

HOUSE BILL NO. 5057

September 27, 2023, Introduced by Reps. Stone, Brenda Carter, Conlin, Coleman, Scott, Tyrone Carter, McFall and Young 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 3107 (MCL 500.3107), as amended by 2019 PA 21.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3107. (1) Subject to the exceptions and limitations in
2 this chapter, and subject to chapter 31A, personal protection
3 insurance benefits are payable for the following:

4 (a) Allowable expenses consisting of reasonable charges
5 incurred for reasonably necessary products, services and
6 accommodations for an injured person's care, recovery, or
7 rehabilitation. Allowable expenses do not include either of the

1 following:

2 (i) Charges for a hospital room in excess of a reasonable and
3 customary charge for semiprivate accommodations, unless the injured
4 person requires special or intensive care.

5 (ii) Funeral and burial expenses in excess of the amount set
6 forth in the policy, which must not be less than \$1,750.00 or more
7 than \$5,000.00.

8 (b) Work loss consisting of loss of income from work an
9 injured person would have performed during the first 3 years after
10 the date of the accident if he or she had not been injured. Work
11 loss does not include any loss after the date on which the injured
12 person dies. Because the benefits received from personal protection
13 insurance for loss of income are not taxable income, the benefits
14 payable for the loss of income must be reduced 15% unless the
15 claimant presents to the insurer in support of ~~his or her~~ **the**
16 **claimant's** claim reasonable proof of a lower value of the income
17 tax advantage in ~~his or her~~ **the claimant's** case, in which case the
18 lower value must be applied. For the period beginning October 1,
19 2012 through September 30, 2013, the benefits payable for work loss
20 sustained in a single 30-day period and the income earned by an
21 injured person for work during the same period together must not
22 exceed \$5,189.00, which maximum must be applied pro rata to any
23 lesser period of work loss. Beginning October 1, 2013, the maximum
24 must be adjusted annually to reflect changes in the cost of living
25 under rules prescribed by the director, but any change in the
26 maximum must be applied only to benefits arising out of accidents
27 occurring after the date of change in the maximum.

28 (c) Expenses not exceeding \$20.00 per day, reasonably incurred
29 in obtaining ordinary and necessary services in lieu of those that,

1 if ~~he or she~~ **the person** had not been injured, an injured person
2 would have performed during the first 3 years after the date of the
3 accident, not for income but for the benefit of ~~himself or herself~~
4 **the person** or of ~~his or her~~ **the person's** dependent.

5 (2) Both of the following apply to personal protection
6 insurance benefits payable under subsection (1):

7 (a) A person ~~who is 60 years of age or older and in the event~~
8 ~~of~~ **to whom this subdivision applies and who, if the person sustains**
9 an accidental bodily injury, would not be eligible to receive work
10 loss benefits under subsection (1)(b) may waive coverage for work
11 loss benefits by signing a waiver on a form provided by the
12 insurer. An insurer shall offer a reduced premium rate to a person
13 who waives coverage under this subdivision for work loss benefits.
14 Waiver of coverage for work loss benefits applies only to work loss
15 benefits payable to the person or persons who have signed the
16 waiver form. **This subdivision applies to the following:**

17 (i) **A person who is 60 years of age or older.**

18 (ii) **A person who has been determined by the United States**
19 **Department of Veterans Affairs to be permanently and totally**
20 **disabled as a result of military service and entitled to veterans'**
21 **benefits at the 100% rate.**

22 (b) An insurer is not required to provide coverage for the
23 medical use of marihuana or for expenses related to the medical use
24 of marihuana.