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Bulletin 09-03

DATE: August 4, 2009
TO: All Personal Auto Carriers & Agents
FROM: Merle Scheiber, Director
RE: Personal Automobile Medical Payments Coverage

Medical payments coverage in personal automobile policies has always been primary pursuant to [SDCL 58-23-8\(3\)](#). This was also clear in the changes to [Chapter 58-18A](#) in which medical payments coverage is defined as a plan for coordination of benefit purposes. No provision in any policy may treat medical payments coverage as secondary or excess coverage. Medical payments is primary over any other coverage whether that coverage is another provision of the same policy, coverage under another personal automobile policy or any other type of insurance providing medical coverage.

However, if more than one medical payments coverage is in force each policy is only required to pay its equal share of medical expenses, as defined by [SDCL 58-23-6\(4\)](#).

Any policies having language which conflicts with this bulletin must re-file and either change the policy language or file a mandatory endorsement for their policies.