12

**LIABILITY INSURANCE—Cont'd**

- Insurable interest, § 7:9
- Intended harm, § 7:17
- Interpleader, § 7:3
- Investigation duty, § 7:41
- Invocation of coverage, insurer's duties, generally, §§ 7:39-7:51
- Joint tortfeasor, contribution by joint tortfeasor as damages, § 7:21
- Legal Expense Fund, § 7:50
- Limits, §§ 7:18, 7:19
- Missouri Property and Casualty Insurance Guaranty Association, § 7:48
- Missouri Public Entity Risk Management Fund, § 7:47
- Motor vehicles
  - generally, §§ 7:25-7:30
  - Motor Vehicle Liability Insurance** (this index)
- Occurrence or accident
  - generally, § 7:16
  - “occurrences” and “claims made,” § 7:14
- Offsets against limits of coverage, § 7:19
- Omnibus insured, § 7:7
- Other insurance
  - generally, §§ 7:34-7:38
  - conflicting excess and escape clauses, § 7:36
  - primary coverage or proration, § 7:37
  - stacking coverage, § 7:35
  - umbrella insurance, § 7:38
- Persons insured, §§ 7:6-7:8
- Policy limits, § 7:18
- Policy period, § 7:13
- Primary coverage or proration, § 7:37
- Professional liability insurance, § 12:30
- Property and Casualty Insurance Guaranty Association, § 7:48
- Property damage, § 7:20
- Public Entity Risk Management Fund, § 7:47
- Punitive damages, § 7:22
- Reservation of rights, duty to defend, § 7:43
- Residents of insured's household, § 7:8
- Right to settle, § 7:44
- Risks insured against, § 7:11
  - generally, §§ 7:11-7:17
  - causation, § 7:15
  - conduct or damage, § 7:12
  - harm expected or intended, § 7:17
  - occurrence or accident
    - generally, § 7:16
    - “occurrences” and “claims made,” § 7:14
  - policy period, § 7:13

## INDEX

### **LIABILITY INSURANCE—Cont'd**

#### Settlement

duty to settle, § 7:44

excepting liability insurance coverage, settlement with insured tortfeasor,  
§ 7:46

unfair Claims Settlement Practices Act, § 7:40

Severability of insureds, § 7:10

Sovereign and governmental immunity and liability insurance, § 7:49

Stacking coverage, § 7:35

#### Status and rights of parties

additional insureds, § 7:7

claimant, § 7:5

insurable interest, § 7:9

interpleader, § 7:3

omnibus insured, § 7:7

persons insured, §§ 7:6-7:8

residents of insured's household, § 7:8

severability of insureds, § 7:10

Tort Victims' Compensation Fund, § 7:51

Umbrella insurance, § 7:38

Underinsured motorist insurance, exhaustion of liability coverage, § 11:6

Unfair Claims Settlement Practices Act, § 7:40

Uninsured motorist coverage, § 7:29

Victims' Compensation Fund, § 7:51

### **LIFE INSURANCE**

Generally, §§ 15:1-15:24

Accidental death, § 15:23

#### Application for insurance

generally, §§ 15:8-15:10

good health, § 15:10

representations by applicant, § 15:9

Assignment of interests, § 15:20

Basic insurance contract, § 15:2

#### Beneficiaries

generally, §§ 15:16-15:20

assignment of interests, § 15:20

change of beneficiary, § 15:18

felonious beneficiaries, § 15:19

identification of beneficiary, § 15:17

Cause of death limited, § 15:22

Change of beneficiary, § 15:18

Consent of insured, insurable interest, § 15:7

#### Death

generally, §§ 15:21-15:24

accidental death, § 15:23

limited cause of death, § 15:22

proof of death, § 15:21

**LIFE INSURANCE—Cont'd**

- Death—Cont'd
  - suicide, § 15:24
- Evidence of death, § 15:21
- Felonious beneficiaries, § 15:19
- Good health, § 15:10
- Identification of beneficiary, § 15:17
- Incontestable policy, § 15:11
- Insurable interest
  - generally, §§ 15:3-15:7
  - consent of insured, § 15:7
  - lack of insurable interest, effect of, § 15:6
  - persons with insurable interests, § 15:4
  - time, § 15:5
- Lack of insurable interest, effect of, § 15:6
- Limited cause of death, § 15:22
- Nonforfeiture of reserves, § 15:15
- Payment of premiums, § 15:13
- Persons with insurable interests, § 15:4
- Policy of insurance
  - generally, §§ 15:11-15:15
  - incontestable policy, § 15:11
  - nonforfeiture of reserves, § 15:15
  - payment of premiums, § 15:13
  - terms of insurance contract, § 15:12
  - waiver of premium, § 15:14
- Proof of death, § 15:21
- Representations by applicant, § 15:9
- Reserves, nonforfeiture of, § 15:15
- Suicide, § 15:24
- Terms of insurance contract, § 15:12
- Time, insurable interest, § 15:5
- Waiver of premium, § 15:14

**LIMITS AND CONDITIONS OF COVERAGE**

- Generally, §§ 7:18, 7:19
- Commercial liability insurance
  - generally, §§ 12:24-12:28
  - conditions of coverage, § 12:27
  - discrimination, cancellation, and nonrenewal, § 12:28
  - duty to defend, § 12:25
  - limits of coverage, § 12:24
  - other insurance, § 12:26
- Life insurance, limited cause of death, § 15:22
- Property damage insurance
  - generally, § 13:25
  - limitation of recovery to insurable interest, § 13:26
- Underinsured motorist insurance, § 11:4

## INDEX

### **LIMITS AND CONDITIONS OF COVERAGE—Cont'd**

Uninsured motorist insurance

generally, § 10:21

restrictions on insured's recovery under policy, § 10:23

### **LOANER VEHICLES**

Motor vehicle liability insurance, § 9:7

### **LOSS IN PROGRESS DOCTRINE**

Generally, § 13:17

### **MAIL**

Contracts, payment by mail, § 2:31

### **MEDICAL COSTS**

Homeowner's insurance, medical payments to others, § 14:14

### **MISREPRESENTATIONS**

Avoidance

definitions, § 3:16

materiality of misrepresentation, §§ 3:18, 3:23

waiver of misrepresentation, § 3:26

Post-loss issues, § 4:19

Property damage insurance, § 13:17

Waiver and estoppel, misrepresentation by insured, § 6:16

### **MISSOURI PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION**

Generally, § 7:48

### **MISSOURI PUBLIC ENTITY RISK MANAGEMENT FUND**

Generally, § 7:47

### **MOBILE EQUIPMENT**

Commercial liability insurance, §§ 12:8, 12:13

### **MORTGAGEES**

Property damage insurance, § 13:5

### **MOTOR VEHICLES**

Generally, §§ 7:25-7:30

Commercial liability insurance, liability from auto, aircraft, and watercraft,  
§ 12:12

**Motor Vehicle Liability Insurance** (this index)

### **MOTOR VEHICLE LIABILITY INSURANCE**

Generally, §§ 4:21, 9:1-9:34

Additional insureds, § 9:12

Agreement of sale, transfer of vehicle pursuant to, § 9:34

Application for insurance, § 9:9

Burden of proof of permission to use, § 9:25

Cancellation and termination, §§ 3:6, 9:9

Certificate of insurance (Form SR-22), § 9:3

**MOTOR VEHICLE LIABILITY INSURANCE—Cont'd**

Contracts, § 2:25

Coverage

generally, §§ 9:11-9:30

limited by exclusion, § 9:33

Definitions, § 9:1

Demonstration vehicles

or during repairs, § 9:7

Exclusions

generally, §§ 9:31-9:34

coverage limited by exclusion, § 9:33

Motor Vehicle Financial Responsibility Law, § 9:3

named individuals or classes, § 9:32

vehicles transferred pursuant to agreement of sale, § 9:34

Express or implied permission, § 9:19

Insurance card, § 9:4

Invoking and maintaining coverage, § 4:21

Legal responsibility, § 9:26

Loaner vehicles

or during repairs, § 9:7

Minor deviation from scope of permission, § 9:23

Motor Vehicle Financial Responsibility Law, §§ 7:25-7:28

Named insureds

generally, § 9:12

named individuals or classes, § 9:32

Negligent entrustment, § 9:18

Operator's policy, § 9:6

Out-of-state coverage, § 9:30

Ownership

generally, §§ 9:11-9:17

categories of insureds covered, § 9:12

injury or damage arising from ownership, maintenance, or use, § 7:30

maintenance or use of vehicle, § 9:17

newly acquired vehicles, § 9:15

nonowned vehicles, § 9:13

omnibus insureds, § 9:16

owner's policy, § 9:5

temporary substitute vehicles, § 9:14

title to vehicle, § 9:11

Permissive users

generally, §§ 9:18-9:25

burden of proof, § 9:25

express or implied permission, § 9:19

negligent entrustment, § 9:18

persons who can grant permission, §§ 9:21, 9:22

reasonable belief of permission, § 9:20

rental vehicles, § 9:22

## INDEX

### **MOTOR VEHICLE LIABILITY INSURANCE—Cont'd**

- Permissive users—Cont'd
  - scope of permission, minor deviation, § 9:23
  - second permittees, § 9:22
  - termination of permission, § 9:24
- Persons who can grant permission, §§ 9:21, 9:22
- Proof of financial responsibility, § 9:4
- Reasonable belief of permission, § 9:20
- Refusal to write, § 9:9
- Renewal, § 9:9
- Rental vehicles, § 9:22
- Repairs, loaner vehicles, § 9:7
- Sale, transfer of vehicle pursuant to agreement, § 9:34
- Scope of permission, minor deviation, § 9:23
- Second permittees, § 9:22
- Statutory and administrative control, § 9:2
- Termination of permission, § 9:24
- Terminology, § 9:1
- Territorial coverage, §§ 9:29, 9:30
- Transfer of vehicle pursuant to agreement of sale, § 9:34
- Type of vehicle, § 9:27
- Underinsured Motorist Insurance** (this index)
- Uninsured Motorist Coverage** (this index)
- Use of vehicle, § 9:28
  - injury or damage arising from ownership, maintenance, or use, § 7:30
  - permissive users, *infra*

### **NAMED INSUREDS**

- Motor vehicle liability insurance, §§ 9:12, 9:32

### **NAMED PERILS**

- Property damage insurance, § 13:13

### **NEGLIGENT ENTRUSTMENT**

- Motor vehicle liability insurance, § 9:18

### **NEGOTIATIONS**

- Precontractual negotiations, § 1:36

### **NONFORFEITURE OF RESERVES**

- Life insurance, § 15:15

### **NOTICE AND KNOWLEDGE**

- Generally, §§ 4:11-4:14
- Agent, notice to, § 2:7
- Cancellation, notice of, § 3:9
- Commencement of duty, § 4:12
- Premium due, § 2:29
- Rejection, notice of, § 2:16
- Sufficiency of method, § 4:13

**NOTICE AND KNOWLEDGE—Cont'd**

- Waiver and estoppel
  - knowledge of insured, § 6:12
  - knowledge of insurer, §§ 6:6, 6:11

**OCCURRENCE OR ACCIDENT**

- Generally, § 7:16
- Commercial liability insurance, occurrence format, § 12:3
- Occurrences and “claims made,” § 7:14

**OFFSETS**

- Generally, §§ 7:19, 10:21, 11:5

**OMNIBUS CLAUSES**

- Liability insurance, § 7:7

**ORAL CONTRACTS**

- Contracts, § 1:9

**OTHER INSURANCE**

- Generally, §§ 7:34-7:38
- Conflicting excess and escape clauses, § 7:36
- Homeowner's insurance, additional coverage
  - conditions applicable to both coverages, § 14:17
  - liability coverages, § 14:16
  - property coverages, § 14:8
- Primary coverage or proration, § 7:37
- Property damage insurance, §§ 13:28, 14:8
- Stacking coverage, § 7:35
- Umbrella insurance, § 7:38
- Uninsured motorist insurance, § 10:21

**OUT-OF-STATE COVERAGE**

- Motor vehicle liability insurance, § 9:30

**OWNERSHIP**

- Motor Vehicle Liability Insurance** (this index)

**PARTIES TO ACTIONS**

- Generally, §§ 5:1, 5:8
- Declaratory judgment actions, § 5:38
- Severability of insureds, §§ 7:10, 12:23

**PERMISSIVE USERS**

- Motor Vehicle Liability Insurance** (this index)

**PERSONAL PROPERTY**

- Homeowner's insurance, § 14:7
- Property damage insurance, § 13:10, § 13:23

**PETITIONS**

- Pretrial practice and procedure, § 5:10

## INDEX

### PLEADING

Vexatious refusal to pay, § 5:23

### PLEADINGS

Generally, §§ 5:6, 5:11

### POST-LOSS ISSUES

Generally, §§ 4:15-4:20

Cooperation of insured, § 4:20

False swearing, § 4:19

Forwarding suit papers, § 4:16

Misrepresentations, § 4:19

Proof of loss, § 4:15

Settlement and release of tortfeasor, § 4:18

Uninsured motorist coverage, invoking and maintaining, § 4:17

### PREJUDGMENT INTEREST

Trial, § 5:16

Uninsured motorist insurance, § 10:20

### PREJUDICE

Contracts, §§ 4:4-4:9

Waiver and estoppel, prejudice to insured, §§ 6:7, 6:14

### PREMISES

**Homeowner's Insurance** (this index)

### PREMIUMS

Generally, §§ 2:28-2:33

Check, payment by, § 2:32

Duress by lender, § 2:33

Mail, payment by, § 2:31

Notice of premium due, § 2:29

Persons to whom paid, § 2:30

Waiver and estoppel, return of premium, § 6:21

### PRESUMPTIONS

Generally, § 5:14

**Burden of Proof** (this index)

### PRETRIAL PRACTICE AND PROCEDURE

Generally, §§ 5:1-5:12

Compulsory arbitration or appraisal, § 5:3

Conditions precedent to action, § 5:2

Contractual limitations of actions, § 5:5

Joinder of actions, § 5:9

Jurisdiction, §§ 5:6, 5:12

Parties to actions, §§ 5:1, 5:8

Petition, § 5:10

Pleading, §§ 5:6, 5:11

Process, § 5:12

Standing, §§ 5:1, 5:8

**PRETRIAL PRACTICE AND PROCEDURE—Cont'd**

Statutory limitations of actions, § 5:4

Venue, § 5:7

**PRIVILEGE**

Invoking and maintaining coverage, privilege of insurer-insured, § 4:23

**PROCESS**

Generally, § 5:12

**PRODUCTS**

Commercial liability insurance, completed operations hazard, §§ 12:6, 12:14

**PROFESSIONAL LIABILITY INSURANCE**

Generally, § 12:30

**PROMISSORY WARRANTIES**

Avoidance, § 3:29

**PROOF**

**Evidence** (this index)

**PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION**

Generally, § 7:48

**PROPERTY DAMAGE INSURANCE**

Generally, §§ 7:20, 13:1-13:29

Actions to recover, § 13:29

Adjustment of claims, § 13:19

All risk, § 13:12

Appraisal, § 13:24

Avoidance of coverage, §§ 13:16, 13:17

Breach of condition, § 13:16

Cancellation and termination, § 3:5

Capacity, insurable interest, § 13:7

Claims

generally, §§ 13:18-13:20

adjustment of claims, § 13:19

valuation, § 13:20

Coinsurance clause, § 13:27

**Commercial Liability Insurance** (this index)

Compulsory appraisal, § 13:24

Death of insured, § 13:4

Equitable right to proceeds, § 13:3

Exclusions, § 13:15

FAIR plan, § 13:31

Insurable interest

generally, §§ 13:6-13:8

capacity, § 13:7

time, § 13:8

Limitation of recovery to insurable interest, § 13:26

Limits of coverage, § 13:25

## INDEX

### **PROPERTY DAMAGE INSURANCE—Cont'd**

- Loss in progress doctrine, § 13:17
- Misrepresentation, § 13:17
- Mortgagees, § 13:5
- Named perils, § 13:13
- Other insurance, § 13:28
- Perils
  - generally, §§ 13:12-13:15
  - all risk, § 13:12
  - exclusions, § 13:15
  - named perils, § 13:13
  - proximate cause, § 13:14
- Personal property, § 13:10, § 13:23
- Persons insured
  - generally, §§ 13:2-13:5
  - death of insured, § 13:4
  - equitable right to proceeds, § 13:3
  - mortgagees, § 13:5
- Property insured
  - generally, §§ 13:9-13:11
  - personal property, § 13:10
  - real property, § 13:9
  - supplemental coverages, § 13:11
- Proximate cause, § 13:14
- Real property, § 13:9, § 13:22
- Subrogation, § 13:30
- Supplemental coverages, § 13:11
- Termination, § 3:5
- Time, insurable interest, § 13:8
- Valuation, § 13:20
- Valued policy statutes, § 13:21

### **PRORATION**

- Liability insurance, § 7:37

### **PROXIMATE CAUSE**

- Property damage insurance, § 13:14

### **PUBLIC ENTITY RISK MANAGEMENT FUND**

- Generally, § 7:47

### **PUBLIC POLICY**

- Contracts, § 1:6
- Waiver and estoppel against public policy, § 6:3

### **PUNCTUATION**

- Used in contract terminology, § 1:29

### **PUNITIVE DAMAGES**

- Generally, § 7:22

**QUESTIONS OF LAW AND FACT**

Contracts, § 1:38

Vexatious refusal to pay, jury question, § 5:28

**RATIFICATION OF CONTRACTS**

Generally, § 2:6

**REAL PROPERTY**

Homeowner's insurance, § 14:6

Property damage insurance, § 13:9, § 13:22

**REASONABLENESS**

Contracts, reasonableness of construction  
generally, § 1:34

expectations of parties to contract, §§ 1:7, 1:37

Motor vehicle liability insurance, reasonable belief of permission, § 9:20

Waiver and estoppel, reasonable reliance by insured, § 6:13

**REFORMATION OF CONTRACTS**

Generally, § 1:40

**REFUNDS**

Cancellation and termination, refund of unearned premium, § 3:11

**REFUSAL TO INSURE**

Motor vehicle liability insurance, § 9:9

**REFUSAL TO SETTLE**

**Bad Faith Refusal to Settle** this index

**REINSTATEMENT OF COVERAGE**

Generally, § 2:27

**RENEWAL**

Generally, §§ 2:19-2:26

Automobile insurance, § 2:25

Causes of action in insureds, § 2:26

Commercial liability insurance, nonrenewal, § 12:28

Independent insurance producer contracts, § 2:23

Motor vehicle liability insurance, § 9:9

Residential property insurance, § 2:24

Statutory limitations on nonrenewal, §§ 2:21, 2:22

Waiver and estoppel, renewal premium

acceptance, § 6:20

prompt payment of renewal premium, § 6:17

**RENTAL VEHICLES**

Motor vehicle liability insurance, § 9:22

**REPAIRS**

Loaner vehicles, motor vehicle liability insurance, § 9:7

**RESCISSION**

**Cancellation and Termination** (this index)

## INDEX

### RESERVATION OF RIGHTS

Liability insurance, duty to defend, § 7:43

### RESERVES

Nonforfeiture, § 15:15

### RESIDENCE

**Homeowner's Insurance** (this index)

### RESTATEMENT OF CONTRACTS

Generally, §§ 1:13, 1:14

### RESTITUTION

Waiver and estoppel, §§ 6:25, 6:27

### RESTRICTIONS

**Limits and Conditions of Coverage** (this index)

### RETURN OF PREMIUM

Waiver and estoppel, failure of insurer, § 6:21

### SALE

Motor vehicle liability insurance, transfer of vehicle, § 9:34

### SEPARATE COVERAGES

Avoidance, § 3:15

Contracts, each coverage as separate contract, § 1:39

### SEQUENCE OF CONTRACT LANGUAGE

Generally, § 1:30

### SETOFFS

Generally, §§ 7:19, 10:21, 11:5

Uninsured motorist insurance, § 10:21

### SETTLEMENT

**Compromise and Settlement** this index

### SEVERABILITY OF INSUREDS

Generally, §§ 7:10, 12:23

### SOVEREIGN IMMUNITY

Liability insurance, § 7:49

### SR-22

Motor vehicle liability certificate of insurance, § 9:3

### STACKING COVERAGE

Generally, § 7:35

Uninsured motorist insurance, § 10:21

### STANDING TO SUE

**Parties to Actions** (this index)

### STATUTE OF LIMITATIONS

Generally, § 5:4

**STATUTORY REQUIREMENTS**

- Avoidance, statutory limitations, § 3:22
- Contracts, § 1:4
- Motor vehicle liability insurance, statutory and administrative control, § 9:2
- Nonrenewal, limitations on, §§ 2:21, 2:22
- Policies, applicable statutes read into policies, § 1:26
- Uninsured motorist insurance, § 10:3

**STAY OF ACTION**

- Declaratory judgment actions, § 5:39

**SUBROGATION, CONTRIBUTION, AND ASSIGNMENT**

- Generally, §§ 5:43-5:45
- Bad faith refusal to settle, assignability, § 8:2
- Damages, contribution by joint tortfeasor as, § 7:21
- Life insurance, assignment of interests, § 15:20
- Property damage insurance, § 13:30
- Third party action for insurer's negligent misrepresentation, § 5:44
- Underinsured motorist insurance, § 11:6
- Uninsured motorist insurance, § 10:24
- Void policy, insurer's entitlement to restitution or recoupment from insured for payments on, § 5:45

**SUBSTANTIAL PERFORMANCE**

- Generally, § 4:3

**SUICIDE**

- Life insurance, § 15:24

**TENDER**

- Avoidance, necessity of tender, § 3:25

**TERMINATION**

- Cancellation and Termination** (this index)

**TERRITORIAL COVERAGE**

- Motor vehicle liability insurance, §§ 9:29, 9:30

**THIRD PARTIES**

- Avoidance, rights of third parties, § 3:27
- Negligent misrepresentation by insurer, third party action for, § 5:44
- Recovery by third party on liability policy
  - generally, §§ 5:32-5:35
  - equitable action, § 5:35
  - garnishment, §§ 5:33, 5:34

**TIME**

- Contracts, duration of agency, § 2:8
- Life insurance, insurable interest, § 15:5
- Property damage insurance, insurable interest, § 13:8

**TORT ACTIONS**

- Declaratory judgments, §§ 5:18, 5:39

## INDEX

### **TORT VICTIMS' COMPENSATION FUND**

Generally, § 7:51

### **TRANSFER OF OWNERSHIP**

Motor vehicle liability insurance, § 9:34

### **TRIAL**

Generally, §§ 5:13-5:19

Burden of proof, § 5:13

Contract actions, § 5:17

Declaratory judgment actions, § 5:40

Instructions, § 5:15

Judgment, § 5:19

Prejudgment interest, § 5:16

Presumptions, § 5:14

Tort actions, § 5:18

### **UMBRELLA INSURANCE**

Generally, § 7:38

### **UNDERINSURED MOTORIST INSURANCE**

Generally, §§ 11:1-11:6

Actions on claims, § 11:2

Damages, §§ 11:4-11:6

Exhaustion of liability coverage; subrogation, § 11:6

Limits of coverage, § 11:4

Offsets, § 11:5

### **UNFAIR CLAIMS SETTLEMENT PRACTICES ACT**

Generally, § 7:40

### **UNINSURED MOTORIST INSURANCE**

Generally, §§ 7:29, 9:8 10:1-10:24

Generally, § 10:1-10:24

Basic policy agreement, § 10:2

Bodily injury, §§ 10:10, 10:20

Claims

generally, §§ 10:5-10:7

characteristics, § 10:5

elements of proof in actions on uninsured motorist claims, § 10:6

jury instructions in actions on uninsured motorist claims, § 10:7

Contribution, § 10:24

Damages

generally, §§ 10:18-10:21

causation, § 10:18

limits of coverage, § 10:21

Delay, § 10:20

Denial of coverage by liability insurer, § 10:13

Evidence. Proof, *infra*

Exclusions, § 10:17

**UNINSURED MOTORIST INSURANCE—Cont'd**

- Hit-and-run vehicles, § 10:15
- Insolvency of liability insurer, § 10:14
- Invoking and maintaining uninsured motorist coverage, § 10:22
- Jury instructions in actions on uninsured motorist claims, § 10:7
- Limits of coverage, § 10:21
- Other insurance, § 10:21
- Persons insured
  - generally, §§ 10:8-10:10
  - bodily injury, who must sustain, § 10:10
  - statutory requirement, § 10:9
  - terms of policy, § 10:8
- Post-loss issues, invoking and maintaining uninsured motorist coverage, § 4:17
- Prejudgment interest, § 10:20
- Proof
  - elements of proof in actions on uninsured motorist claims, § 10:6
  - proof of uninsured status, § 10:16
- Recovery, §§ 10:23, 10:24
- Restrictions on insured's recovery under policy, § 10:23
- Setoffs, § 10:21
- Stacking, § 10:21
- Statutory requirements, § 10:3
- Subrogation and contribution, § 10:24
- Vehicles uninsured
  - generally, §§ 10:11-10:17
  - denial of coverage by liability insurer, § 10:13
  - exclusions, § 10:17
  - hit-and-run vehicle, § 10:15
  - insolvency of liability insurer, § 10:14
  - proof of uninsured status, § 10:16
- Vexatious delay, § 10:20

**VALUED POLICY STATUTES**

- Generally, § 13:21 et seq.
- Personal property, property damage insurance, § 13:23
- Real property, property damage insurance, § 13:22

**VEHICLES**

- Motor Vehicles** (this index)

**VENUE**

- Pretrial practice and procedure, § 5:7

**VEXATIOUS DELAY**

- Uninsured motorist insurance, § 10:20

**VEXATIOUS REFUSAL TO PAY**

- Generally, §§ 5:20-5:30
- Applicability of statutes, § 5:20
- Attorney's fees, § 5:29

## INDEX

### **VEXATIOUS REFUSAL TO PAY—Cont'd**

- Damages recoverable, § 5:21
- Instructions, § 5:30
- Jury question, § 5:28
- Pleading, § 5:23
- Proof of claim and insurer's defense
  - generally, §§ 5:24-5:28
  - jury issue, § 5:28
- Vesting of vexatious refusal damages, § 5:22

### **VICTIMS' COMPENSATION FUND**

- Generally, § 7:51

### **VOID POLICY**

- Restitution or recoupment from insured for payments on, § 5:45

### **WAIVER AND ESTOPPEL**

- Generally, §§ 6:1-6:28
- Acceptance of renewal premium, § 6:20
- Adjustment of loss, § 6:23
- Assumption of defense, § 6:24
- Avoidance, waiver of misrepresentation, § 3:26
- Conduct of insured, § 6:28
- Conduct of insurer
  - generally, §§ 6:18-6:27
  - acceptance of renewal premium, § 6:20
  - assumption of defense, § 6:24
  - implied waiver or estoppel, § 6:18
  - investigation or adjustment of loss, § 6:23
  - issuance of policy, § 6:19
  - payment of claim, §§ 6:25-6:27
  - reason for denial, § 6:22
  - rescission, denial of liability, or return of premium, failure of insurer, § 6:21
  - restitution, §§ 6:25, 6:27
- Corporations, conduct of, § 6:28
- Creation of contract, waiver or estoppel creating insurance contract or coverage, § 6:2
- Defenses
  - generally, §§ 6:15-6:28
  - conduct of insurer, *supra*
  - misrepresentation by insured, § 6:16
  - prompt payment of renewal premium, § 6:17
  - waiver by and estoppel of insureds, § 6:28
- Denial of liability, §§ 6:21, 6:22
- Development of doctrines, § 6:1
- Disclaimer of waiver and estoppel in application or policy, § 6:4
- Elements of estoppel, §§ 6:9-6:14
- Elements of waiver, §§ 6:5-6:8
- Express waiver, § 6:8

**WAIVER AND ESTOPPEL—Cont'd**

- Implied waiver or estoppel, § 6:18
- Individuals' conduct, § 6:28
- Investigation or adjustment of loss, § 6:23
- Issuance of policy, § 6:19
- Knowledge of insured, § 6:12
- Knowledge of insurer, §§ 6:6, 6:11
- Life insurance, waiver of premium, § 15:14
- Misrepresentation by insured, § 6:16
- Payment of claim, §§ 6:25-6:27
- Prejudice to insured, §§ 6:7, 6:14
- Premium, return of, § 6:21
- Public policy, waiver and estoppel against, § 6:3
- Reasonable reliance by insured, § 6:13
- Renewal premium
  - acceptance, § 6:20
  - prompt payment of renewal premium, § 6:17
- Rescission, § 6:21
- Restitution, §§ 6:25, 6:27
- Return of premium, failure of insurer, § 6:21

**WARRANTIES**

- Avoidance, § 3:29

**WATERCRAFT**

- Commercial liability insurance, § 12:12

**WHOLE POLICY**

- Consideration of, §§ 1:19, 1:27

**WORK PRODUCT**

- Invoking and maintaining coverage, § 4:23