

HOUSE BILL No. 5115

October 17, 2017, Introduced by Reps. Lucido, Marino, Canfield, Webber, Lasinski, Frederick, Chirkun, Bizon, LaGrand, Moss, Brinks, Camilleri, Wittenberg, Chang, Ellison, Green, Sabo, Liberati, Sneller, Sowerby, Pagan, Faris, Byrd, Yaroch, Scott, Hammoud, Geiss, Elder, Greimel, Zemke, Hertel, Yanez, Jones, Rabhi and Robinson and referred to the Committee on Insurance.

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3113, 3114, 3115, and 3151 (MCL 500.3113, 500.3114, 500.3115, and 500.3151), section 3113 as amended by 2016 PA 346 and section 3114 as amended by 2016 PA 347, and by adding section 3107c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 3107C. A PHYSICIAN, HOSPITAL, CLINIC, OR OTHER MEDICAL INSTITUTION, OR OTHER PERSON, THAT PROVIDES A PRODUCT, SERVICE, OR ACCOMMODATION FOR AN INJURED PERSON'S CARE, RECOVERY, OR REHABILITATION IS ENTITLED TO PAYMENT OF PERSONAL PROTECTION INSURANCE BENEFITS UNDER THIS CHAPTER ON BEHALF OF THE INJURED PERSON.

Sec. 3113. A person is not entitled to be paid personal

1 protection insurance benefits ~~for accidental bodily injury~~ **UNDER**
2 **THIS CHAPTER** if at the time of the accident any of the following
3 circumstances existed:

4 (a) The person **THAT SUSTAINED THE ACCIDENTAL BODILY INJURY** was
5 willingly operating or willingly using a motor vehicle or
6 motorcycle that was taken unlawfully, and the person knew or should
7 have known that the motor vehicle or motorcycle was taken
8 unlawfully.

9 (b) The person **THAT SUSTAINED THE ACCIDENTAL BODILY INJURY** was
10 the owner or registrant of a motor vehicle or motorcycle involved
11 in the accident with respect to which the security required by
12 section 3101 or 3103 was not in effect.

13 (c) The person **THAT SUSTAINED THE ACCIDENTAL BODILY INJURY** was
14 not a resident of this state, was an occupant of a motor vehicle or
15 motorcycle not registered in this state, and the motor vehicle or
16 motorcycle was not insured by an insurer that has filed a
17 certification in compliance with section 3163.

18 (d) The person **THAT SUSTAINED THE ACCIDENTAL BODILY INJURY** was
19 operating a motor vehicle or motorcycle as to which he or she was
20 named as an excluded operator as allowed under section 3009(2).

21 (e) The person **THAT SUSTAINED THE ACCIDENTAL BODILY INJURY** was
22 the owner or operator of a motor vehicle for which coverage was
23 excluded under a policy exclusion authorized under section 3017.

24 Sec. 3114. (1) Except as provided in subsections (2), (3), and
25 (5), a personal protection insurance policy described in section
26 3101(1) applies to accidental bodily injury to the person named in
27 the policy, the person's spouse, and a relative of either domiciled

1 in the same household, if the injury arises from a motor vehicle
2 accident. A personal injury insurance policy described in section
3 3103(2) applies to accidental bodily injury to the person named in
4 the policy, the person's spouse, and a relative of either domiciled
5 in the same household, if the injury arises from a motorcycle
6 accident. If personal protection insurance benefits or personal
7 injury benefits described in section 3103(2) are payable to or for
8 the benefit of an injured person under his or her own policy and
9 would also be payable under the policy of his or her spouse,
10 relative, or relative's spouse, the injured person's insurer shall
11 pay all of the benefits and is not entitled to recoupment from the
12 other insurer.

13 (2) ~~A **IF A** person suffering~~ **SUFFERS** accidental bodily injury
14 while an operator or a passenger of a motor vehicle operated in the
15 business of transporting passengers, ~~shall receive the~~ **ANY** personal
16 protection insurance benefits ~~to which the person is entitled from~~
17 **PAYABLE UNDER THIS CHAPTER ARE PAYABLE BY** the insurer of the motor
18 vehicle. This subsection does not apply ~~to~~ **IF THE PERSON WAS** a
19 passenger in any of the following, unless the passenger is not
20 entitled to personal protection insurance benefits under any other
21 policy:

22 (a) A school bus, as defined by the department of education,
23 providing transportation not prohibited by law.

24 (b) A bus operated by a common carrier of passengers certified
25 by the department of transportation.

26 (c) A bus operating under a government sponsored
27 transportation program.

1 (d) A bus operated by or providing service to a nonprofit
2 organization.

3 (e) A taxicab insured as prescribed in section 3101 or 3102.

4 (f) A bus operated by a canoe or other watercraft, bicycle, or
5 horse livery used only to transport passengers to or from a
6 destination point.

7 (g) A transportation network company vehicle.

8 (3) ~~An~~ **IF AN** employee, his or her spouse, or a relative of
9 either domiciled in the same household, ~~who~~ suffers accidental
10 bodily injury while an occupant of a motor vehicle owned or
11 registered by the employer, ~~shall receive~~ **ANY** personal protection
12 insurance benefits ~~to which the employee is entitled from~~ **PAYABLE**
13 **UNDER THIS CHAPTER ARE PAYABLE BY** the insurer of the furnished
14 vehicle.

15 (4) Except as provided in subsections (1) to (3), **IF** a person
16 ~~suffering~~ **SUFFERS** accidental bodily injury arising from a motor
17 vehicle accident while an occupant of a motor vehicle, ~~shall claim~~
18 **ANY** personal protection insurance benefits ~~from~~ **PAYABLE UNDER THIS**
19 **CHAPTER ARE PAYABLE BY** insurers in the following order of priority:

20 (a) The insurer of the owner or registrant of the vehicle
21 occupied.

22 (b) The insurer of the operator of the vehicle occupied.

23 (5) ~~A~~ **IF A** person ~~suffering~~ **SUFFERS** accidental bodily injury
24 arising from a motor vehicle accident that shows evidence of the
25 involvement of a motor vehicle while an operator or passenger of a
26 motorcycle, ~~shall claim~~ **ANY** personal protection insurance benefits
27 ~~from~~ **PAYABLE UNDER THIS CHAPTER ARE PAYABLE BY** insurers in the

1 following order of priority:

2 (a) The insurer of the owner or registrant of the motor
3 vehicle involved in the accident.

4 (b) The insurer of the operator of the motor vehicle involved
5 in the accident.

6 (c) The motor vehicle insurer of the operator of the
7 motorcycle involved in the accident.

8 (d) The motor vehicle insurer of the owner or registrant of
9 the motorcycle involved in the accident.

10 (6) If 2 or more insurers are in the same order of priority to
11 provide personal protection insurance benefits under subsection
12 (5), an insurer paying benefits due is entitled to partial
13 recoupment from the other insurers in the same order of priority,
14 and a reasonable amount of partial recoupment of the expense of
15 processing the claim, in order to accomplish equitable distribution
16 of the loss among all of the insurers.

17 (7) As used in this section:

18 (a) "Personal vehicle", "prearranged ride", and
19 "transportation network company digital network" mean those terms
20 as defined in section 2 of the limousine, taxicab, and
21 transportation network company act, **2016 PA 235, MCL 257.2101 TO**
22 **257.2153.**

23 (b) "Transportation network company vehicle" means a personal
24 vehicle while the driver is logged on to the transportation network
25 company digital network or while the driver is engaged in a
26 prearranged ride.

27 Sec. 3115. (1) Except as provided in ~~subsection (1) of section~~

1 ~~3114, 3114 (1)~~, **IF** a person ~~suffering~~ **SUFFERS** accidental bodily
2 injury while not an occupant of a motor vehicle, ~~shall claim ANY~~
3 personal protection insurance benefits ~~from~~ **PAYABLE UNDER THIS**
4 **CHAPTER ARE PAYABLE BY** insurers in the following order of priority:

5 (a) Insurers of owners or registrants of motor vehicles
6 involved in the accident.

7 (b) Insurers of operators of motor vehicles involved in the
8 accident.

9 (2) When 2 or more insurers are in the same order of priority
10 to provide personal protection insurance benefits an insurer paying
11 benefits due is entitled to partial recoupment from the other
12 insurers in the same order of priority, ~~together with AND~~ a
13 reasonable amount of partial recoupment of the expense of
14 processing the claim, in order to accomplish equitable distribution
15 of the loss among ~~such THE~~ insurers.

16 (3) A limit ~~upon ON~~ the amount of personal protection
17 insurance benefits available because of accidental bodily injury to
18 1 person arising from 1 motor vehicle accident ~~shall MUST~~ be
19 determined without regard to the number of policies applicable to
20 the accident.

21 Sec. 3151. ~~When IF~~ the mental or physical condition of a
22 person is material to a claim that has been or may be made for past
23 or future personal protection insurance benefits, the person shall
24 submit to mental or physical examination by physicians. A personal
25 protection insurer may include reasonable provisions in a personal
26 protection insurance policy for mental and physical examination of
27 persons **WHO SUFFER ACCIDENTAL BODILY INJURY ARISING FROM A MOTOR**

1 **VEHICLE ACCIDENT WHO ARE** claiming personal protection insurance
2 benefits.

3 Enacting section 1. This amendatory act takes effect 90 days
4 after the date it is enacted into law.