

HOUSE BILL NO. 5341

September 23, 2021, Introduced by Reps. Steven Johnson, Slagh, Fink, LaFave, Markkanen, Meerman and Hornberger and referred to the Committee on Insurance.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
by amending section 3107c (MCL 500.3107c), as added by 2019 PA 22.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3107c. (1) Except as provided in sections 3107d and
2 3109a, and subject to subsection (5), for an insurance policy that
3 provides the security required under section ~~3101(1)~~ **3101** and is
4 issued or renewed after July 1, 2020, the applicant or named
5 insured shall, in a way required under section 3107e and on a form

1 approved by the director, select 1 of the following coverage levels
2 for personal protection insurance benefits under section
3 3107(1) (a) :

4 (a) A limit of \$50,000.00 per individual per loss occurrence
5 for any personal protection insurance benefits under section
6 3107(1) (a). The selection of a limit under this subdivision is only
7 available to an applicant or named insured if both of the following
8 apply:

9 (i) The applicant or named insured is enrolled in Medicaid, as
10 that term is defined in section 3157.

11 (ii) The applicant's or named insured's spouse and any relative
12 of either who resides in the same household has qualified health
13 coverage, as that term is defined in section 3107d, is enrolled in
14 Medicaid, **is a participant in a health care sharing ministry under**
15 **the health care sharing ministries freedom to share act, 2012 PA**
16 **530, MCL 550.1861 to 550.1869**, or has coverage for the payment of
17 benefits under section 3107(1) (a) from an insurer that provides the
18 security required by section ~~3101(1)~~.**3101**.

19 (b) A limit of \$250,000.00 per individual per loss occurrence
20 for any personal protection insurance benefits under section
21 3107(1) (a) .

22 (c) A limit of \$500,000.00 per individual per loss occurrence
23 for any personal protection insurance benefits under section
24 3107(1) (a) .

25 (d) No limit for personal protection insurance benefits under
26 section 3107(1) (a) .

27 (2) The form required under subsection (1) must do all of the
28 following:

29 (a) State, in a conspicuous manner, the benefits and risks

1 associated with each coverage option.

2 (b) Provide a way for the applicant or named insured to mark
3 the form to acknowledge that he or she has read the form and
4 understands the options available.

5 (c) Allow the applicant or named insured to mark the form to
6 make the selection of coverage level under subsection (1).

7 (d) Require the applicant or named insured to sign the form.

8 (3) If an insurance policy is issued or renewed as described
9 in subsection (1) and the applicant or named insured has not made
10 an effective selection under subsection (1) but a premium or
11 premium installment has been paid, there is a rebuttable
12 presumption that the amount of the premium or installment paid
13 accurately reflects the level of coverage applicable to the policy
14 under subsection (1).

15 (4) If an insurance policy is issued or renewed as described
16 in subsection (1), the applicant or named insured has not made an
17 effective selection under subsection (1), and a presumption under
18 subsection (3) does not apply, subsection (1)(d) applies to the
19 policy.

20 (5) The coverage level selected under subsection (1) applies
21 to the named insured, the named insured's spouse, and a relative of
22 either domiciled in the same household, and any other person with a
23 right to claim personal protection insurance benefits under the
24 policy.

25 (6) If benefits are payable under section 3107(1)(a) under 2
26 or more insurance policies, 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) This section applies for a transportation network company

1 vehicle, but an applicant or named insured that is a transportation
2 network company shall only select limits under either subsection
3 (1)(b), (c), or (d). As used in this subsection:

4 (a) "Transportation network company" means that term as
5 defined in section 2 of the limousine, taxicab, and transportation
6 network company act, 2016 PA 345, MCL 257.2102.

7 (b) "Transportation network company vehicle" means that term
8 as defined in section 3114.

9 (8) An insurer shall offer, for a policy that provides the
10 security required under section ~~3101(1)~~**3101** to which a limit under
11 subsection (1)(a) to (c) applies, a rider that will provide
12 coverage for attendant care in excess of the applicable limit.