

**CHAPTER 68. [Reserved]****§§ 68.1—68.3. [Reserved].****Source**

The provisions of these §§ 68.1—68.3 adopted April 13, 1990, effective April 15, 1990, 20 Pa.B. 2047; reserved November 29, 1991, effective November 30, 1991, 21 Pa.B. 5601. Immediately preceding text appears at serial pages (157359) to (157360) and (146459) to (146464).

**§§ 68.101—68.113. [Reserved].****Source**

The provisions of these §§ 68.101—68.113 adopted April 20, 1990, effective July 1, 1990, 20 Pa.B. 2166; reserved July 30, 1999, effective July 31, 1999, 29 Pa.B. 4076. Immediately preceding text appears at serial pages (234353) to (234354), (256907) to (256908), (233087) to (233090) and (249105).

**Notes of Decisions***Adequate Notice*

Plaintiffs who elected the limited tort option were on notice of what full tort and limited coverage entailed, and were on notice that their rights to recovery were restricted under the limited tort option. Plaintiffs chose to limit their right to recovery, placing their signatures under the limited tort option and paying a lower premium. Only now, in hindsight, do plaintiffs decide that this may not have been the best choice. Nonetheless, plaintiffs have received the benefit of their bargain; they have paid lower premiums, received the coverage correlating to that premium, and cannot now claim that they should receive the benefit of a choice they did not make. *Donnelly v. Bauer*, 683 A.2d 1242 (Pa. Super. 1996); appeal granted 693 A.2d 967 (Pa. 1997); affirmed 720 A.2d 447 (Pa. 1998).

*Applicable Forms*

Pennsylvania law allows a corporation to waive uninsured/underinsured motorist (“UM”) coverage for its employes under a company insurance policy; this regulation shows that the waiver of UM coverage, which is not among the forms excluded by this regulation, does apply to commercial insureds based on the interpretative canon of *expressio unius est exclusio alterius*. *Travelers Indemnity Co. of Illinois v. DiBartolo*, 171 F.3d 168 (3d. Cir. 1999).

*Construction with Statute*

The statutory provisions behind this regulation and this regulation itself are consistent; both acknowledge distinctions in notice for new business on or after July, 1990 and renewal policies following initial notice, and in notice for existing policyholders and first renewals occurring on or before July 1, 1990. *Donnelly v. Bauer*, 683 A.2d 1242 (Pa. Super. 1996).

*Family Member Election*

Plaintiff’s right to recover noneconomic damages was limited by the tort option elected by plaintiff’s mother, limited tort, whom plaintiff was living with and whose uninsured vehicle plaintiff was driving at the time of the accident. *D’Andrea v. Armstrong*, 28 D.&C. 4th 331 (Pa. Com. Pl. 1995).

*Limited Tort Election*

Plaintiffs who elected the limited tort option were on notice of what full tort and limited coverage entailed, and were on notice that their rights to recovery were restricted under the limited tort option. Plaintiffs chose to limit their right to recovery, placing their signatures under the limited tort option and paying a lower premium. Only now, in hindsight, do plaintiffs decide that this may not have been the best choice. Nonetheless, plaintiffs have received the benefit of their bargain; they have paid lower premiums, received the coverage correlating to that premium, and cannot now claim that they should receive the benefit of a choice they did not make. *Donnelly v. Bauer*, 683 A.2d 1242 (Pa. Super. 1996).

*Regulation Valid*

Despite the force of sentiment behind the consumer protection arguments, the trial court erred in overturning the Insurance Department's interpretation of this regulation. *Donnelly v. Bauer*, 683 A.2d 1242 (Pa. Super. 1996).

*Validity*

Insurance Commissioner's interpretative regulation is erroneous and may be disregarded even though courts traditionally accord an interpretation of a statutory provision by an administrative agency charged with administering that statute some deference, where the Commissioner's interpretation of the relevant statute disregards the clear manner in which statutes are arranged in the *Pennsylvania Consolidated Statutes*. *Rump v. Aetna Casualty and Surety Co.*, 710 A.2d 1093 (Pa. 1998); affirmed 710 A.2d 1093 (Pa. 1998).

**§§ 68.201—68.204. [Reserved].****Source**

The provisions of these §§ 68.201—68.204 adopted April 20, 1990, effective July 1, 1990, 20 Pa.B. 2180; amended October 26, 1990, effective July 3, 1990, 20 Pa.B. 5453. Immediately preceding text appears at serial pages (249105) to (249106), (256909) to (256910) and (227481) to (227484).

**Notes of Decisions***Rate Relief*

The Department's decision to grant the insurer's relief from statutory rate reductions was a statement of policy, not an improperly promulgated regulation, in that the threshold one must reach to qualify for the relief was not determinative of the insurer's eligibility for extraordinary circumstances relief and the Department's discretion is not bound. *Prudential Property and Casualty Insurance Co. v. Insurance Department*, 595 A.2d 649 (Pa. Cmwlth. 1991).

**§§ 68.205 and 68.206. [Reserved].****Source**

The provisions of these §§ 68.205 and 68.206 adopted April 20, 1990, effective July 1, 1990, 20 Pa.B. 2180; reserved July 30, 1999, effective July 31, 1999, 29 Pa.B. 4076. Immediately preceding text appears at serial page (234355).

**§§ 68.301 and 68.302. [Reserved]****Source**

The provisions of these §§ 68.301 and 68.302 adopted April 20, 1990, effective July 1, 1990, 20 Pa.B. 2185; amended October 26, 1990, effective July 3, 1990, 20 Pa.B. 5453; reserved October 24, 1997, effective October 25, 1997, 27 Pa.B. 5502. Immediately preceding text appears at serial pages (227486) to (227487).

**§ 68.303. [Reserved].****Source**

The provisions of this § 68.303 adopted April 20, 1990, effective July 1, 1990, 20 Pa.B. 2185; reserved October 24, 1997, effective October 25, 1997, 27 Pa.B. 5502. Immediately preceding text appears at serial pages (227488) to (227489).

**§ 68.304. [Reserved].****Source**

The provisions of this § 68.304 adopted April 20, 1990, effective July 1, 1990, 20 Pa.B. 2185; amended October 26, 1990, effective July 3, 1990, 20 Pa.B. 5453; reserved October 24, 1997, effective October 25, 1997, 27 Pa.B. 5502. Immediately preceding text appears at serial pages (227489) to (227490).

**§ 68.401. [Reserved].****Source**

The provisions of this § 68.401 adopted April 20, 1990, effective July 1, 1990, 20 Pa.B. 2195; reserved July 30, 1999, effective July 31, 1999, 29 Pa.B. 4076. Immediately preceding text appears at serial pages (234356) and (227491) to (227494).

**§ 68.402. [Reserved].****Source**

The provisions of this § 68.402 adopted April 20, 1990, effective July 1, 1990, except subsection (f) is effective May 1, 1990, 20 Pa.B. 2195; reserved July 30, 1999, effective July 31, 1999, 29 Pa.B. 4076. Immediately preceding text appears at serial pages (227494) to (227497).

**§§ 68.601—68.604. [Reserved].****Source**

The provisions of these §§ 68.601—68.604 adopted May 10, 1991, effective May 11, 1991, 21 Pa.B. 2275; reserved July 30, 1999, effective July 31, 1999, 29 Pa.B. 4076. Immediately preceding text appears at serial pages (227497) to (227499).

**APPENDIX A. [Reserved]****Source**

The provisions of this Appendix A adopted April 20, 1990, effective July 1, 1990, 20 Pa.B. 2166; corrected February 22, 1991, effective July 1, 1990, 21 Pa.B. 720; reserved July 30, 1999, effective July 31, 1999, 29 Pa.B. 4076. Immediately preceding text appears at serial pages (227500) to (227512).

**APPENDIX B. [Reserved]****Source**

The provisions of this Appendix B adopted April 20, 1990, effective July 1, 1990, 20 Pa.B. 2166; reserved July 30, 1999, effective July 31, 1999, 29 Pa.B. 4076. Immediately preceding text appears at serial pages (227513) to (227514).

**APPENDIX C. [Reserved]****Source**

The provisions of this Appendix C adopted April 20, 1990, effective July 1, 1990, 20 Pa.B. 2185; reserved October 26, 1990, effective July 3, 1990, 20 Pa.B. 5453. Immediately preceding text appears at serial pages (146510) to (146515).

**APPENDIX D. [Reserved]****Source**

The provisions of this Appendix D adopted April 20, 1990, effective July 1, 1990, 20 Pa.B. 2185; reserved October 26, 1990, effective July 3, 1990, 20 Pa.B. 5453. Immediately preceding text appears at serial page (146516).

**APPENDIX E. [Reserved]****Source**

The provisions of this Appendix E adopted April 20, 1990, effective July 1, 1990, 20 Pa.B. 2185; reserved October 26, 1990, effective July 3, 1990, 20 Pa.B. 5453. Immediately preceding text appears at serial pages (146517) to (146518).

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