

HOUSE BILL NO. 5719

February 02, 2022, Introduced by Reps. Hauck, Rendon, Meerman, Kahle, Alexander, Steenland, Garza, Coleman, Borton, Bellino, Bezotte and Posthumus and referred to the Committee on Rules and Competitiveness.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
by amending section 3114 (MCL 500.3114), as amended by 2019 PA 21.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3114. (1) Except as provided in subsections (2) ~~, (3),~~
2 and ~~(5), (4)~~, a personal protection insurance policy described in
3 section ~~3101(1)~~ **3101** applies to accidental bodily injury to the
4 person named in the policy, the person's spouse, and a relative of
5 either domiciled in the same household, if the injury arises from a

1 motor vehicle accident. A personal injury insurance policy
 2 described in section 3103(2) applies to accidental bodily injury to
 3 the person named in the policy, the person's spouse, and a relative
 4 of either domiciled in the same household, if the injury arises
 5 from a motorcycle accident. If personal protection insurance
 6 benefits or personal injury benefits described in section 3103(2)
 7 are payable to or for the benefit of an injured person under his or
 8 her own policy and would also be payable under the policy of his or
 9 her spouse, relative, or relative's spouse, the injured person's
 10 insurer shall pay all of the benefits up to the coverage level
 11 applicable under section 3107c to the injured person's policy, and
 12 is not entitled to recoupment from the other insurer.

13 ~~(2) A person who suffers accidental bodily injury while an~~
 14 ~~operator or a passenger of a motor vehicle operated in the business~~
 15 ~~of transporting passengers shall receive the personal protection~~
 16 ~~insurance benefits to which the person is entitled from the insurer~~
 17 ~~of the motor vehicle. This subsection does not apply to a passenger~~
 18 ~~in any of the following, unless the passenger is not entitled to~~
 19 ~~personal protection insurance benefits under any other policy:~~

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

22 ~~(b) A bus operated by a common carrier of passengers certified~~
 23 ~~by the department of transportation.~~

24 ~~(c) A bus operating under a government sponsored~~
 25 ~~transportation program.~~

26 ~~(d) A bus operated by or providing service to a nonprofit~~
 27 ~~organization.~~

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

29 ~~(f) A bus operated by a canoe or other watercraft, bicycle, or~~

1 ~~horse livery used only to transport passengers to or from a~~
 2 ~~destination point.~~

3 ~~(g) A transportation network company vehicle.~~

4 ~~(h) A motor vehicle insured under a policy for which the~~
 5 ~~person named in the policy has elected to not maintain coverage for~~
 6 ~~personal protection insurance benefits under section 3107d or as to~~
 7 ~~which an exclusion under section 3109a(2) applies.~~

8 **(2)** ~~(3)~~—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 personal protection
 12 insurance benefits to which the employee is entitled from the
 13 insurer of the furnished vehicle.

14 **(3)** ~~(4)~~—Except as provided in ~~subsections~~ **subsection** (2), and
 15 ~~(3)~~, a person who suffers accidental bodily injury arising from a
 16 motor vehicle accident while an occupant of a motor vehicle who is
 17 not covered under a personal protection insurance policy as
 18 provided in subsection (1) shall claim personal protection
 19 insurance benefits under the assigned claims plan under sections
 20 3171 to 3175. This subsection does not apply to a person insured
 21 under a policy for which the person named in the policy has elected
 22 to not maintain coverage for personal protection insurance benefits
 23 under section 3107d or as to which an exclusion under section
 24 ~~3109(2)~~ **3109a(2)** applies, or who is not entitled to be paid
 25 personal protection benefits under section 3107d(6)(c) or
 26 3109a(2)(d)(ii).

27 **(4)** ~~(5)~~—Subject to subsections **(5) and (6)**, and ~~(7)~~, a person
 28 who suffers accidental bodily injury arising from a motor vehicle
 29 accident that shows evidence of the involvement of a motor vehicle

1 while an operator or passenger of a motorcycle shall claim personal
2 protection insurance benefits from insurers in the following order
3 of priority:

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

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

8 (c) The motor vehicle insurer of the operator of the
9 motorcycle involved in the accident.

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

12 (5) ~~(6)~~—If an applicable insurance policy in an order of
13 priority under subsection ~~(5)~~ **(4)** is a policy for which the person
14 named in the policy has elected to not maintain coverage for
15 personal protection insurance benefits under section 3107d, or as
16 to which an exclusion under section ~~3109(2)~~ **3109a(2)** applies, the
17 injured person shall claim benefits only under other policies,
18 subject to subsection ~~(7)~~, **(6)**, in the same order of priority for
19 which no such election has been made. If there are no other
20 policies for which no such election has been made, the injured
21 person shall claim benefits under the next order of priority or, if
22 there is not a next order of priority, under the assigned claims
23 plan under sections 3171 to 3175.

24 (6) ~~(7)~~—If personal protection insurance benefits are payable
25 under subsection ~~(5)~~ **(4)** under 2 or more insurance policies in the
26 same order of priority, the benefits are only payable up to an
27 aggregate coverage limit that equals the highest available coverage
28 limit under any 1 of the policies.

29 (7) ~~(8)~~—Subject to subsections **(5) and (6)**, ~~and (7)~~, if 2 or

1 more insurers are in the same order of priority to provide personal
2 protection insurance benefits under subsection ~~(5)~~, **(4)**, an insurer
3 that pays benefits due is entitled to partial recoupment from the
4 other insurers in the same order of priority, and a reasonable
5 amount of partial recoupment of the expense of processing the
6 claim, in order to accomplish equitable distribution of the loss
7 among all of the insurers.

8 ~~(9) As used in this section:~~

9 ~~(a) "Personal vehicle", "transportation network company~~
10 ~~digital network", and "transportation network company prearranged~~
11 ~~ride" mean those terms as defined in section 2 of the limousine,~~
12 ~~taxicab, and transportation network company act, 2016 PA 345, MCL~~
13 ~~257.2102.~~

14 ~~(b) "Transportation network company vehicle" means a personal~~
15 ~~vehicle while the driver is logged on to the transportation network~~
16 ~~company digital network or while the driver is engaged in a~~
17 ~~transportation network company prearranged ride.~~

18 Enacting section 1. This amendatory act does not take effect
19 unless Senate Bill No. ____ or House Bill No. 5718 (request no.
20 03712'21) of the 101st Legislature is enacted into law.