

Table of Contents

PART I. UNINSURED MOTORIST INSURANCE

CHAPTER 1. THE SUBSTANTIVE RULES

I. THE BASIC REQUIREMENTS

- § 1:1 The distinction between an “owner’s policy” and an “operator’s policy”
- § 1:2 The UM statute before its amendment in 1991
- § 1:3 The UM statute as amended in 1991
- § 1:4 The UM statute as amended in 1992
- § 1:5 The UM statute as amended in 2008
- § 1:6 The UM statute as amended in 2009
- § 1:7 The UM statute as amended in 2023

II. DEFINITION OF THE TERM “UNINSURED MOTOR VEHICLE”

- § 1:8 In general

III. DEFINITION OF THE TERM “PERSONS INSURED”

- § 1:9 In general

IV. THE UM INSURER’S LIMIT OF LIABILITY

- § 1:10 In general
- § 1:11 When the insured has been compensated under the UIM provisions of the policy
- § 1:12 When the insured has been compensated by or on behalf of the uninsured motorist or by or on behalf of any other tortfeasor
- § 1:13 When the insured has received workers’ compensation, disability, or medical payments benefits
- § 1:14 When the insured has been compensated for property damage under any policy of property insurance
- § 1:15 When there are multiple insureds with UM claims under the policy
- § 1:16 When the policy insures multiple vehicles—intrapolicy stacking

**V. THE RIGHTS OF THE INSURED AND
INSURERS WHEN THE INSURED HAS A UM
CLAIM UNDER MORE THAN ONE POLICY**

- § 1:17 In general
- § 1:18 Interpolicy stacking
- § 1:19 The primary/excess and prorating issues

**VI. THE UM INSURER'S LIABILITY FOR
INTEREST, COSTS, AND PUNITIVE DAMAGES**

- § 1:20 Interest and costs
- § 1:21 Punitive damages

**VII. THE UM INSURER'S RIGHT OF
SUBROGATION**

- § 1:22 In general

**VIII. UM COVERAGE AND THE COLLATERAL
SOURCE RULE**

- § 1:23 In general

CHAPTER 2. THE PROCEDURAL RULES

- § 2:1 When the identity of the uninsured motorist is known
- § 2:2 When the identity of the uninsured motorist is
unknown and the insured sues the UM insurer directly

**PART II. UNDERINSURED
MOTORIST INSURANCE**

CHAPTER 3. THE SUBSTANTIVE RULES

I. THE BASIC REQUIREMENTS

- § 3:1 The distinction between an "owner's policy" and an
"operator's policy"
- § 3:2 The UIM statute before its amendment in 1991
- § 3:3 The UIM statute as amended in 1991
- § 3:4 The UIM statute as amended in 1992
- § 3:5 The UIM statute as amended in 2008
- § 3:6 The UIM statute as amended in 2009

TABLE OF CONTENTS

II. DEFINITION OF THE TERM “UNDERINSURED HIGHWAY VEHICLE”

- § 3:7 The UIM statute before its amendment in 1991
- § 3:8 The UIM statute as amended in 1991 and 2003
- § 3:9 The UIM statute as amended in 2023

III. DEFINITION OF THE TERM “PERSONS INSURED”

- § 3:10 In general

IV. THE UIM INSURER’S LIMIT OF LIABILITY

- § 3:11 In general
- § 3:12 When the insured has been compensated under the UM provisions of the policy
- § 3:13 When there is more than one applicable liability insurance policy
- § 3:14 When the insured has received workers’ compensation, disability, or medical payments benefits
- § 3:15 When there are multiple insureds with UIM claims under the same policy
- § 3:16 When the policy insures multiple vehicles—Intrapolicy stacking

V. THE RIGHTS OF THE INSURED AND INSURERS WHEN THE INSURED HAS A UIM CLAIM UNDER MORE THAN ONE POLICY

- § 3:17 In general
- § 3:18 Interpolicy stacking
- § 3:19 The primary/excess and prorating issues

VI. THE UIM INSURER’S LIABILITY FOR INTEREST, COSTS, AND PUNITIVE DAMAGES

- § 3:20 Interest and costs
- § 3:21 Punitive damages

VII. THE UIM INSURER’S RIGHT OF SUBROGATION

- § 3:22 In general

VIII. UIM COVERAGE AND THE COLLATERAL SOURCE RULE

- § 3:23 In general

CHAPTER 4. THE PROCEDURAL RULES

- § 4:1 When the UIM insurer pays before exhaustion of the liability insurance limits
- § 4:2 When the UIM insurer does not pay before exhaustion of the liability insurance limits—The basic rules
- § 4:3 The circumstances in which the insured may settle with the tortfeasor without forfeiting his or her UIM claim
- § 4:4 When the UIM insurer advances and the liability insurer petitions the court for relief from any further obligation

APPENDICES

- APPENDIX A. N.C. Gen. Stat. § 20-279.21 as it existed in the several years before the effective date of the 1991 amendments to subdivisions (b)(3) (the “UM statute”) and (b)(4) (the “UIM statute”)
- APPENDIX B. The 1991 Amendments to the UM and UIM Statutes
- APPENDIX C. The 1992 Amendments to the UM and UIM Statutes
- APPENDIX D. N.C. Gen. Stat. § 20-279.21 as it existed following the 1991, 1992, and 1997 amendments
- APPENDIX E. N.C. Gen. Stat. § 20-279.21 as it existed following the 1991, 1992, 1997, and 1999 amendments
- APPENDIX F. The 2003 Amendments to the UM and UIM Statutes
- APPENDIX G. The 2008 Amendments to the UM and UIM Statutes
- APPENDIX H. The 2009 Amendments to the UM and UIM Statutes
- APPENDIX H-1. The 2023 Amendments to the UM and UIM Statutes
- APPENDIX I. Rate Bureau Form NC 00 01 (Ed. 1-90)
- APPENDIX J. Rate Bureau Amendatory Endorsement NC 00 09 (Ed. 5-94)
- APPENDIX K. Rate Bureau Amendatory Endorsement NC 00 11 (Ed. 2-95)
- APPENDIX L. Rate Bureau Endorsement NC 03 74 (Ed. 7-87)

TABLE OF CONTENTS

APPENDIX M.	Rate Bureau Endorsement NC 03 74 (Ed. 8-90)
APPENDIX N.	Rate Bureau Endorsement NC 03 74 (Ed. 7-91)
APPENDIX O.	Rate Bureau Form NC 00 01 (Ed. 6-96)
APPENDIX P.	Rate Bureau Amendatory Endorsement NC 00 12 (Ed. 6-98)
APPENDIX Q.	Revised Rate Bureau Amendatory Endorsement NC 00 12 (Ed. 10-99)
APPENDIX R.	Revised Rate Bureau Amendatory Endorsement NC 00 12 (Ed. 01-02)
APPENDIX S.	Revised Rate Bureau Amendatory Endorsement NC 00 12 (Ed. 01-04)
APPENDIX T.	Rate Bureau Form NC 00 01 06 05 (Ed. 6-96)
APPENDIX U.	Rate Bureau Form NC 01 85 (Ed. 7-91)
APPENDIX V.	Rate Bureau Form NC 01 86 (Ed. 7-91)
APPENDIX W.	Rate Bureau Form NC 01 87 (Ed. 06-04)
APPENDIX X.	Rate Bureau Amendatory Endorsement NC 00 11 05 08
APPENDIX Y.	Rate Bureau Amendatory Endorsement NC 00 13 10 09
APPENDIX Z.	Rate Bureau Amendatory Endorsement NC 00 13 04 16
APPENDIX AA.	Rate Bureau Amendatory Endorsement NC 00 13 06 21
APPENDIX BB.	Rate Bureau Endorsement NC 03 38 06 21
APPENDIX CC.	Rate Bureau Endorsement NC 03 33 06 21
APPENDIX DD.	Rate Bureau Endorsement NC 03 24 10 21
APPENDIX EE.	Rate Bureau Endorsement NC 00 13 07 25

Table of Laws and Rules

Table of Cases

Index

