

insureds with the option to waive stacking of uninsured and underinsured motorist coverage, which would include both inter- and intra-policy stacking. Subsection (c) specifically requires, *inter alia*, that each named insured purchasing uninsured or underinsured motorist coverage for more than one vehicle under a policy must be provided with the opportunity to waive the stacking of such coverage. Subsection (d)(1) of 1738 moves back to the general and instructs that “[t]he named insured shall be informed that he may exercise the waiver of the stacked limits of uninsured motorist coverage by signing” the legislatively prescribed written rejection form. 75 Pa.C.S. §1738(d)(1).

All of this leads me to the conclusion that the Legislature intended to allow for inter- and intra-policy stacking of uninsured and underinsured motorist coverage and for the waiver of the same. With that said, when measured against the remainder of Section 1738, there is an inconsistency in the aforementioned written rejection form regarding the waiver of inter-policy stacking.

The written rejection form reads as follows:

By signing this waiver, I am rejecting stacked limits of uninsured motorist coverage under the policy for myself and members of my household under *which the limits of coverage available would be the sum of limits for each motor vehicle insured under the policy*. Instead, the limits of coverage that I am purchasing shall be reduced to the limits stated in the policy. I knowingly and voluntarily reject the stacked limits of coverage. I understand that my premiums will be reduced if I reject this coverage.

75 Pa.C.S. §1738(d)(1) (emphasis added). The emphasized language above seems to indicate that if a named insured would decide not to waive stacking, then the amount of coverage available would be the sum of the limits for each vehicle insured under the named insured’s policy. This rejection form, therefore, appears to speak only to the effects of intra-policy stacking and not to the effects of inter-policy stacking, which would permit the limits of coverage available to be the sum of the limits for each motor vehicle insured under the policy and/or any other relevant policies. I respectfully submit that the General Assembly

could cure the inconsistency between the written rejection form and the remainder of Section 1738 if the General Assembly would amend the written rejection form as follows:

By signing this waiver, I am rejecting stacked limits of uninsured motorist coverage under the policy for myself and members of my household under which the limits of coverage available would be the sum of limits for each motor vehicle insured under the policy **or the policies**. Instead, the limits of coverage that I am purchasing shall be reduced to the limits stated in the policy. I knowingly and voluntarily reject the stacked limits of coverage. I understand that my premiums will be reduced if I reject this coverage.

I do not believe that the inconsistency between the written rejection form and the remainder of Section 1738 renders Randall Craley's particular rejection of the stacking of uninsured or underinsured motorist coverage invalid or unenforceable as it applies to inter-policy stacking. The reality is that because Mr. Craley only insured one vehicle under his policy, when he signed the rejection form, he "could not have thought he was receiving a reduced premium for waiving intra-policy stacking [since] there could be no intra-policy stacking with only one vehicle on 'the policy.'" Majority Opinion at 20. I, therefore, am able to join the result reached by the Majority Opinion.