

THE INSURANCE CODE OF 1956 (EXCERPT)
Act 218 of 1956

500.3109 Subtraction of other benefits from personal protection benefits; injured person defined; deductible provision.

Sec. 3109.

(1) Benefits provided or required to be provided under the laws of any state or the federal government shall be subtracted from the personal protection insurance benefits otherwise payable for the injury under this chapter.

(2) An injured person is a natural person suffering accidental bodily injury.

(3) An insurer providing personal protection insurance benefits under this chapter may offer, at appropriately reduced premium rates, a deductible of a specified dollar amount. This deductible may be applicable to all or any specified types of personal protection insurance benefits, but shall apply only to benefits payable to the person named in the policy, his or her spouse, and any relative of either domiciled in the same household.

History: Add. 1972, Act 294, Eff. Mar. 30, 1973 ;-- Am. 2012, Act 454, Imd. Eff. Dec. 27, 2012

Constitutionality: In *O'Donnel v State Farm Mutual Automobile Insurance Company*, 404 Mich 524; 273 NW2d 829 (1979), the Michigan supreme court held that MCL 500.3109(1) does not violate the due process clause or the equal protection clause of the state or federal constitutions. In *Underhill v Safeco Insurance Company*, 407 Mich 175; 284 NW2d 463 (1979), the Michigan supreme court held that subsection (3) of this section authorizing the commissioner to approve deductibles was not an unconstitutional delegation of authority. The Michigan supreme court in *Mathis v Interstate Motor Freight System*, 408 Mich 164; 289 NW2d 708 (1980), held that MCL 500.3109(1) as applied to workers' compensation benefits is sustainable under the equal protection clause of the Michigan constitution.

Popular Name: Act 218

Popular Name: Essential Insurance

Popular Name: No-Fault Insurance