

160.085 PROPOSED ACQUISITIONS BY STATE AND COUNTY ROAD AUTHORITIES; FILING FOR RECORD. Subdivision 1. In order to facilitate the acquisition of right-of-way required for highways, state and county road authorities may file for record in the office of the county recorder or registrar of titles in the county in which right-of-way is to be acquired, such orders or resolutions, as required by law, in the form of maps or plats showing right-of-way by course distance, bearing and arc length, and other rights or interests in land to be acquired as the road authority determines necessary. Said map or plat shall show by outline all tracts or parcels of land affected by the proposed acquisition. The map or plat shall be certified by the commissioner of transportation or his designated assistant and any registered land surveyor in the employ of the state as to trunk highways. The map or plat shall be certified as to county state-aid highways and county highways by the chairman of the county board or the county engineer or his designated assistant, and by a registered land surveyor in the employ of the county. The map or plat so certified is entitled to record without compliance with the provisions of chapter 505. Any amendments, alterations, rescissions or vacations of such orders, resolutions, maps or plats so filed may shall be entitled to record in like manner. The recorder or registrar may make suitable notations on the appropriate map or plat affected by an amendment, alteration, rescission or vacation to direct the attention of anyone examining the record to the proper map or plat.

Sec. 2. Minnesota Statutes 1978, Section 160.085, is amended by adding a subdivision to read:

Subd. 1a. If an error on a map or plat incorrectly defines the intended acquisition, but does not affect any rights of interest to be acquired, a certificate may be prepared stating what the defect is, what the correct information is, and which map or plat the certificate affects. The certificate shall be signed by a registered land surveyor in the employ of the state or county. The certificate shall be filed for record in the office of the county recorder or registrar of titles in the county where the map or plat is filed. When so filed the certificate shall amend the map or plat. The recorder or registrar may make suitable notations on the map or plat to which the certificate refers to direct the attention of anyone examining the map or plat to the record of the certificate.

Sec. 3. **EFFECTIVE DATE.** This act is effective the date following its final enactment.

Approved April 11, 1980

CHAPTER 539—H.F.No. 1878

An act relating to no-fault automobile insurance; coordinating benefits with medicare and workers' compensation; extending eligibility for the assigned claims plan; eliminating certain mandatory offers; amending Minnesota Statutes 1978, Sections

Changes or additions indicated by underline deletions by ~~strikeout~~

65B.46, Subdivision 2; 65B.61, Subdivisions 1 and 2, and by adding subdivisions; 65B.64, Subdivision 1; repealing Minnesota Statutes 1978, Section 65B.49, Subdivisions 5 and 6.

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

Section 1. Minnesota Statutes 1978, Section 65B.46, Subdivision 2, is amended to read:

Subd. 2. If the accident causing injury occurs outside this state in the United States, United States possessions, or Canada, the following persons and their surviving dependents suffering loss from injury arising out of maintenance or use of a motor vehicle have a right to basic economic loss benefits:

(1) Insureds, and

(2) the driver and other occupants of a secured vehicle, other than (a) a vehicle which is regularly used in the course of the business of transporting persons or property and which is one of five or more vehicles under common ownership, or (b) a vehicle owned by a government other than this state, its political subdivisions, municipal corporations, or public agencies. The reparation obligor may, if the policy expressly states, extend the basic economic loss benefits to any stated area beyond the limits of the United States, United States possessions and Canada.

Sec. 2. Minnesota Statutes 1978, Section 65B.61, Subdivision 1, is amended to read:

65B.61 BENEFITS' PRIMARY; SUBTRACTIONS; COORDINATION.

Subdivision 1. Basic economic loss benefits shall be primary with respect to benefits, except for those paid or payable under a workers' compensation law or medicare, which any person receives or is entitled to receive from any other source as a result of injury arising out of the maintenance or use of a motor vehicle. Where worker's compensation or medicare benefits paid or payable are primary, the reparation obligor shall make an appropriate rebate or reduction in the premiums of the plan of reparation security. The amount of the rebate or rate reduction shall be not less than the amount of the projected reduction in benefits and claims for which the reparation obligor will be liable on that class of risks. The projected reduction or rebate in benefits and claims shall be based upon sound actuarial principles.

Sec. 3. Minnesota Statutes 1978, Section 65B.61, Subdivision 2, is amended to read:

Subd. 2. If benefits are paid or payable under a workers' compensation law because of the injury or death shall be subtracted in computing basic economic loss benefits, but only to the extent that they exceed any deductible applicable to the basic economic loss benefits, no disability income loss benefits are payable unless the weekly workers' compensation disability benefits are less than the weekly disability benefit as set out in section 65B.44, subdivision 3, in which case the reparation obligor shall pay to the injured person the amount that the weekly

Changes or additions indicated by underline deletions by ~~strikeout~~

disability and income loss benefits payable under section 65B.44, subdivision 3, exceeds the weekly workers' compensation disability benefits.

Sec. 4. Minnesota Statutes 1978, Section 65B.61, is amended by adding a subdivision to read:

Subd. 2a. If benefits are paid or payable under a workers' compensation law because of death, no survivors' economic loss benefits are payable unless the weekly workers' compensation dependency allowance is less than the weekly survivors' economic loss benefit rate as set out in section 65B.44, subdivision 6, in which case the reparation obligor shall pay to the surviving dependents the amount that the weekly survivors' economic loss benefits payable under section 65B.44, subdivision 6, exceed the weekly workers' compensation dependency allowances.

Sec. 5. Minnesota Statutes 1978, Section 65B.61, is amended by adding a subdivision to read:

Subd. 2b. If medicare benefits are paid or payable because of the injury, any benefits payable under section 65B.44, subdivision 2, are limited to the amount by which the medical expenses exceed the medicare payments.

Sec. 6. Minnesota Statutes 1978, Section 65B.64, Subdivision 1, is amended to read:

65B.64 PERSONS ENTITLED TO PARTICIPATE IN ASSIGNED CLAIMS PLAN. Subdivision 1. A person entitled to basic economic loss benefits because of injury covered by sections 65B.41 to 65B.71 may obtain basic economic loss benefits through the assigned claims plan or bureau established pursuant to section 65B.63 and in accordance with the provisions for making assigned claims provided in sections 65B.41 to 65B.71, if:

(a) The person is 14 years old or younger and basic economic loss benefits are not applicable to his injury because of section 65B.58;

(b) Basic economic loss benefits are not applicable to the injury for some reason other than those specified in sections 65B.58, 65B.59, or 65B.60;

~~(b)~~ (c) The plan of reparation security applicable to the injury cannot be identified; or

(e) ~~(d)~~ A claim for basic economic loss benefits is rejected by a reparation obligor on some ground other than the person is not entitled to basic economic loss benefits under sections 65B.41 to 65B.71.

Sec. 7. **REPEALER.** Minnesota Statutes 1978, Section 65B.49, Subdivisions 5 and 6, are repealed.

Sec. 8. **EFFECTIVE DATE.** Sections 2 and 7 are effective the day following final enactment. *

Approved April 11, 1980

* See the amendment to section 8 in Laws 1980, Chapter 618, Section 14.

Changes or additions indicated by underline deletions by ~~strikeout~~