

# HOUSE BILL 492

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By: **Delegates Smigiel, Boteler, Dumais, Elmore, McComas, McDonough, Simmons, Stocksdale, and Vallario**  
Introduced and read first time: February 1, 2010  
Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Liability Insurance – Personal Injury Protection Coverage –**  
3 **Minimum Benefits**

4 FOR the purpose of altering the minimum amount of certain medical, hospital, and  
5 disability benefits that insurers are required to provide under motor vehicle  
6 liability insurance policies under certain circumstances; and generally relating  
7 to personal injury protection coverage under policies of motor vehicle liability  
8 insurance.

9 BY repealing and reenacting, with amendments,  
10 Article – Insurance  
11 Section 19–505  
12 Annotated Code of Maryland  
13 (2006 Replacement Volume and 2009 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Insurance**

17 19–505.

18 (a) Unless waived in accordance with § 19–506 of this subtitle, each insurer  
19 that issues, sells, or delivers a motor vehicle liability insurance policy in the State  
20 shall provide coverage for the medical, hospital, and disability benefits described in  
21 this section for each of the following individuals:

22 (1) except for individuals specifically excluded under § 27–609 of this  
23 article:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (i) the first named insured, and any family member of the first  
2 named insured who resides in the first named insured's household, who is injured in  
3 any motor vehicle accident, including an accident that involves an uninsured motor  
4 vehicle or a motor vehicle the identity of which cannot be ascertained; and

5 (ii) any other individual who is injured in a motor vehicle  
6 accident while using the insured motor vehicle with the express or implied permission  
7 of the named insured;

8 (2) an individual who is injured in a motor vehicle accident while  
9 occupying the insured motor vehicle as a guest or passenger; and

10 (3) an individual who is injured in a motor vehicle accident that  
11 involves the insured motor vehicle:

12 (i) as a pedestrian; or

13 (ii) while in, on, or alighting from a vehicle that is operated by  
14 animal or muscular power.

15 (b) (1) In this subsection, "income" means:

16 (i) wages, salaries, tips, commissions, professional fees, and  
17 other earnings from work or employment;

18 (ii) earnings from a business or farm owned individually, jointly,  
19 or in partnership; and

20 (iii) to the extent earnings are paid or payable in property or  
21 services instead of in cash, the reasonable value of the property or services.

22 (2) The minimum medical, hospital, and disability benefits provided  
23 by an insurer under this section shall include up to ~~[\$2,500]~~ **\$50,000** for:

24 (i) payment of all reasonable and necessary expenses that arise  
25 from a motor vehicle accident and that are incurred within 3 years after the accident  
26 for necessary prosthetic devices and ambulance, dental, funeral, hospital, medical,  
27 professional nursing, surgical, and x-ray services;

28 (ii) payment of benefits for 85% of income lost:

29 1. within 3 years after, and resulting from, a motor  
30 vehicle accident; and

31 2. by an injured individual who was earning or  
32 producing income when the accident occurred; and

1 (iii) payments made in reimbursement of reasonable and  
2 necessary expenses incurred within 3 years after a motor vehicle accident for essential  
3 services ordinarily performed for the care and maintenance of the family or family  
4 household by an individual who was injured in the accident and not earning or  
5 producing income when the accident occurred.

6 (3) As a condition of providing loss of income benefits under this  
7 subsection, an insurer may require the injured individual to furnish the insurer with  
8 reasonable medical proof of the injury causing loss of income.

9 (c) (1) An insurer may exclude from the coverage described in this section  
10 benefits for:

11 (i) an individual, otherwise insured under the policy, who:

12 1. intentionally causes the motor vehicle accident  
13 resulting in the injury for which benefits are claimed;

14 2. is a nonresident of the State and is injured as a  
15 pedestrian in a motor vehicle accident that occurs outside of the State;

16 3. is injured in a motor vehicle accident while operating  
17 or voluntarily riding in a motor vehicle that the individual knows is stolen; or

18 4. is injured in a motor vehicle accident while  
19 committing a felony or while violating § 21-904 of the Transportation Article; or

20 (ii) the named insured or a family member of the named insured  
21 who resides in the named insured's household for an injury that occurs while the  
22 named insured or family member is occupying an uninsured motor vehicle owned by:

23 1. the named insured; or

24 2. an immediate family member of the named insured  
25 who resides in the named insured's household.

26 (2) In the case of motorcycles, an insurer may:

27 (i) exclude the economic loss benefits described in this section;  
28 or

29 (ii) offer the economic loss benefits with deductibles, options, or  
30 specific exclusions.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2010.