

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 2794

(SENATE AUTHORS: JENSEN)

DATE	D-PG	OFFICIAL STATUS
03/17/2016	5095	Introduction and first reading Referred to Commerce

A bill for an act  
relating to commerce; regulating no-fault auto benefits; requiring the deduction  
of basic economic loss benefits previously provided; amending Minnesota  
Statutes 2014, sections 65B.44, subdivision 5; 65B.51, by adding a subdivision.

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

Section 1. Minnesota Statutes 2014, section 65B.44, subdivision 5, is amended to read:

Subd. 5. **Replacement service and loss.** Replacement service loss benefits shall  
reimburse all expenses reasonably incurred by or on behalf of the nonfatally injured person  
in obtaining usual and necessary substitute services in lieu of those that, had the injured  
person not been injured, the injured person would have performed not for income but for  
direct personal benefit or for the benefit of the injured person's household; if the nonfatally  
injured person normally, as a full time responsibility, provides care and maintenance of a  
home with or without children, the benefit to be provided under this subdivision shall be  
the reasonable value of such care and maintenance ~~or the reasonable expenses incurred in~~  
~~obtaining usual and necessary substitute care and maintenance of the home, whichever~~  
~~is greater~~ actually provided. These benefits shall be subject to a maximum of \$200 per  
week. All replacement services loss sustained on the date of injury and the first seven days  
thereafter is excluded in calculating replacement services loss.

Sec. 2. Minnesota Statutes 2014, section 65B.51, is amended by adding a subdivision  
to read:

Subd. 1a. **Deduction of basic economic loss benefits previously considered.**  
When a claimant receives compensation for damages that include expenses paid or  
payable, or which would be payable but for any applicable deductible, under sections

2.1 65B.41 to 65B.71, whether through arbitration, court action, or otherwise, and whether the  
2.2 alleged liability to compensate the claimant arises from contract, tort, or otherwise, the  
2.3 claimant shall not be able to again claim or collect those same expenses from any insurer  
2.4 obligated to provide basic economic loss benefits to the claimant.