

No. 45  
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**House of Representatives**  
100th Legislature  
REGULAR SESSION OF 2019

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House Chamber, Lansing, Thursday, May 9, 2019.

12:01 a.m.

The House was called to order by the Speaker.

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—present
Bollin—present	Griffin—present	Liberati—present	Sneller—present
Brann—present	Guerra—present	Lightner—present	Sowerby—present
Brixie—present	Haadsma—present	Lilly—present	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—present
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—present	Webber—present
Cherry—present	Hood—present	Miller—present	Wendzel—present
Chirkun—present	Hope—present	Mueller—present	Wentworth—present
Clemente—present	Hornberger—present	Neeley—present	Whiteford—present
Cole—present	Howell—present	O'Malley—present	Whitsett—present
Coleman—present	Huizenga—present	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

Rep. Phil Green, from the 84th District, offered the following invocation:

“Our heavenly Father, we are thankful that You are the lord of lords, the king of kings, the god of gods, that You are the god of all wisdom. Lord we are thankful that we can see another day today and remember that it is a life worth living. I pray that as we get into this day we would be reminded that You give life and that You give wisdom. We are thankful for the opportunity to be Your ministers representing the individuals of our districts. We pray for wisdom today to know right and courage to do right. We pray for continued health and safety as we travel later today. We ask these things in Your precious son’s name, Amen.”

## 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, substitute (H-1) adopted and bill postponed for the day on May 8, see House Journal No. 44, p. 519.)

Rep. Cole moved to reconsider the vote by which the House adopted the amendments offered previously by Rep. Whitsett.

The motion prevailed, 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.~~

(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 question being on the adoption of the amendments offered previously by Rep. Whitsett,

The amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Bolden moved to substitute (H-2) the bill.

The motion did not prevail and the substitute (H-2) was not adopted, a majority of the members serving not 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~~**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.

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

(iii) Coordination of benefits.

(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 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. Rabbi moved that the bill be referred to the Committee on Select Committee on Reducing Car Insurance Rates.

The motion did not prevail.

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

The motion prevailed.

Rep. Cole moved that the bill be placed on its immediate passage.

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

The Speaker called the Speaker Pro Tempore to the Chair.

By unanimous consent the House returned to the order of

### **Third 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.

Rep. Rabhi moved that the bill be read in its entirety by the Clerk.  
The motion did not prevail.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 84****Yeas—61**

Afendoulis	Frederick	LaFave	Rendon
Albert	Glenn	Leutheuser	Schroeder
Alexander	Green	Lightner	Sheppard
Allor	Griffin	Lilly	Slagh
Bellino	Hall	Love	VanSingel
Berman	Hauck	Lower	VanWoerkom
Bollin	Hernandez	Maddock	Vaupel
Brann	Hoitenga	Marino	Wakeman
Calley	Hornberger	Markkanen	Webber
Cambensy	Howell	Meerman	Wendzel
Chatfield	Huizenga	Miller	Wentworth
Cole	Iden	Mueller	Whiteford
Crawford	Inman	O'Malley	Whitsett
Eisen	Johnson, S.	Paquette	Wozniak
Farrington	Kahle	Reilly	Yaroch
Filler			

**Nays—49**

Anthony	Garrett	Jones	Rabhi
Bolden	Garza	Kennedy	Robinson
Brixie	Gay-Dagnogo	Koleszar	Sabo
Byrd	Greig	Kuppa	Shannon
Camilleri	Guerra	LaGrand	Sneller
Carter, B.	Haadsma	Lasinski	Sowerby
Carter, T.	Hammoud	Liberati	Stone
Cherry	Hertel	Manoogian	Tate
Chirkun	Hoadley	Neeley	Warren
Clemente	Hood	Pagan	Wittenberg
Coleman	Hope	Peterson	Witwer
Elder	Johnson, C.	Pohutsky	Yancey
Ellison			

In The Chair: Wentworth

The question being on agreeing to the title of the bill,

Rep. Cole moved to amend the title to read as follows:

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 150, 2105, 2106, 2108, 2111, 2111f, 2118, 2120, 3101, 3101a, 3104, 3107, 3111, 3112, 3113, 3114, 3115, 3135, 3142, 3145, 3148, 3157, 3163, 3172, 3173a, 3174, 3175, and 3177 (MCL 500.150, 500.2105, 500.2106, 500.2108, 500.2111, 500.2111f, 500.2118, 500.2120, 500.2151, 500.3101, 500.3101a, 500.3104, 500.3107, 500.3111,



500.3112, 500.3113, 500.3114, 500.3115, 500.3135, 500.3142, 500.3145, 500.3148, 500.3157, 500.3163, 500.3172, 500.3173a, 500.3174, 500.3175, and 500.3177), section 150 as amended by 1992 PA 182, section 2108 as amended by 2015 PA 141, section 2111 as amended by 2012 PA 441, sections 2118 and 2120 as amended by 2007 PA 35, section 3101 as amended by 2017 PA 140, section 3101a as amended by 2018 PA 510, section 3104 as amended by 2002 PA 662, section 3107 as amended by 2012 PA 542, section 3113 as amended by 2016 PA 346, section 3114 as amended by 2016 PA 347, section 3135 as amended by 2012 PA 158, section 3163 as amended by 2002 PA 697, sections 3172, 3173a, 3174, and 3175 as amended by 2012 PA 204, section 3177 as amended by 1984 PA 426, and section 2151 as added by 2012 PA 165 and by adding sections 261, 1245, 2111f, 2116b, 3107c, 3107d, 3107e, 3157a, and 3157b and chapter 63.

The motion prevailed.

The House agreed to the title as amended.

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Rep. Wittenberg, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB 4397 because it guarantees that thousands of Michigan drivers who are injured in car accidents will not get the care they need to address those injuries and the financial security they deserve, but fails to provide Michigan drivers with meaningful, long-term rate reductions. Michigan drivers will continue to pay exorbitant insurance rates and get far less in return than they currently receive. The bill contains window dressing to create the appearance that rates will be reduced and Department of Insurance and Financial Services (DIFS) will be given the authority to reign in insurance company abuses, but a careful reading reveals that these provisions have no teeth. Use of non-driving factors such as credit scores, zip codes, and educational attainment are not prohibited under the bill. DIFS is not provided the tools to reject excessive rates. Rate reductions are temporary and address only one of the many line items on an insurance bill. There is no guarantee that anyone’s total insurance bill will be reduced at all.

I support comprehensive reform that guarantees rate relief and provides accident victims with the care they need. I support the substitute bill offered by the representative from the 35th district that would have provided real rate relief and reigned in insurance company abuses. Unfortunately the majority rejected the proposal.

I look forward to continuing to work on this issue. The committee process that was bypassed by the majority today should resume and a real, bi-partisan solution should be brought forward.”

Reps. Chirkun, Kennedy, Clemente, Pohutsky, Manoogian, Koleszar, Stone, Shannon, Kuppa, Hammoud and Camilleri, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

With no hearing or public input, and under the cover of darkness via a late night session, the legislative leadership in the Michigan House brought up an auto insurance proposal that no one has had time to properly vet and ensure it is the best for the citizens of Michigan.

I voted no on HB 4397 because it guarantees that thousands of Michigan drivers who are injured in car accidents will not get the care they need to address those injuries and the financial security they deserve, but fails to provide Michigan drivers with meaningful, long-term rate reductions. Michigan drivers will continue to pay exorbitant insurance rates and get far less in return than they currently receive. The bill contains window dressing to create the appearance that rates will be reduced and Department of Insurance and Financial Services (DIFS) will be given the authority to reign in insurance company abuses, but a careful reading reveals that these provisions have no teeth. Use of non-driving factors such as credit scores, zip codes, and educational attainment are not prohibited under the bill. DIFS is not provided the tools to reject excessive rates. Rate reductions are temporary and address only one of the many line items on an insurance bill. There is no guarantee that anyone’s total insurance bill will be reduced at all.

I support comprehensive reform that guarantees rate relief and provides accident victims with the care they need. I support the substitute bill offered by the representative from the 35th district that would have provided real rate relief and reigned in insurance company abuses. Unfortunately the majority rejected the proposal.

I look forward to continuing to work on this issue. The committee process that was bypassed by the majority today should resume and a real, bi-partisan solution should be brought forward. As such, while reducing auto insurance rates remains my top priority, I could not support this bill. I stand committed to working on a bipartisan plan that works for Michigan.”

Rep. Haadsma, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I have sat yesterday and very early this morning throughout a flawed process to amend a long chapter of Michigan’s Insurance Code, a chapter passed over 45 years ago, followed by 45 years of court commentary.



This legislative process has been undertaken in a back room, and dropped on MI House members in the evening proceeding a middle-of-the-night vote.

This inadequate process will affect millions of Michigan motorists.

This bill doesn't guarantee premiums reduction, and to pass this bill would be to trade in protection for a pot of porridge, for promises that won't be kept."

Rep. Garza, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on HB 4397 because it guarantees that thousands of Michigan drivers who are injured in car accidents will not get the care they need to address those injuries and the financial security they deserve. This bill also fails to provide Michigan drivers with meaningful, long-term rate reductions.

Michigan drivers will continue to pay exorbitant insurance rates and get far less in return than they currently receive. The bill creates a facade to create the appearance that rates will be reduced and Department of Insurance and Financial Services (DIFS) will be given the authority to reign in insurance company abuses, but a careful reading reveals that these provisions aren't enforceable. Use of non-driving factors such as credit scores, zip codes, and educational attainment are not prohibited under the bill.

DIFS is not provided the tools to reject excessive rates. Rate reductions are temporary and address only one of the many line items on an insurance bill. There is no guarantee that anyone's total insurance bill will be reduced at all. I support comprehensive reform that guarantees rate relief and provides accident victims with the care they need. I support the substitute bill offered by the representative from the 35th district that would have provided real rate relief and reigned in insurance company abuses. Unfortunately the majority rejected the proposal.

I look forward to continuing to work on this issue. The committee process that was bypassed by the majority today should resume and a real, bi-partisan solution should be brought forward."

Rep. Witwer, having reserved the right to explain her protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

In a last-minute push, the legislative majority passed House Bill 4397, an auto no-fault bill that fails to provide real rate relief to Michigan's hardworking families. The bill was brought before us with no prior notice, no hearing or public input, and only a few hours to review. This is not how good public policy is made.

I am committed to finding a solution that lowers rates while still providing quality coverage. I am committed to a solution that provides guaranteed, long-term rate relief, ends discriminatory rating factors, and strengthens consumer protection. This bill does not accomplish those goals.

We owe it to the people of Michigan to come together as a Legislature and come up with the best possible solution to this longtime issue. Auto insurance reform is not a partisan issue, and if this chamber continues treating it as such, it is Michigan's hardworking families that will continue to suffer. I am disappointed because we had a process in the House and were working toward a solution I could get behind. I am still committed to that process and to finding a solution, but unfortunately what happened tonight is not good government and it's our residents that will end up paying for it.

Reforming our auto no-fault system is a problem that deserves our time and attention and jamming a bill through the House without proper care or debate is simply not the way I was elected to govern."

Rep. Tate, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on 4397. This bill does not address the necessary policy solutions needed to guarantee sustainable – not temporary – rate reductions, yet it guarantees the reduction of quality of care if a catastrophic accident occurs. Residents across our state need relief from excessive auto insurance rates.

Several items are missing from this bill to create relief of auto insurance rates to include non-driving factors. Using factors such as credit scores, zip codes, and educational attainment are still allowed under this bill.

A comprehensive plan to reform auto insurance is needed and I am committed to working with my colleagues to find a long-term set of solutions to bring lower rates. Limited substantive reform will not bring about the change Michiganians are looking for."

Rep. Cherry, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on HB 4397 because it does not provide significant long-term rate relief, does not end redlining and discrimination based on qualities such as age and credit score, and it does not protect citizens who are injured in auto accidents. This bill would reduce the ability of residents of Genesee County to have immediate access to emergency care. This bill would harm the residents of the 49th district."

Rep. Guerra, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB 4397 because this was nothing more than house republicans putting lipstick on a pig. We could have sat down and included language in this legislation that spelled out which non driving factors should be prohibited from being used. We could have included language that would have addressed the medical loss ratio thus forcing insurance companies to truly make cuts and then we could have included language that mandated those same cuts be passed down to the consumer. And we could have included language that touched on more than just the personal injury protection to GUARANTEE rate relief. This bill did none of that. Car insurance is complicated and I refuse to treat it as a simple fix. We have known about high rates for years, but only TODAY at 7pm did house republicans choose to introduce a bill to address this issue. Michiganders deserve better than the empty promises this bill guarantees.”

Rep. Hood, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB 4397 because it guarantees that thousands of Michigan drivers who are injured in car accidents will not get the care they need to address those injuries and the financial security they deserve, but fails to provide Michigan drivers with meaningful, long-term rate reductions. Michigan drivers will continue to pay exorbitant insurance rates and get far less in return than they currently receive. The bill contains window dressing to create the appearance that rates will be reduced and Department of Insurance and Financial Services (DIFS) will be given the authority to reign in insurance company abuses, but a careful reading reveals that these provisions have no teeth. Use of non-driving factors such as credit scores, zip codes, and educational attainment are not prohibited under the bill. DIFS is not provided the tools to reject excessive rates. Rate reductions are temporary and address only one of the many line items on an insurance bill. There is no guarantee that anyone’s total insurance bill will be reduced at all.

My district will be economically devastated by this bill as the Workers Comp fee schedule will not support the care that is needed for accident victims, nor the jobs of the people who seek to care for them.

I support comprehensive reform that guarantees rate relief and provides accident victims with the care they need. I support the substitute bill offered by the representative from the 35th district that would have provided real rate relief and reigned in insurance company abuses. Unfortunately the majority rejected the proposal.

I look forward to continuing to work on this issue. The committee process that was bypassed by the majority today should resume and a real, bi-partisan solution should be brought forward.”

Rep. Yancey, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB 4397 because it guarantees that thousands of Michigan drivers who are injured in car accidents will not get the care they need to address those injuries and the financial security they deserve, but fails to provide Michigan drivers with meaningful, long-term rate reductions. Michigan drivers will continue to pay exorbitant insurance rates and get far less in return than they currently receive. The bill contains window dressing to create the appearance that rates will be reduced and Department of Insurance and Financial Services (DIFS) will be given the authority to reign in insurance company abuses, but a careful reading reveals that these provisions have no teeth. Use of non-driving factors such as credit scores, zip codes, and educational attainment are not prohibited under the bill. DIFS is not provided the tools to reject excessive rates. Rate reductions are temporary and address only one of the many line items on an insurance bill. There is no guarantee that anyone’s total insurance bill will be reduced at all.

I support comprehensive reform that guarantees rate relief and provides accident victims with the care they need. I support the substitute bill offered by the representative from the 35th district that would have provided real rate relief and reigned in insurance company abuses. Unfortunately the majority rejected the proposal.

I look forward to continuing to work on this issue. The committee process that was bypassed by the majority today should resume and a real, bi-partisan solution should be brought forward.”

### Introduction of Bills

Rep. Lightner introduced  
**House Bill No. 4576, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 309 (MCL 257.309), as amended by 2016 PA 23.

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

Rep. Frederick introduced

**House Bill No. 4577, entitled**

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2081) by adding section 1092.

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

Reps. Love, Tyrone Carter, Yancey, Neeley, Manoogian, Cynthia Johnson, Brixie, Hope, Cambensy, Brenda Carter and Whitsett introduced

**House Bill No. 4578, entitled**

A bill to amend 2006 PA 491, entitled “Michigan works one-stop service center system act,” by amending sections 5 and 13 (MCL 408.115 and 408.123).

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

Reps. Love, Tyrone Carter, Yancey, Neeley, Manoogian, Cynthia Johnson, Brixie, Hope, Cambensy, Brenda Carter and Whitsett introduced

**House Bill No. 4579, entitled**

A bill to amend 2006 PA 491, entitled “Michigan works one-stop service center system act,” by amending section 13 (MCL 408.123).

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

Reps. Love, Ellison, Sowerby, Coleman, Hope, Cynthia Johnson, Stone, Sabo, Yancey, Neeley and Brixie introduced

**House Bill No. 4580, entitled**

A bill to amend 2006 PA 250, entitled “Money transmission services act,” (MCL 487.1001 to 487.1047) by adding section 35.

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

Reps. Kahle, Ellison, Hoitenga and Hall introduced

**House Bill No. 4581, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 520d and 520e (MCL 750.520d and 750.520e), as amended by 2012 PA 372.

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

Reps. Witwer, Garza, Kennedy, Ellison, Brixie, Stone, Hood, Shannon, Camilleri, Manoogian, Pagan, Koleszar, Pohutsky, Warren, Sneller, Cherry, Chirkun, Hoadley, Kuppa, Hope, Cambensy, Liberati, Sabo, Bolden, Cynthia Johnson, Gay-Dagnogo, Tate, Hertel, Garrett, Brenda Carter, Sowerby, Anthony and Elder introduced

**House Bill No. 4582, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.713) by adding section 277.

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

Reps. Pagan, Stone, Ellison, Camilleri, Koleszar, Yancey, Cynthia Johnson, Kennedy, Neeley, Peterson, Kuppa, Sowerby, Brenda Carter, Shannon, Tyrone Carter, Brixie, Manoogian, Hood, Bolden, Rabhi, Pohutsky, Gay-Dagnogo, Berman, Clemente, Sneller and Hoadley introduced

**House Bill No. 4583, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1280f (MCL 380.1280f), as added by 2016 PA 306.

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

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Rep. Lightner moved that the House adjourn.

The motion prevailed, the time being 2:20 a.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, May 14, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives