
 CHAPTER 266—S.F.No.1338

An act relating to automobile insurance; clarifying certain ambiguous provisions in the Minnesota no-fault automobile insurance act; amending Minnesota Statutes 1976, Sections 65B.44, Subdivision 3; 65B.49, Subdivisions 4 and 6; 65B.51, Subdivision 1; and 65B.53, Subdivision 1.

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

Section 1. Minnesota Statutes 1976, Section 65B.44, Subdivision 3, is amended to read:

Subd. 3. **NO-FAULT AUTOMOBILE INSURANCE; CLARIFICATION; DISABILITY AND INCOME LOSS BENEFITS.** Disability and income loss benefits shall reimburse 85 percent of the injured person's loss of present and future gross income from inability to work proximately caused by the nonfatal injury subject to a maximum of \$200 per week. Loss of income includes the costs incurred by a self-employed person to hire substitute employees to perform tasks which are necessary to maintain his income, which he normally performs himself, and which he cannot perform because of his injury. Compensation for loss of income from work shall be reduced by any income from substitute work actually performed by the injured person or by income the injured person would have earned in available appropriate substitute work which he was capable of performing but unreasonably failed to undertake.

For the purposes of this section "inability to work" ~~shall mean~~ means disability which ~~continuously~~ prevents the injured person from engaging in any substantial gainful occupation or employment on a regular basis, for wage or profit, for which he is or may by training become reasonably qualified. If the injured person returns to his employment and is unable by reason of his injury to work continuously, compensation for lost income shall be reduced by the income received while he is actually able to work.

Sec. 2. Minnesota Statutes 1976, Section 65B.49, Subdivision 4, is amended to read:

Subd. 4. **UNINSURED OR HIT-AND-RUN MOTOR VEHICLE COVERAGE.**
 (1) ~~On and after January 1, 1975;~~ No plan of reparation security may be renewed, delivered or issued for delivery, or executed in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, in the amounts of \$25,000 because of injury to or the death of one person in any accident, and subject to the said limit for one person, \$50,000 because of bodily injury to or the death of two or more persons in any one accident, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles and hit-and-run motor vehicles because of injury.

(2) Every owner of a motor vehicle registered or principally garaged in this state shall maintain uninsured motor vehicle coverage as provided in this subdivision.

Changes or additions indicated by underline deletions by strikeout

(3) "Uninsured motor vehicle" means any motor vehicle or motorcycle for which a plan of reparation security meeting the requirements of ~~Laws 1974, Chapter 408 sections 65B.41 to 65B.71~~ is not in effect.

(4) No recovery shall be permitted under the uninsured motor vehicle provisions of this section for basic economic loss benefits paid or payable, or which would be payable but for any applicable deductible.

Sec. 3. Minnesota Statutes 1976, Section 65B.49, Subdivision 6, is amended to read:

Subd. 6. **MANDATORY OFFER; ADDED COVERAGE.** Reparation obligors shall offer the following optional coverages in addition to compulsory coverages:

(a) Medical expense benefits subject to a maximum payment of \$10,000;

(b) Medical expense benefits subject to a maximum payment of \$20,000;

(c) Residual liability coverage of not less than \$25,000 for damages for injury to one person in any one accident arising out of the maintenance or use of a motor vehicle, subject to a limitation of \$50,000 for damages arising out of any one accident;

(d) Basic economic loss benefits to all persons purchasing liability coverage for injuries arising out of the maintenance or use of a motorcycle; and

(e) Underinsured motorist coverage offered in an amount at least equal to the insured's residual liability limits and also at lower limits which the insured may select, whereby subject to the terms and conditions of such coverage the reparation obligor agrees to pay its insureds for such uncompensated damages as they are the insured is legally entitled to recover on account of a motor vehicle accident but which are uncompensated because the total damages they are legally entitled to recover exceed the residual liability limit of the owner of the other vehicle; to the extent of the residual liability limits on the motor vehicle of the person legally entitled to recover or such smaller limits as he may select less the amount paid by reparation obligor of the person against whom he is entitled to recover. ~~His~~ The reparation obligor shall be is subrogated to any amounts it pays and upon payment shall ~~have~~ has an assignment of the judgment if any against the other person to the extent of the money it pays.

Sec. 4. Minnesota Statutes 1976, Section 65B.51, Subdivision 1, is amended to read:

65B.51 DEDUCTION OF COLLATERAL BENEFITS FROM TORT RECOVERY; LIMITATION ON RIGHT TO RECOVER DAMAGES. Subdivision 1. **DEDUCTION OF BASIC ECONOMIC LOSS BENEFITS.** With respect to a cause of action in negligence accruing as a result of injury arising out of the operation, ownership, maintenance or use of a motor vehicle with respect to which security has been provided as required by ~~Laws 1974, Chapter 408 sections 65B.41 to 65B.71,~~ there shall be deducted from any recovery the value of basic or optional economic loss benefits paid or payable or which will be payable in the future, or which would be payable but for any applicable deductible. ~~This subdivision shall not bar subrogation and indemnity recoveries under~~

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section 65B.53, subdivisions 1 and 2, if the injury had the consequences described in subdivision 3 and a civil action has been commenced in the manner prescribed in applicable laws or rules of civil procedure to recover damages for noneconomic detriment:

Sec. 5. Minnesota Statutes 1976, Section 65B.53, Subdivision 1, is amended to read:

65B.53 INDEMNITY; ARBITRATION BETWEEN OBLIGORS; SUBROGATION. Subdivision 1. A reparation obligor paying or obligated to pay basic or optional economic loss benefits ~~shall be~~ is entitled to indemnity subject to the limits of the applicable residual liability coverage from a reparation obligor providing ~~such coverage to a person whose negligence~~ residual liability coverage on a commercial vehicle if negligence in the operation, maintenance or use of the commercial vehicle was the direct and proximate cause of the injury for which the basic economic loss benefits were paid or payable to the extent that the insured would have been liable for damages but for the deduction provisions of section 65B.51, subdivision 1; ~~and only if a commercial vehicle was involved in the accident causing the injury.~~

Approved May 25, 1977.

CHAPTER 267—S.F.No.1362

[Coded]

An act relating to game and fish; exempting certain disabled residents from the requirements of obtaining a fishing license; amending Minnesota Statutes 1976, Section 98.47, by adding a subdivision.

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

Section 1. Minnesota Statutes 1976, Section 98.47, is amended by adding a subdivision to read:

Subd. 17. GAME AND FISH; DISABLED RESIDENTS; LICENSE EXEMPTION. Residents who are receiving aid under the federal railroad retirement act of 1937, 45 United States Code Annotated, Section 228b(a)5, or who are former employees of the United States Postal Service who are receiving disability pay under USCA Title 5, Section 8337, may take fish by angling or spear without a license.

Approved May 25, 1977.

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