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State of Minnesota

Printed Page No. 282

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1791

02/15/2023 Authored by Moller and Rehm
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law
03/02/2023 Adoption of Report: Re-referred to the Committee on Commerce Finance and Policy
03/13/2024 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to insurance; clarifying exclusions for certain types of claims handling
1.3 from civil liability; amending Minnesota Statutes 2022, section 604.18, subdivision
1.4 1.

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

1.6 Section 1. Minnesota Statutes 2022, section 604.18, subdivision 1, is amended to read:

1.7 Subdivision 1. Terms. For purposes of this section, the following terms have the
1.8 meanings given them.

1.9 (a) "Insurance policy" means a written agreement between an insured and an insurer
1.10 that obligates an insurer to pay proceeds directly to an insured. Insurance policy does not
1.11 include provisions of a written agreement obligating an insurer to defend an insured,
1.12 reimburse an insured's defense expenses, provide for any other type of defense obligation,
1.13 or provide indemnification for judgments or settlements. Insurance policy does not include:

1.14 (1) coverage for workers' compensation insurance under chapter 176;

1.15 (2) a written agreement of a health carrier, as defined in section 62A.011, with the
1.16 exception of coverage that is limited to disability or income protection or a long-term care
1.17 policy or insurance, as defined under sections 62A.46, subdivision 2, and 62S.01, subdivision
1.18 18;

1.19 (3) a contract issued by a nonprofit health service plan corporation regulated under
1.20 chapter 62C that provides only dental coverage;

1.21 (4) a written agreement authorized under section 60A.06, subdivision 1, clause (4) or
1.22 (6), or 64B.16, subdivision 1; or

2.1 (5) a written agreement issued pursuant to section 67A.191.

2.2 (b) "Insured" means a person who, or an entity which, qualifies as an insured under the  
2.3 terms of an insurance policy on which a claim for coverage is made. An insured does not  
2.4 include any person or entity claiming a third-party beneficiary status under an insurance  
2.5 policy.

2.6 (c) "Insurer" means every insurer, corporation, business trust, or association engaged in  
2.7 insurance as a principal licensed or authorized to transact insurance under section 60A.06,  
2.8 but for purposes of this section an insurer does not include a political subdivision providing  
2.9 self-insurance or a pool of political subdivisions under section 471.981, subdivision 3. The  
2.10 term does not include the Joint Underwriting Association operating under chapter 62F or  
2.11 62I.

2.12 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
2.13 applies to claims made or commenced under this section on or after that date.