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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1789

02/27/2019 Authored by Runbeck, Davids, Gruenhagen and Kresha The bill was read for the first time and referred to the Committee on Commerce

1.1 A bill for an act
1.2 relating to insurance; limiting certain remedies of uninsured motorists; amending
1.3 Minnesota Statutes 2018, section 65B.51, subdivision 3.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2018, section 65B.51, subdivision 3, is amended to read:

1.6 Subd. 3. Limitation of damages for noneconomic detriment. In an action described
1.7 in subdivision 1, no person shall recover damages for noneconomic detriment unless:

1.8 (a) The sum of the following exceeds \$4,000:

1.9 (1) reasonable medical expense benefits paid, payable, or payable but for any applicable
1.10 deductible, plus

1.11 (2) the value of free medical or surgical care or ordinary and necessary nursing services
1.12 performed by a relative of the injured person or a member of the injured person's household,
1.13 plus

1.14 (3) the amount by which the value of reimbursable medical services or products exceeds
1.15 the amount of benefit paid, payable, or payable but for an applicable deductible for those
1.16 services or products if the injured person was charged less than the average reasonable
1.17 amount charged in this state for similar services or products, minus

1.18 (4) the amount of medical expense benefits paid, payable, or payable but for an applicable
1.19 deductible for diagnostic x-rays and for a procedure or treatment for rehabilitation and not
1.20 for remedial purposes or a course of rehabilitative occupational training; or

1.21 (b) the injury results in:

2.1 (1) permanent disfigurement;

2.2 (2) permanent injury;

2.3 (3) death; or

2.4 (4) disability for 60 days or more.

2.5 (c) For the purposes of ~~clause~~ paragraph (a) evidence of the reasonable value of medical  
2.6 services and products shall be admissible in any action brought in this state.

2.7 For the purposes of this subdivision disability means the inability to engage in  
2.8 substantially all of the injured person's usual and customary daily activities.

2.9 (d) Except as provided in paragraph (f), in an action to recover damages arising out of  
2.10 the operation or use of a motor vehicle, a person is prohibited from recovering noneconomic  
2.11 losses to compensate for pain, suffering, inconvenience, physical impairment, disfigurement,  
2.12 and other nonpecuniary damages if:

2.13 (1) at the time of the accident the injured person was operating the vehicle in violation  
2.14 of sections 169A.20 to 169A.27 and was subsequently convicted of that offense;

2.15 (2) the injured person was the owner of a vehicle involved in the accident and the vehicle  
2.16 was not insured as required by the financial responsibility laws of this state; or

2.17 (3) the injured person was the operator of a vehicle involved in the accident and the  
2.18 operator cannot establish financial responsibility as required by the financial responsibility  
2.19 laws of this state.

2.20 (e) Except as provided in paragraph (f), an insurer is not directly or indirectly liable  
2.21 under a policy of liability or uninsured motorist insurance to indemnify for noneconomic  
2.22 losses of a person injured as described in paragraph (d).

2.23 (f) If a person described in paragraph (d), clause (2), was injured by a motorist who at  
2.24 the time of the accident was operating their vehicle in violation of sections 169A.20 to  
2.25 169A.27 and was subsequently convicted of that offense, the injured person may recover  
2.26 noneconomic losses to compensate for pain, suffering, inconvenience, physical impairment,  
2.27 disfigurement, and other nonpecuniary damages.