

# HOUSE BILL NO. 4812

July 18, 2019, Introduced by Rep. Bolden and referred to the Committee on Insurance.

A bill to amend 1956 PA 218, entitled  
"The insurance code of 1956,"  
by amending section 3114 (MCL 500.3114), as amended by 2016 PA 347.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 3114. (1) Except as provided in subsections (2), (3), and  
2           (5), a personal protection insurance policy described in section  
3           3101(1) 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 motor vehicle  
6           accident. A personal injury insurance policy described in section



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

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

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

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

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

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

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

28 (f) A bus operated by a canoe or other watercraft, bicycle, or  
29 horse livery used only to transport passengers to or from a



1 destination point.

2 (g) A transportation network company vehicle.

3 (3) An employee, his or her spouse, or a relative of either  
4 domiciled in the same household, who suffers accidental bodily  
5 injury while an occupant of a motor vehicle owned or registered by  
6 the employer, shall receive personal protection insurance benefits  
7 to which the employee is entitled from the insurer of the furnished  
8 vehicle.

9 (4) Except as provided in subsections (1) to (3), a person  
10 ~~suffering~~ **who suffers** accidental bodily injury arising from a motor  
11 vehicle accident while an occupant of a motor vehicle shall claim  
12 personal protection insurance benefits from insurers in the  
13 following order of priority:

14 (a) The insurer of the owner or registrant of the vehicle  
15 occupied.

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

17 (5) A person ~~suffering~~ **who suffers** accidental bodily injury  
18 arising from a motor vehicle accident that shows evidence of the  
19 involvement of a motor vehicle while an operator or passenger of a  
20 motorcycle shall claim personal protection insurance benefits from  
21 insurers in the following order of priority:

22 ~~(a) The insurer of the owner or registrant of the motor~~  
23 ~~vehicle involved in the accident.~~

24 ~~(b) The insurer of the operator of the motor vehicle involved~~  
25 ~~in the accident.~~

26 **(a)** ~~(e)~~ The motor vehicle insurer of the operator of the  
27 motorcycle involved in the accident.

28 **(b)** ~~(d)~~ The motor vehicle insurer of the owner or registrant  
29 of the motorcycle involved in the accident.



1           (c) The insurer of the operator of the motor vehicle involved  
2 in the accident.

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

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

12           (7) As used in this section:

13           (a) "Personal vehicle", ~~"prearranged ride"~~, and  
14 "transportation network company digital network", and  
15 **"transportation network company prearranged ride"** mean those terms  
16 as defined in section 2 of the limousine, taxicab, and  
17 transportation network company act, **2016 PA 345, MCL 257.2102.**

18           (b) "Transportation network company vehicle" means a personal  
19 vehicle while the driver is logged on to the transportation network  
20 company digital network or while the driver is engaged in a  
21 **transportation network company prearranged ride.**

