

Legislative Analysis



PASSENGER TRANSPORTATION BUSINESSES

Phone: (517) 373-8080
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House Bill 5718 as reported from committee
Sponsor: Rep. Daire Rendon

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5719 as reported from committee
Sponsor: Rep. Roger Hauck

Committee: Rules and Competitiveness
Complete to 5-18-22

SUMMARY:

House Bills 5718 and 5719 would amend the Insurance Code to change the order of priority for payment of personal injury protection (PIP) benefits to a person injured while an operator of or passenger in a motor vehicle operated in the business of transporting passengers (including taxis, limousines, certain buses, and ride services such as Uber and Lyft). The bills would remove provisions that now provide that the motor vehicle owner's insurance must cover those benefits, under varying circumstances, and instead provide for them to be primarily a matter for the injured person's own insurance coverage.

Order of priority

The Insurance Code establishes which no-fault insurer has primary responsibility for PIP benefits in different situations, and thus which insurer an injured person should look to first for payment, then next if the first does not apply, etc. This is called the "order of priority."

Generally speaking, an injured person's own policy is first in the order of priority. If the person is not a named insured on a policy, but the person's spouse or any relative living in the same household is insured by a policy, then that policy is first. The insurer of last resort, for people who are not otherwise covered as described above, is the Michigan Automobile Insurance Placement Facility, which administers the Michigan Assigned Claims Plan (MACP).

Current order of priority for passenger vehicles

The order of priority for vehicles operated in the business of transporting passengers is an exception to the general rule. The insurer of the motor vehicle (coverage obtained by the vehicle owner) is included in the order of priority for payment of PIP benefits for people injured while an operator of or passenger in such a vehicle.

For an *operator* of such a vehicle, the insurer of the motor vehicle owner is first in the order of priority, followed by the operator's own policy, the policy of the operator's spouse or a relative living in the same household, and the MACP.

For the following kinds of vehicles, the insurer of the motor vehicle owner is responsible only if an injured *passenger* is not entitled to PIP benefits under any other policy (that is, the insurer of the motor vehicle owner is responsible after the passenger's own coverage but before the MACP):

- A taxicab insured as prescribed in the code.

- A transportation network company vehicle (e.g., Uber or Lyft).
- A school bus, as defined by the Department of Education, providing transportation not prohibited by law.
- A bus operated by a common carrier of passengers certified by the Department of Transportation.
- A bus operating under a government sponsored transportation program.
- A bus operated by or providing service to a nonprofit organization.
- A bus operated by a canoe or other watercraft, bicycle, or horse livery used only to transport passengers to or from a destination point.
- A motor vehicle insured under a policy for which the person named in the policy has elected to not maintain coverage for personal protection insurance benefits under section 3107d of the code or as to which an exclusion under section 3109a(2) applies.

For a *passenger* injured on motor vehicle operated in the business of transporting passengers that is not listed above (e.g., an ambulance or other medical transport vehicle, a limousine, an airport shuttle, a “party bus”), the insurer of the motor vehicle owner is first in the order of priority, followed by the passenger’s own policy, then the policy of the passenger’s spouse or a relative living in the same household, and the MACP.

(See **Background**, below, for a table comparing orders of priority under current law and the bills.)

House Bill 5719 would remove the provisions described above that establish the order of priority for vehicles operated in the business of transporting passengers. A person injured while an operator or passenger of such a vehicle would be covered as under the general order of priority (their own policy, then that of a relative in the same household, then the MACP). The insurer of the motor vehicle operated in the business of transporting passengers would not be included in that order of priority.

MCL 500.3114

House Bill 5718 would make a complementary technical change. The provisions that HB 5719 would remove contain several defined terms that would no longer be used in that section after those changes. However, another section in the code uses the same terms and defines them by referring to their definitions in the section HB 5719 would amend (and remove those definitions from). House Bill 5718 would therefore move the definitions of those terms, unaltered, to the section where they would continue to be used.

MCL 500.3107c

The bills are tie-barred together, which means that neither could take effect unless both were enacted.

BACKGROUND:

The table below compares the order of priority for passenger transportation businesses under current law and under HB 5718. The bill would remove the vehicles’ insurance (italicized in the table) from responsibility for coverage.

Current law			HB 5718
For injuries to these individuals:			
Operator of:	Passenger of:	Passenger of:	Operator or passenger of:
Any type of passenger transportation business vehicle	Taxi, ride service such as Uber and Lyft, school bus, common carrier bus such as Greyhound, or other specified bus or vehicle (see the bulleted list above)	Limousine, airport shuttle, ambulance or other medical transport vehicle, “party bus”	Any type of passenger transportation business vehicle
The order of priority for coverage of a claim is:			
1. <i>Vehicle owner’s insurance</i>	1. Passenger’s own insurance	1. <i>Vehicle owner’s insurance</i>	1. Injured person’s own insurance
2. Operator’s own insurance	2. Insurance of the passenger’s spouse or relative living in the same household	2. Passenger’s own insurance	2. Insurance of the injured person’s spouse or relative living in the same household
3. Insurance of the operator’s spouse or relative living in the same household	3. <i>Vehicle owner’s insurance</i>	3. Insurance of the passenger’s spouse or relative living in the same household	3. Michigan Assigned Claims Plan
4. Michigan Assigned Claims Plan	4. Michigan Assigned Claims Plan	4. Michigan Assigned Claims Plan	

FISCAL IMPACT:

The bills would have no fiscal impact on the state or on local units of government.

POSITIONS:

Representatives of the following entities testified in support of the bills (2-10-22):

- Passenger Transportation Coalition
- Michigan Home Care and Hospice Association
- Affordable Limousine LLC
- Anchor Group Management, Inc.
- Blue Lakes Charters and Tours
- Golden Limousine, Inc.
- Indian Trails, Inc.
- Korotkin Insurance Group
- Tecumseh Trolley and Limousine

The following entities indicated support for the bills:

- A Dream Limousine and Sedan (2-10-22)
- A Superior Transportation and Logistics Co. (2-10-22)
- All Around Limos (2-10-22)
- Area Wide Transport (2-10-22)
- Aristocrat Transportation (2-10-22)
- Beyond Horizons Tour and Travel (2-10-22)
- Bianco Travel and Tours (2-10-22)
- Blue Diamond Limousine Worldwide (2-10-22)
- Blue Lakes by the Bay and Blue Lakes Charters and Tours (2-10-22)
- Brentwood's Distinguished Executive Transportation (2-10-22)
- Care Transport (2-10-22)
- D&D Executive Transportation (2-10-22)
- DADDS Magic Bus (2-10-22)
- Grand Limousine (2-10-22)
- Grand Rapids Beer Trolley (2-10-22)
- Grand Traverse Limousine and Airport Service (2-10-22)
- Grand Traverse Tours (2-10-22)
- Hammersmith Equipment Company (2-10-22)
- HNI Risk Advisors (2-10-22)
- Holiday Coach (2-10-22)
- Hops Noggin Tours (2-10-22)
- J&B Transportation (2-10-22)
- Kensington Valley Coach (2-10-22)
- Lavdas Limousine (2-10-22)
- Madden Tours (2-10-22)
- Metropolitan Airport Car, Inc. (2-10-22)
- Midwest Coach (2-10-22)
- Mitchell Motorcoach (2-10-22)
- Nemo's Bar and Grill (5-5-22)
- Network Sedan Service (2-10-22)
- Northern Michigan Wine and Beer Tours (2-10-22)
- On the Move Coaches (2-10-22)

- Peace Transportation (2-10-22)
- People's Transit (2-10-22)
- Rockstarz Limousine (2-10-22)
- Traverse Bay Tours (2-10-22)
- Trinity Transportation (2-10-22)
- Untapped Sights and Tours (2-10-22)
- Up North Tours (2-10-22)
- Xpedition Travel (2-10-22)

Representatives of the following entities testified in opposition to the bills (2-10-22):

- Department of Insurance and Financial Services
- Michigan Association for Justice

The Coalition Protecting Auto No-Fault (CPAN) indicated opposition to the bills. (5-5-22)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.