

other county employees, \$35;

(13) For issuing a duplicate certificate of title pursuant to the directive of the examiner of titles in counties in which the compensation of the examiner is not paid by the county or pursuant to an order of the court, \$3 .

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

Approved March 25, 1976.

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## CHAPTER 78—H.F.No.2009

[Not Coded]

*An act relating to the cities of Chisholm, Eveleth and Duluth; police and firemen's pensions and survivor benefits therein; amending Laws 1935, Chapter 208, Section 11, as added; and Laws 1975, Chapter 127, Section 2.*

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

Section 1. Laws 1935, Chapter 208, Section 11, as added by Laws 1975, Chapter 200, Section 1, is amended to read:

Sec. 11. **CHISHOLM, EVELETH AND DULUTH, CITIES OF; POLICE AND FIREMEN'S PENSIONS; INCREASE IN BENEFITS.** Any pension payable to a retired member or to a widow pursuant to section 1 of Laws 1935, Chapter 208, as amended, as of ~~January 1, 1975~~ April 1, 1976 shall be increased by \$25 per month, effective with the first monthly payment after the effective date of this act. Notwithstanding Minnesota Statutes, Section 356.18, increases in pensions pursuant to this section shall be made automatically, unless the recipient files written notice with the association requesting that the increase not be made. No retired member or surviving widow shall receive increases under both Laws 1975, Chapter 200, and this act.

Sec. 2. **CHISHOLM POLICE AND FIREMEN RETIREMENT BENEFITS.** The retirement annuities of each member of the Chisholm police relief association and the Chisholm firemen's relief association who retired from active service as a policeman or fireman with the city prior to January 1, 1970 may be increased by \$50 per month, commencing with the first pay period after the effective date of this section.

Sec. 3. **CHISHOLM POLICE AND FIREMEN WIDOWS' PENSIONS.** The widows' benefits of each widow receiving a pension on January 1, 1970, under the Chisholm police and Chisholm firemen's relief association bylaws, may be increased by \$50 per month, not ex-

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ceeding a total payment of \$125 per month, as the bylaws of such association shall provide, for her natural life; provided, however, that if she shall remarry, then such pension shall cease and terminate as of the date of her remarriage.

Sec. 4. Laws 1975, Chapter 127, Section 2, is amended to read:

Sec. 2. **DULUTH FIREMEN'S SURVIVOR BENEFITS.** When a service pensioner thereof, disability pensioner thereof, deferred pensioner thereof, or an active member of the firemen's relief association in the city of Duluth dies, leaving

(a) A widow who was his legally married wife, residing with him, and who was married to him while or prior to the time he was on the payroll of the fire department; and who, in case the deceased member was a service or deferred pensioner was legally married to said member at least three years before his retirement from said fire department; or

(b) A child or children who were living while the deceased was on the payroll of the fire department, or who were born within nine months after said decedent was withdrawn from the payroll of said fire department, such widow and said child or children shall be entitled to a pension or pensions as follows:

(1) To such a widow a pension of not less than 15 units and not to exceed the sum of 20 units per month, as the bylaws of said association provide, for her natural life; provided, however, that if she shall remarry, she shall not be entitled to such pension during the continuance of her remarriage. The pension shall however, resume upon termination of remarriage.

(2) To such child or children, if their mother be living, a pension of not to exceed eight units per month for each child up to the time each child reaches the age of not less than 18 years and not to exceed an age of 22 years, as may be provided by the bylaws of the association. Provided, the total pensions hereunder for the widow and children of said deceased member shall not exceed the sum of 40 units per month.

(3) A child or children of a deceased member receiving a pension or pensions hereunder shall after the death of their mother, be entitled to receive a pension or pensions in such amount or amounts as the board of trustees of such association shall deem necessary to properly support such child or children until they reach the age of not less than 18 and not more than 22 years, as the bylaws of such association may provide; but the total amount of such pension or pensions hereunder for any such child or children shall not exceed the sum of 40 units per month.

This section shall apply to the firemen's relief association in the

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city of Duluth in lieu of the provisions of Minnesota Statutes, Section 69.48.

Benefits shall be payable to a surviving spouse whose remarriage has terminated prior to the effective date of this act, from and after the effective date of this act.

Sec. 5. Section 1 is effective upon approval by the Eveleth city council and upon compliance with Minnesota Statutes, Section 645.021. Sections 2 and 3 are effective upon approval by the Chisholm city council and upon compliance with Minnesota Statutes, Section 645.021; and section 4 is effective upon approval by the Duluth city council and upon compliance with Minnesota Statutes, Section 645.021.

Approved March 25, 1976.

#### CHAPTER 79—S.F.No.345

*An act relating to insurance; providing for indemnification and subrogation in certain cases; amending Minnesota Statutes 1974, Section 65B.53; repealing Minnesota Statutes 1974, Section 65B.62.*

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

Section 1. Minnesota Statutes 1974, Section 65B.53, is amended to read:

**65B.53 AUTOMOBILE INSURANCE; NO-FAULT; INDEMNITY; ARBITRATION BETWEEN OBLIGORS; SUBROGATION.** Subdivision 1. A reparation obligor paying or obligated to pay basic or optional economic loss benefits shall be 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 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.

~~Subd. 2: To the extent permitted by section 65B.51, subdivision 1, a reparation obligor paying or obligated to pay basic or optional economic loss benefits shall be subrogated to the extent of benefits paid or payable to any cause of action to recover damages for economic loss which the person to whom the basic or optional economic loss benefits were paid or payable has brought under the terms of section 65B.51, subdivision 3 against another person whose negligence was the direct and proximate cause of the injury for which the basic economic~~

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