

HOUSE BILL NO. 6253

December 05, 2024, Introduced by Reps. Phil Green, Pohutsky and Rogers and referred to the Committee on Insurance and Financial Services.

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), and
2 (5), a personal protection insurance policy described in section
3 ~~3101(1)~~**3101** applies to accidental bodily injury to the person
4 named in the policy, the person's spouse, and a relative of either
5 domiciled in the same household, if the injury arises from a motor
6 vehicle accident. A personal injury insurance policy described in

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

12 (2) A person who suffers accidental bodily injury while an
13 operator or a passenger of a motor vehicle operated in the business
14 of transporting passengers shall receive the personal protection
15 insurance benefits to which the person is entitled from the insurer
16 of the motor vehicle. This subsection does not apply to a passenger
17 in any of the following, unless the passenger is not entitled to
18 personal protection insurance benefits under any other 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 (h) A motor vehicle insured under a policy for which the
4 person named in the policy has elected to not maintain coverage for
5 personal protection insurance benefits under section 3107d or as to
6 which an exclusion under section 3109a(2) applies.

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

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

25 (5) Subject to subsections (6) and (7), a person who suffers
26 accidental bodily injury arising from a motor vehicle accident that
27 shows evidence of the involvement of a motor vehicle while an
28 operator or passenger of a motorcycle shall claim personal
29 protection insurance benefits from insurers in the following order

1 of priority:

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

4 (b) The insurer of the operator of the motor vehicle involved
5 in the accident.

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

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

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

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

27 (8) Subject to subsections (6) and (7), if 2 or more insurers
28 are in the same order of priority to provide personal protection
29 insurance benefits under subsection (5), an insurer that pays

1 benefits due is entitled to partial recoupment from the other
2 insurers in the same order of priority, and a reasonable amount of
3 partial recoupment of the expense of processing the claim, in order
4 to accomplish equitable distribution of the loss among all of the
5 insurers.

6 (9) As used in this section:

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

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