

CHAPTER 58—S.F.No. 361

An act relating to insurance; no-fault auto; clarifying eligibility for economic loss benefits; amending Minnesota Statutes 1988, sections 65B.51, subdivision 2; and 65B.64, subdivisions 2 and 3.

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

Section 1. Minnesota Statutes 1988, section 65B.51, subdivision 2, is amended to read:

Subd. 2. **RIGHT TO RECOVER ECONOMIC LOSS NOT INCLUDED COVERED IN FIRST PARTY BENEFITS.** A person may bring a negligence action for economic loss not paid or payable by a reparation obligor or through the assigned claims plan because of any lack of insurance coverage for the economic loss described in section 65B.44, daily or weekly dollar limitations of section 65B.44, the seven-day services exclusion of section 65B.44, the limitations of benefits contained in section 65B.44, subdivision 1, or an exclusion from coverage by sections 65B.58 to 65B.60.

Sec. 2. Minnesota Statutes 1988, section 65B.64, subdivision 2, is amended to read:

Subd. 2. If a claim qualifies for assignment under subdivision 1, the assigned claims bureau or any reparation obligor to whom the claim is assigned ~~shall be, as provided in section 65B.53, have the right to seek indemnification from an uninsured tortfeasor. Except as otherwise provided in section 340A.801, subdivision 4, the reparation obligor to whom the claim is assigned shall further be subrogated to all of the rights of the claimant against any person, including another obligor, who is legally obligated to provide economic loss benefits to the claimant,~~ for economic loss benefits provided by the obligor to whom the claim was assigned.

Sec. 3. Minnesota Statutes 1988, section 65B.64, subdivision 3, is amended to read:

Subd. 3. A person shall not be entitled to basic economic loss benefits through the assigned claims plan with respect to injury which was sustained if at the time of such injury the injured person was the owner of a private passenger motor vehicle for which security is required under sections 65B.41 to 65B.71 and that person failed to have such security in effect. Members of the owner's household Persons, other than minor children whether or not related by blood or marriage, who dwell and function together with the owner as a family, other than adults who have been adjudicated as incompetent and minor children, shall also be disqualified from benefits through the assigned claims plan.

Presented to the governor April 25, 1989

Signed by the governor April 26, 1989, 6:18 p.m.

New language is indicated by underline, deletions by ~~strikeout~~.