

No. 44  
STATE OF MICHIGAN  
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**House of Representatives**  
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REGULAR SESSION OF 2019

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House Chamber, Lansing, Wednesday, May 8, 2019.

1:30 p.m.

The House was called to order by Associate Speaker Pro Tempore Hornberger.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Afendoulis—present	Filler—present	Kahle—present	Reilly—present
Albert—present	Frederick—present	Kennedy—present	Rendon—present
Alexander—present	Garrett—present	Koleszar—present	Robinson—present
Allor—present	Garza—present	Kuppa—present	Sabo—present
Anthony—present	Gay-Dagnogo—present	LaFave—present	Schroeder—present
Bellino—present	Glenn—present	LaGrand—present	Shannon—present
Berman—present	Green—present	Lasinski—present	Sheppard—present
Bolden—present	Greig—present	Leutheuser—present	Slagh—excused
Bollin—present	Griffin—present	Liberati—present	Sneller—present
Brann—present	Guerra—present	Lightner—present	Sowerby—present
Brixie—present	Haadsma—present	Lilly—excused	Stone—present
Byrd—present	Hall—present	Love—present	Tate—present
Calley—present	Hammoud—present	Lower—present	VanSingel—present
Cambensy—present	Hauck—present	Maddock—present	VanWoerkom—excused
Camilleri—present	Hernandez—present	Manoogian—present	Vaupel—present
Carter, B.—present	Hertel—present	Marino—present	Wakeman—present
Carter, T.—present	Hoadley—present	Markkanen—present	Warren—present
Chatfield—present	Hoitenga—present	Meerman—excused	Webber—present
Cherry—present	Hood—present	Miller—excused	Wendzel—present
Chirkun—present	Hope—present	Mueller—present	Wentworth—present
Clemente—present	Hornberger—present	Neeley—present	Whiteford—excused
Cole—present	Howell—present	O'Malley—present	Whitsett—present
Coleman—present	Huizenga—excused	Pagan—present	Wittenberg—present
Crawford—present	Iden—present	Paquette—present	Witwer—present
Eisen—present	Inman—present	Peterson—present	Wozniak—present
Elder—present	Johnson, C.—present	Pohutsky—present	Yancey—present
Ellison—present	Johnson, S.—present	Rabhi—present	Yaroch—present
Farrington—present	Jones—present		

e/d/s = entered during session

Rev. Arnie Koontz, Executive Director of Blue Water Rescue Mission in Port Huron, offered the following invocation:

“Dear Heavenly Father, I come humbly before You this day proclaiming before all the world, how great is Your grace, which You have put in store for all those who love You and have faith in You, openly, before the sons of men!

Lord, I thank You for each of these men and women represented by this body whom You have placed in authority over the affairs of this great State that we call Michigan. I ask of You Lord, please forgive us for our pride. The pride that puffs us up, the pride that comes between us and threatens our ability to work together efficiently for the good of Your people.

I ask of You Lord, that You would come in Your manifest presence and give these men and women of this body, wisdom and knowledge far beyond their years or abilities as the conduct the matters that will be brought before them.

Let everything that is said and everything that is done by this body bring praise and honor and glory unto You O Lord, for that is what we truly desire.

O love the LORD, all ye His saints: for the LORD preserveth the faithful, and plentifully rewardeth the proud doer.

Be of good courage, and He shall strengthen your heart, all ye that hope in the LORD.

In the mighty name of Jesus, we pray. In Jesus name Amen.”

### Motions and Resolutions

Rep. Cole moved that Rule 71 be suspended and the resolution be considered at this time. The motion prevailed, 3/5 of the members present voting therefor.

Reps. Ellison, Calley, Cherry, Garza, Gay-Dagnogo, Haadsma, Kahle, Liberati, Pagan, Pohutsky, Shannon, Sneller, Sowerby, Stone, Tate and Warren offered the following resolution:

#### **House Resolution No. 92.**

A resolution to declare May 2019 as Cystic Fibrosis Awareness Month in the state of Michigan.

Whereas, Cystic fibrosis (CF) is a genetic disease affecting approximately 30,000 children and adults in the United States; and

Whereas, A defective gene causes the body to produce an abnormally thick, sticky mucus that clogs the lungs. These secretions produce life-threatening lung infections and obstruct the pancreas, preventing digestive enzymes from reaching the intestines to help break down and absorb food; and

Whereas, More than 10 million Americans are symptomless carriers of the defective cystic fibrosis gene; and

Whereas, There are approximately 1,000 people in Michigan living with the disease. The median age of survival for a person with cystic fibrosis is 41.1 years; and

Whereas, Infant blood screening to detect genetic defects is the most reliable and least costly method to identify persons likely to have CF. Early diagnosis of cystic fibrosis permits early treatment and enhances quality of life and longevity. The treatment of CF depends on the stage of the disease and the organs involved. A critical component of treating patients with cystic fibrosis includes access to innovative treatments, which can play a critical role in the lives of patients; and

Whereas, Michigan has the second CF Task Force in the Country that raises awareness and advocates for people with CF. Michigan based non-profit advocacy groups such as the Rock CF Foundation, The Bonnell Foundation: Living with cystic fibrosis and Hunt for a Cure raise awareness and funds to assist the CF Community. The CF Foundations local chapter continues to raise much needed funds for research and medications; and

Whereas, Michigan also has eight cystic fibrosis care centers: Children’s Hospital of Michigan, Wayne State University Harper University Hospital, Helen DeVos Women and Children’s Center, Spectrum Health Adult Cystic Fibrosis Care Center, Michigan State University Pediatric, University of Michigan Pediatric and Adult, Hurley Children’s Clinic at Mott Children’s Health Center, and Western Michigan University School of Medicine Clinics. Toledo, Ohio is also home to the Toledo Children’s Hospital and Northwest Ohio Cystic Fibrosis Center which serve Michigan patients as well; and

Whereas, During the month of May, cystic fibrosis chapters and volunteers will come together throughout the state of Michigan to raise awareness about the disease to achieve their mission of curing and providing support and treatment to those with cystic fibrosis; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 2019 as Cystic Fibrosis Awareness Month in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

**Second Reading of Bills**

**House Bill No. 4510, entitled**

A bill to amend 1967 PA 227, entitled “An act to regulate the inspection, construction, installation, alteration, maintenance, repair and operation of elevators and the licensing of elevator contractors; to regulate the construction, installation, alteration, maintenance, and repair of certain residential lifts; to prescribe the functions of the director of the department of licensing and regulatory affairs; to create, and prescribe the functions of, the elevator safety board; to provide penalties for violations of the act; and to repeal acts and parts of acts,” by amending sections 2 and 9 (MCL 408.802 and 408.809), as amended by 1980 PA 282.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Government Operations,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Farrington moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

By unanimous consent the House returned to the order of

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bills had been reproduced and made available electronically on Tuesday, May 7:

**House Bill Nos. 4565 4566 4567 4568 4569 4570 4571**

The Clerk announced that the following bill had been reproduced and made available electronically on Wednesday, May 8:

**Senate Bill No. 306**

**Reports of Standing Committees**

**COMMITTEE ATTENDANCE REPORT**

The following report, submitted by Rep. Crawford, Chair, of the Committee on Families, Children, and Seniors, was received and read:

Meeting held on: Wednesday, May 8, 2019

Present: Reps. Crawford, Rendon, Hoitenga, Wozniak, Garrett, Liberati and Brenda Carter

Absent: Reps. Meerman and Cynthia Johnson

Excused: Reps. Meerman and Cynthia Johnson

**COMMITTEE ATTENDANCE REPORT**

The following report, submitted by Rep. Alexander, Chair, of the Committee on Agriculture, was received and read:

Meeting held on: Wednesday, May 8, 2019

Present: Reps. Alexander, LaFave, Eisen, Wendzel, Elder, Coleman, Garza, Cynthia Johnson and Witwer

Absent: Reps. Meerman and Mueller

Excused: Reps. Meerman and Mueller

**COMMITTEE ATTENDANCE REPORT**

The following report, submitted by Rep. Hoitenga, Chair, of the Committee on Communications and Technology, was received and read:

Meeting held on: Wednesday, May 8, 2019

Present: Reps. Hoitenga, Steven Johnson, Wozniak, Coleman and Chirkun

### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Farrington, Chair, of the Committee on Financial Services, was received and read:

Meeting held on: Wednesday, May 8, 2019

Present: Reps. Farrington, Schroeder, Bellino, Berman, Wakeman, Gay-Dagnogo, Wittenberg, Clemente, Stone and Whitsett

Absent: Rep. Sheppard

Excused: Rep. Sheppard

#### Introduction of Bills

Rep. Lightner introduced

**House Bill No. 4572, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2081) by adding section 1091.

The bill was read a first time by its title and referred to the Committee on Transportation.

Reps. Cherry, Guerra, Sneller, Ellison, Chirkun, Witwer, Kennedy, Kuppa and Gay-Dagnogo introduced

**House Bill No. 4573, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 11c (MCL 247.661c), as amended by 2015 PA 182.

The bill was read a first time by its title and referred to the Committee on Transportation.

Rep. LaGrand introduced

**House Bill No. 4574, entitled**

A bill to amend 1846 RS 1, entitled "Of the statutes," (MCL 8.1 to 8.9) by adding section 6a.

The bill was read a first time by its title and referred to the Committee on Oversight.

Reps. Hoyenga, Alexander and Steven Johnson introduced

**House Bill No. 4575, entitled**

A bill to clarify certain powers of the governor; and to impose certain duties on certain state officials.

The bill was read a first time by its title and referred to the Committee on Oversight.

The Speaker assumed the Chair.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Rep. Cole moved that Rule 42 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

Rep. Wentworth moved that the Committee on Insurance be discharged from further consideration of **House Bill No. 4397**.

The motion prevailed, a majority of the members serving voting therefor.

The bill was placed on the order of Second Reading of Bills.

**Second Reading of Bills**

**House Bill No. 4397, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1833, 1910, 2102, 2103, 2116a, 2118, 2120, 3009, 3017, 3020, 3037, 3101, 3102, 3103, 3104, 3131, 3135, 3163, 3171, 3172, 3179, 3303, and 6107 (MCL 500.1833, 500.1910, 500.2102, 500.2103, 500.2116a, 500.2118, 500.2120, 500.3009, 500.3017, 500.3020, 500.3037, 500.3101, 500.3102, 500.3103, 500.3104, 500.3131, 500.3135, 500.3163, 500.3171, 500.3172, 500.3179, 500.3303, and 500.6107), section 1833 as added by 1989 PA 214, sections 1910, 3171, and 3172 as amended by 2012 PA 204, section 2103 as amended by 2016 PA 449, section 2116a as added and sections 2118 and 2120 as amended by 2007 PA 35, sections 3009 and 3037 as amended and section 3017 as added by 2016 PA 346, section 3020 as amended by 2006 PA 106, section 3101 as amended by 2017 PA 140, section 3102 as amended by 1990 PA 79, section 3103 as amended by 1986 PA 173, section 3104 as amended by 2002 PA 662, section 3135 as amended by 2012 PA 158, section 3163 as amended by 2002 PA 697, section 3303 as amended by 1980 PA 461, and section 6107 as amended by 2017 PA 58.

The bill was read a second time.

Rep. Wentworth moved to substitute (H-1) the bill.

The motion prevailed and the substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Yaroch moved to amend the bill as follows:

1. Amend page 5, line 6, by striking out all of section **1245**.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Yaroch moved to amend the bill as follows:

1. Amend page 55, line 4, after "**(3)**" by striking out "**and (6)**" and inserting a comma and "**(6), and (7)**".

2. Amend page 57, following line 2, by inserting:

**"(7) Subsections (2) to (6) do not apply to emergency medical services rendered by an ambulance operation. As used in this subdivision:**

**(i) "Ambulance operation" means that term as defined in section 20902 of the public health code, 1978 PA 368, MCL 333.20902.**

**(ii) "Emergency medical services" means that term as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.**" and renumbering the remaining subsections.

3. Amend page 57, line 3, after the first "**to**" by striking out "**(6)**" and inserting "**(7)**".

4. Amend page 57, line 7, by striking out "**(6)**" and inserting "**(7)**".

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Webber moved to amend the bill as follows:

1. Amend page 5, following line 29, by inserting:

"Sec. 2106. **(1)** Except as specifically provided in this chapter, ~~the provisions of chapter 24 and chapter 26 shall~~ do not apply to automobile insurance and home insurance.

**(2) Subject to section 2108(6), an insurer shall file and use rates for automobile insurance in accordance with chapter 24.**

**(3)** An insurer may use rates for automobile insurance or home insurance as soon as those rates are filed.

(4) To the extent that other provisions of this code act are inconsistent with the provisions of this chapter, this chapter shall govern ~~governs~~ with respect to automobile insurance and home insurance.”.

2. Amend page 6, line 5, by striking out “automobile insurance or”.

3. Amend page 6, line 6, after “director.” by inserting “**For automobile insurance, an insurer shall file a manual or plan described in this subsection in accordance with subsection (6).**”.

4. Amend page 7, following line 21, by inserting:

**“(6) For automobile insurance, an insurer shall file a manual or plan described in this subsection in accordance with chapter 24, except that the manual or plan must remain on file for a waiting period of 90 days before it becomes effective, which period may not be extended by the director, and the waiting period applies regardless of whether supporting information is required by the director under section 2406(1).”** and renumbering the remaining subsections.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Whitsett moved to amend the bill as follows:

1. Amend page 51, following line 28, by inserting:

“Sec. 3145. (1) An action for recovery of personal protection insurance benefits payable under this chapter for accidental bodily injury may not be commenced later than 1 year after the date of the accident causing the injury unless written notice of injury as provided herein has been given to the insurer within 1 year after the accident or unless the insurer has previously made a payment of personal protection insurance benefits for the injury. ~~If Subject to subsection (2), if~~ the notice has been given or a payment has been made, the action may be commenced at any time within 1 year after the most recent allowable expense, work loss, or survivor’s loss has been incurred. However, the claimant may not recover benefits for any portion of the loss incurred more than 1 year before the date on which the action was commenced. The notice of injury required by this subsection may be given to the insurer or any of its authorized agents by a person claiming to be entitled to benefits ~~therefor because of the injury, or by someone in his the person’s behalf~~. The notice ~~shall must~~ give the name and address of the claimant and indicate in ordinary language the name of the person injured and the time, place, and nature of ~~his the person’s~~ injury.

**(2) The limitation under subsection (1) on recovery of benefits incurred more than 1 year before an action is commenced is tolled from the date the person claiming the benefits makes a specific claim for the benefits until the date the insurer formally denies the claim. This subsection does not apply if the person claiming the benefits fails to pursue the claim with reasonable diligence.**

**(3) ~~(2)~~An action for recovery of property protection insurance benefits shall may not be commenced later than 1 year after the accident.”.**

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Whitsett moved to amend the bill as follows:

1. Amend page 5, line 27, after “persons.” by striking out the balance of the subsection and inserting:

**“(3) An insurer, including, but not limited to, an insurer that writes insurance as described in subsection (2) and an insurer that is exempted from any of the requirements of this chapter for any reason, shall not establish or maintain rates or rating classifications for automobile insurance based on a factor that is not allowed, or that is prohibited, under section 2111.”.**

2. Amend page 8, following line 1, by inserting:

“Sec. 2111. (1) Notwithstanding any provision of this act or this chapter to the contrary, classifications and territorial-base rates used by an insurer in this state with respect to automobile insurance or home insurance ~~shall must~~ conform to the applicable requirements of this section.

(2) Classifications established under this section for automobile insurance ~~shall must~~ be based only on 1 or more of the following factors, which ~~shall must~~ be applied by an insurer on a uniform basis throughout this state:

(a) With respect to all automobile insurance coverages:

(i) Either the age of the driver; the length of driving experience; or the number of years licensed to operate a motor vehicle.

(ii) Driver primacy, based on the proportionate use of each vehicle insured under the policy by individual drivers insured or to be insured under the policy.

(iii) Average miles driven weekly, annually, or both.

(iv) Type of use, such as business, farm, or pleasure use.

(v) Vehicle characteristics, features, and options, such as engine displacement, ability of the vehicle and its equipment to protect passengers from injury, and other similar items, including vehicle make and model.

(vi) Daily or weekly commuting mileage.

(vii) Number of cars insured by the insurer or number of licensed operators in the household. However, number of licensed operators ~~shall must~~ not be used as an indirect measure of marital status.

(viii) Amount of insurance.

(b) In addition to the factors prescribed in subdivision (a), with respect to personal protection insurance coverage:

~~(i) Earned income.~~

~~(i) (ii)~~ Number of dependents of income earners insured under the policy.

~~(ii) (iii)~~ Coordination of benefits.

~~(iii) (iv)~~ Use of a safety belt.

(c) In addition to the factors prescribed in subdivision (a), with respect to collision and comprehensive coverages:

(i) The anticipated cost of vehicle repairs or replacement, which may be measured by age, price, cost new, or value of the insured automobile, and other factors directly relating to that anticipated cost.

(ii) Vehicle make and model.

(iii) Vehicle design characteristics related to vehicle damageability.

(iv) Vehicle characteristics relating to automobile theft prevention devices.

(d) With respect to all automobile insurance coverage other than comprehensive, successful completion by the individual driver or drivers insured under the policy of an accident prevention education course that meets the following criteria:

(i) The course ~~shall~~ **must** include a minimum of 8 hours of classroom instruction.

(ii) The course ~~shall~~ **must** include, but not be limited to, a review of all of the following:

(A) The effects of aging on driving behavior.

(B) The shapes, colors, and types of road signs.

(C) The effects of alcohol and medication on driving.

(D) The laws relating to the proper use of a motor vehicle.

(E) Accident prevention measures.

(F) The benefits of safety belts and child restraints.

(G) Major driving hazards.

(H) Interaction with other highway users, such as motorcyclists, bicyclists, and pedestrians.

(3) Each insurer shall establish a secondary or merit rating plan for automobile insurance, other than comprehensive coverage. A secondary or merit rating plan required under this subsection ~~shall~~ **must** provide for premium surcharges for ~~any or all~~ coverages for automobile insurance, other than comprehensive coverage, based ~~upon on~~ any or all of the following, when that information becomes available to the insurer:

(a) Substantially at-fault accidents.

(b) Convictions for, determinations of responsibility for civil infractions for, or findings of responsibility in probate court for civil infractions for violations under chapter VI of the Michigan vehicle code, 1949 PA 300, MCL 257.601 to 257.750. However, an insured ~~shall~~ **must** not be ~~merit rated~~ **classified for rating purposes based on** a civil infraction under chapter VI of the Michigan vehicle code, 1949 PA 300, MCL 257.601 to 257.750, for a period of time longer than that which the secretary of state's office carries points for that infraction on the insured's motor vehicle record.

~~(3) (4)~~ An insurer shall not establish or maintain rates or rating classifications for automobile insurance based on sex or marital status **or a non-driving factor**.

~~(4) (5)~~ Notwithstanding other provisions of this chapter, automobile insurance risks ~~may~~ **must not** be grouped by territory.

~~(5) (6)~~ This section does not limit insurers or rating organizations from establishing and maintaining statistical reporting territories. This section does not prohibit an insurer from establishing or maintaining, for automobile insurance, a premium discount plan for senior citizens in this state who are 65 years of age or older, if the plan is uniformly applied by the insurer throughout this state. If an insurer has not established and maintained a premium discount plan for senior citizens, the insurer shall offer reduced premium rates to senior citizens in this state who are 65 years of age or older and who drive less than 3,000 miles per year, regardless of statistical data.

~~(6) (7)~~ Classifications established under this section for home insurance other than inland marine insurance provided by policy floaters or endorsements ~~shall~~ **must** be based only on 1 or more of the following factors:

(a) Amount and types of coverage.

(b) Security and safety devices, including locks, smoke detectors, and similar, related devices.

(c) Repairable structural defects reasonably related to risk.

(d) Fire protection class.

(e) Construction of structure, based on structure size, building material components, and number of units.

(f) Loss experience of the insured, based on prior claims attributable to factors under the control of the insured that have been paid by an insurer. An insured's failure, after written notice from the insurer, to correct a physical condition that presents a risk of repeated loss ~~shall be considered~~ **is** a factor under the control of the insured for purposes of this subdivision.

(g) Use of smoking materials within the structure.

(h) Distance of the structure from a fire hydrant.

(i) Availability of law enforcement or crime prevention services.

(7) ~~(8)~~ Notwithstanding other provisions of this chapter, home insurance risks may be grouped by territory.  
 (8) ~~(9)~~ An insurer may use factors in addition to those permitted by this section for insurance if the plan is consistent with the purposes of this act and reflects reasonably anticipated reductions or increases in losses or expenses.

(9) **As used in this section, “non-driving factors” means any factor for which there is no rational correlation between the factor and insurance losses. The director shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to establish the factors that are non-driving factors. After the effective date of the amendatory act that added this subsection, an insurer shall not use a factor to establish a rate for automobile insurance if the factor is in the rules promulgated under this subsection.”.**

3. Amend page 12, following line 6, by inserting:

“Sec. 2151. As used in this chapter:

(a) “Adverse action” means an increase in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount of, any personal insurance, existing or applied for.

(b) “Consumer reporting agency” means any person ~~which,~~ **that,** for monetary fees or dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

(c) “Credit information” means any credit-related information derived from a credit report, found on a credit report itself, or provided on an application for personal insurance. Information that is not credit-related ~~shall is not be considered~~ credit information, regardless of whether it is contained in a credit report or in an application, or is used to calculate an insurance score.

(d) “Credit report” means any written, oral, or other communication of information by a consumer reporting agency bearing on a consumer’s credit worthiness, credit standing, or credit capacity that is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in the rating of personal insurance.

(e) “Insurance score” means a number or rating that is derived from an algorithm, computer application, model, or other process that is based in whole or in part on credit information for the purposes of predicting the future insurance loss exposure of an individual applicant or insured.

(f) “Personal insurance” means property/casualty insurance written for personal, family, or household use, including ~~automobile,~~ home, motorcycle, mobile home, noncommercial dwelling fire, boat, personal watercraft, snowmobile, and recreational vehicle, whether written on an individual, group, franchise, blanket policy, or similar basis. **Personal insurance does not include automobile insurance.”.**

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Love moved to amend the bill as follows:

1. Amend page 5, line 27, after “persons.” by striking out the balance of the subsection and inserting **“However, both of the following apply to automobile insurance written on a group, franchise, blanket policy, or similar basis:**

(a) **Section 2111(4), with respect to sex.**

(b) **Section 2111f.”.**

2. Amend page 8, following line 1, by inserting:

**“Sec. 2111f. (1) Before 6 months after the effective date of the amendatory act that added this section, an insurer that offers automobile insurance in this state shall file premium rates for personal protection insurance coverage for automobile insurance policies effective after 6 months after the effective date of the amendatory act that added this section and before 1 year and 6 months after the effective date of the amendatory act that added this section.**

**(2) The premium rates filed under subsection (1), and any subsequent premium rates filed by the insurer for personal protection insurance coverage under automobile insurance policies effective before 5 years and 6 months after the effective date of the amendatory act that added this section, must result, as nearly as practicable, in an average reduction per vehicle from the premium rates for personal protection insurance coverage that were in effect for the insurer on May 1, 2019 as follows:**

(a) **For policies subject to the coverage limits under section 3107c(1)(a), an average 80% or greater reduction per vehicle.**

(b) **For policies subject to the coverage limits under section 3107c(1)(b), an average 60% or greater reduction per vehicle.**

(c) **For policies subject to the coverage limits under section 3107c(1)(c), an average 30% or greater reduction per vehicle.**



(d) For policies not subject to any coverage limit under section 3107c(1)(d), an average 10% or greater reduction per vehicle.

(3) For a policy under which an election under section 3107d has been made to not maintain coverage for personal protection insurance benefits payable under section 3107(1)(a), the premium rates filed under subsection (1), and any subsequent premium rates filed by the insurer for personal protection insurance coverage under automobile insurance policies effective before 5 years and 6 months after the effective date of the amendatory act that added this section, must result in no premium charge for coverage for personal protection insurance benefits payable under section 3107(1)(a).

(4) The director shall review premium rates filed by an insurer under subsections (1) to (3) for compliance with subsections (1) to (3). The director shall disapprove a filing that does not comply with subsections (1) to (3).

(5) If the director disapproves a premium rate filing under subsection (4), the insurer shall submit a revised premium rate filing to the director within 15 days of the disapproval. The premium rate filing is subject to review in the same manner as an original premium rate filing under subsection (4).

(6) After 6 months after the effective date of the amendatory act that added this section and before 5 years and 6 months after the effective date of the amendatory act that added this section, an insurer shall not issue or renew an automobile insurance policy in this state unless the premium rates filed by the insurer for personal protection insurance coverage are approved under this section.

(7) For purposes of calculating a personal protection insurance premium or premium rate under this section, the premium includes the catastrophic claims assessment imposed under section 3104.”

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Cole moved that consideration of the bill be postponed for the day.  
The motion prevailed.

By unanimous consent the House returned to the order of

#### **Motions and Resolutions**

Rep. Cole moved that when the House adjourns today it stand adjourned until Thursday, May 9, at 12:01 a.m.  
The motion prevailed.

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Rep. Wentworth moved that the House adjourn.  
The motion prevailed, the time being 11:55 p.m.

The Speaker declared the House adjourned until Thursday, May 9, at 12:01 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives

