

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1140

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
by amending sections 3113 and 3114 (MCL 500.3113 and 500.3114),
section 3113 as amended by 1986 PA 93 and section 3114 as amended
by 2002 PA 38.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3113. A person is not entitled to be paid personal
2 protection insurance benefits for accidental bodily injury if at
3 the time of the accident any of the following circumstances
4 existed:

5 (a) The person was **WILLINGLY OPERATING OR WILLINGLY** using a
6 motor vehicle or motorcycle ~~which he or she had~~ **THAT WAS** taken
7 unlawfully, ~~unless~~ **AND** the person ~~reasonably believed that he or~~
8 ~~she was entitled to take and use the vehicle.~~ **KNEW OR SHOULD HAVE**

1 **KNOWN THAT THE MOTOR VEHICLE OR MOTORCYCLE WAS TAKEN UNLAWFULLY.**

2 (b) The person was the owner or registrant of a motor vehicle
3 or motorcycle involved in the accident with respect to which the
4 security required by section 3101 or 3103 was not in effect.

5 (c) The person was not a resident of this state, was an
6 occupant of a motor vehicle or motorcycle not registered in this
7 state, and **THE MOTOR VEHICLE OR MOTORCYCLE** was not insured by an
8 insurer ~~which~~**THAT** has filed a certification in compliance with
9 section 3163.

10 **(D) THE PERSON WAS OPERATING A MOTOR VEHICLE OR MOTORCYCLE AS**
11 **TO WHICH HE OR SHE WAS NAMED AS AN EXCLUDED OPERATOR AS ALLOWED**
12 **UNDER SECTION 3009(2).**

13 Sec. 3114. (1) Except as provided in subsections (2), (3), and
14 (5), a personal protection insurance policy described in section
15 3101(1) applies to accidental bodily injury to the person named in
16 the policy, the person's spouse, and a relative of either domiciled
17 in the same household, if the injury arises from a motor vehicle
18 accident. A personal injury insurance policy described in section
19 3103(2) applies to accidental bodily injury to the person named in
20 the policy, the person's spouse, and a relative of either domiciled
21 in the same household, if the injury arises from a motorcycle
22 accident. ~~When~~**IF** personal protection insurance benefits or
23 personal injury benefits described in section 3103(2) are payable
24 to or for the benefit of an injured person under his or her own
25 policy and would also be payable under the policy of his or her
26 spouse, relative, or relative's spouse, the injured person's
27 insurer shall pay all of the benefits and is not entitled to

1 recoupment from the other insurer.

2 (2) A person suffering accidental bodily injury while an
3 operator or a passenger of a motor vehicle operated in the business
4 of transporting passengers shall receive the personal protection
5 insurance benefits to which the person is entitled from the insurer
6 of the motor vehicle. This subsection does not apply to a passenger
7 in **ANY OF** the following, unless ~~that~~**THE** passenger is not entitled
8 to personal protection insurance benefits under any other policy:

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

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

13 (c) A bus operating under a government sponsored
14 transportation program.

15 (d) A bus operated by or providing service to a nonprofit
16 organization.

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

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

21 **(G) A MOTOR VEHICLE INSURED UNDER SECTION 3101 OR 3102 WHILE**
22 **THE VEHICLE IS BEING OPERATED BY A TRANSPORTATION NETWORK COMPANY**
23 **DRIVER IN CONNECTION WITH A TRANSPORTATION NETWORK COMPANY'S**
24 **DIGITAL NETWORK.**

25 (3) An employee, his or her spouse, or a relative of either
26 domiciled in the same household, who suffers accidental bodily
27 injury while an occupant of a motor vehicle owned or registered by

1 the employer, shall receive personal protection insurance benefits
2 to which the employee is entitled from the insurer of the furnished
3 vehicle.

4 (4) Except as provided in subsections (1) to (3), a person
5 suffering accidental bodily injury arising from a motor vehicle
6 accident while an occupant of a motor vehicle shall claim personal
7 protection insurance benefits from insurers in the following order
8 of priority:

9 (a) The insurer of the owner or registrant of the vehicle
10 occupied.

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

12 (5) A person suffering accidental bodily injury arising from a
13 motor vehicle accident ~~which~~ **THAT** shows evidence of the involvement
14 of a motor vehicle while an operator or passenger of a motorcycle
15 shall claim personal protection insurance benefits from insurers in
16 the following order of priority:

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

19 (b) The insurer of the operator of the motor vehicle involved
20 in the accident.

21 (c) The motor vehicle insurer of the operator of the
22 motorcycle involved in the accident.

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

25 (6) If 2 or more insurers are in the same order of priority to
26 provide personal protection insurance benefits under subsection
27 (5), an insurer paying benefits due is entitled to partial

1 recoupment from the other insurers in the same order of priority,
2 ~~together with~~ AND a reasonable amount of partial recoupment of the
3 expense of processing the claim, in order to accomplish equitable
4 distribution of the loss among all of the insurers.

5 (7) AS USED IN THIS SECTION:

6 (A) "TRANSPORTATION NETWORK COMPANY" MEANS A PERSON OPERATING
7 IN THIS STATE THAT USES A DIGITAL NETWORK TO CONNECT RIDERS TO
8 TRANSPORTATION NETWORK COMPANY DRIVERS FOR THE PURPOSE OF PROVIDING
9 TRANSPORTATION. TRANSPORTATION NETWORK COMPANY DOES NOT INCLUDE
10 TAXI SERVICE, TRANSPORTATION SERVICE ARRANGED THROUGH A
11 TRANSPORTATION BROKER, A RIDESHARING ARRANGEMENT, OR A
12 TRANSPORTATION SERVICE USING FIXED ROUTES AT REGULAR INTERVALS.

13 (B) "TRANSPORTATION NETWORK COMPANY DRIVER" MEANS AN
14 INDIVIDUAL WHO USES HIS OR HER PERSONAL VEHICLE TO PROVIDE
15 TRANSPORTATION SERVICES FOR RIDERS THAT ARE MATCHED TO THE
16 INDIVIDUAL THROUGH A TRANSPORTATION NETWORK COMPANY'S DIGITAL
17 NETWORK, REGARDLESS OF WHETHER THE INDIVIDUAL IS EMPLOYED BY A
18 TRANSPORTATION NETWORK COMPANY.