

No. 1467 EDA 2014

\* Retired Senior Judge assigned to the Superior Court.

has to decide whether he or she wants stacking. Then it makes sense to require the insurer to provide a stacking waiver.

On the other hand, where a vehicle is added to a multi-vehicle policy, there is no reason to believe that a policyholder who has already rejected stacking, with its higher premium, would suddenly have a change of heart and want stacking. In that situation, the one we have here, it does not make sense to require a new waiver of stacking.

Nonetheless, the case law is what it is, and the Majority parses it correctly in my view, and thus I join.<sup>1</sup>

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<sup>1</sup> The insurance industry has no one to blame for this result other than itself. The industry writes the policies and could correct its problems.