

MINNESOTA:

Section 1. CONVEYANCE OF STATE LANDS; HASTINGS, CITY OF. The governor may convey by quitclaim deed in form approved by the attorney general to the city of Hastings the land authorized to be sold by Laws 1969, Chapter 547, for a price equal to the appraised value as originally determined pursuant to Laws 1969, Chapter 547, and upon the terms provided by Laws 1969, Chapter 547.

Approved March 28, 1975.

CHAPTER 18—S.F.No.28

[Coded in Part]

An act relating to the compensation of victims of motor vehicle accidents; requiring cooperation of a person claiming benefits before and after commencement of suit; requiring bureau notification within a specified time under the assigned claims plan; providing that the safety responsibility law as amended prior to 1974 shall continue to apply to certain persons and activities; directing the commissioner of public safety to continue to disburse certain deposits and to reinstate certain licenses in accordance with the safety responsibility law as amended prior to 1974; amending Minnesota Statutes 1974, Sections 65B.43, Subdivisions 7 and 12; 65B.44, Subdivisions 1, 2, 6, and 8; 65B.51, Subdivision 2; 65B.56, Subdivision 1; 65B.59; 65B.65; 65B.67, Subdivisions 1, 2 and 4, and by adding a subdivision; 65B.71, by adding a subdivision; repealing Minnesota Statutes 1974, Section 65B.52.

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

Section 1. Minnesota Statutes 1974, Section 65B.43, Subdivision 7, is amended to read:

Subd. 7. MOTOR VEHICLE ACCIDENT VICTIMS; COMPENSATION. "Loss" means economic detriment resulting from the accident causing the injury, consisting only of medical expense, ~~disability and~~ income loss, replacement services loss and, if the injury causes death, funeral expense, survivor's economic loss and survivor's replacement services loss. Noneconomic detriment is not loss; however, economic detriment is loss although caused by pain and suffering or physical or mental impairment.

Sec. 2. Minnesota Statutes 1974, Section 65B.43, Subdivision 12, is amended to read:

Subd. 12. "Commercial vehicle" means:

- (a) any motor vehicle used as a common carrier,
- (b) any motor vehicle, other than a passenger vehicle or a station

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wagon, as those terms are defined in section 168.011, subdivisions 7 and 23, which has a curb weight in excess of 5500 pounds apart from cargo capacity, or

(c) any motor vehicle while used in the for-hire transportation of property.

Sec. 3. Minnesota Statutes 1974, Section 65B.44, Subdivision 1, is amended to read:

65B.44 BASIC ECONOMIC LOSS BENEFITS. Subdivision 1. **INCLUSIONS.** Basic economic loss benefits shall provide reimbursement for all loss suffered through injury arising out of the maintenance or use of a motor vehicle, subject to any applicable deductibles, exclusions, disqualifications, and other conditions, and shall provide a maximum of \$30,000 for loss arising out of the injury of any one person, consisting of:

(a) \$20,000 for medical expense loss arising out of injury to any one person; and

(b) A total of \$10,000 for ~~disability and~~ income loss, replacement services loss, funeral expense loss, survivor's economic loss, and survivor's replacement services loss arising out of the injury to any one person.

Sec. 4. Minnesota Statutes 1974, Section 65B.44, Subdivision 2, is amended to read:

Subd. 2. **MEDICAL EXPENSE BENEFITS.** Medical expense benefits shall reimburse all reasonable expenses for necessary medical, surgical, x-ray, optical, dental, chiropractic, and rehabilitative services, including prosthetic devices, prescription drugs, necessary ambulance, hospital, extended care and nursing services. ~~"Extended care facility" means a place where skilled nursing care and related services are provided for patients who require post-hospitalization, in-patient medical, nursing, or therapy services.~~ Hospital room and board benefits may be limited, except for intensive care facilities, to the regular daily semi-private room rates customarily charged by the institution in which the recipient of benefits is confined. Such benefits shall also include necessary remedial treatment and services recognized and permitted under the laws of this state for an injured person who relies upon spiritual means through prayer alone for healing in accordance with his religious beliefs. Medical expense loss includes medical expenses accrued prior to the death of a person notwithstanding the fact that benefits are paid or payable to the decedent's survivors. Medical expense benefits for rehabilitative services shall be subject to the provisions of section 65B.45.

Sec. 5. Minnesota Statutes 1974, Section 65B.44, Subdivision 6, is amended to read:

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Subd. 6. **SURVIVORS ECONOMIC LOSS BENEFITS.** Survivors economic loss benefits, in the event of death occurring within one year of the date of the accident, caused by and arising out of injuries received in the accident, are subject to a maximum of \$200 per week and shall reimburse cover loss accruing after decedent's death of contributions of money or tangible things of economic value, not including services, subject to a maximum of \$200 per week that his surviving dependents would have received for their support during their dependency from the decedent had he not suffered the injury causing death.

For the purposes of definition under Laws 1974, Chapter 408, the following described persons shall be presumed to be dependents of a deceased person: (a) a wife is dependent on a husband with whom she lives at the time of his death; (b) a husband is dependent on a wife with whom he lives at the time of her death; (c) any child while under the age of 18 years, or while over that age but physically or mentally incapacitated from earning, is dependent on the parent with whom he is living or from whom he is receiving support regularly at the time of the death of such parent. In all other cases, questions of the existence and extent of dependency shall be determined in accordance with the facts at the time of the death. Questions of the existence and the extent of dependency shall be questions of fact, considering the support regularly received from the deceased.

Payments to the surviving spouse shall be terminated in the event such surviving spouse remarries or dies. Payments to a dependent child who is not physically or mentally incapacitated from earning shall be terminated in the event he attains majority, marries or becomes otherwise emancipated, or dies

Payments shall be made to the dependent, except that benefits to a dependent who is a child or an incapacitated person may be paid to the dependent's surviving parent or guardian. Payments shall be terminated whenever the recipient ceases to maintain a status which if the decedent were alive would be that of dependency.

Sec. 6. Minnesota Statutes 1974, Section 65B.44, Subdivision 8, is amended to read:

Subd. 8. "Basic economic loss benefits" do not include benefits for physical damage done to property ~~or including~~ motor vehicles; ~~including and~~ their contents.

Sec. 7. Minnesota Statutes 1974, Section 65B.51, Subdivision 2, is amended to read:

Subd. 2. **RIGHT TO RECOVER ECONOMIC LOSS NOT INCLUDED IN FIRST PARTY BENEFITS.** A person may bring a negligence action for economic loss not paid or payable by ~~an economic loss-a~~ reparation obligor because of daily or weekly dollar limitations

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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. 8. Minnesota Statutes 1974, Section 65B.56, Subdivision 1, is amended to read:

65B.56 COOPERATION OF PERSON CLAIMING BENEFITS. Subdivision 1. **MEDICAL EXAMINATIONS AND DISCOVERY OF CONDITION OF CLAIMANT.** Any person with respect to whose injury benefits are claimed under a plan of reparation security shall, upon request of the reparation obligor from whom recovery is sought, submit to a physical examination by a physician or physicians selected by the obligor as may reasonably be required.

The costs of any examinations requested by the obligor shall be borne entirely by the requesting obligor. Such examinations shall be conducted within the city, town, or statutory city of residence of the injured person. If there is no qualified physician to conduct the examination within the city, town, or statutory city of residence of the injured person, then such examination shall be conducted at another place of the closest proximity to the injured person's residence. Obligor are authorized to include reasonable provisions in policies for mental and physical examination of those injured persons.

If requested by the person examined, a party causing an examination to be made shall deliver to him a copy of every written report concerning the examination rendered by an examining physician, at least one of which reports must set out in detail the findings and conclusions of such examining physician.

An injured person shall also do all things reasonably necessary to enable the obligor to obtain medical reports and other needed information to assist in determining the nature and extent of the injured person's injuries and loss, and the medical treatment received by him. If the claimant refuses to cooperate in responding to requests for examination and information as authorized by this section, evidence of such noncooperation shall be admissible in any suit or arbitration filed for damages for such personal injuries or for the benefits provided by Laws 1974, Chapter 408.

The provisions of this section apply before and after the commencement of suit.

Sec. 9. Minnesota Statutes 1974, Section 65B.59, is amended to read:

65B.59 RACES. A person who is injured in the course of ~~an officiated racing or speed contest~~ an official racing contest, other than a rally held in whole or in part on public roads, or in practice or preparation therefor is disqualified from basic or optional economic loss

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benefits. His survivors are not entitled to basic or optional economic loss benefits for loss arising from his death.

Sec. 10. Minnesota Statutes 1974, Section 65B.65, is amended to read:

65B.65 TIME FOR PRESENTING CLAIMS UNDER ASSIGNED CLAIMS PLAN. A person authorized to obtain basic economic loss benefits through the assigned claims plan shall notify the bureau of his claim within one year of the date on which he receives written authorization to participate in such plan. If timely action for basic economic loss benefits is commenced against a reparation obligor who is unable to fulfill his obligations under Laws 1974, Chapter 408, a claim through the assigned claims plan may be made within a reasonable time after discovery of such inability. Subdivision 1. Except as provided in subdivision 2, a person authorized to obtain basic reparation benefits through the assigned claims plan shall notify the bureau of his claim within the time that would have been allowed for commencing an action for those benefits if there had been identifiable coverage in effect and applicable to the claim.

Subd. 2. If timely action for basic reparation benefits is commenced against a reparation obligor who is unable to fulfill his obligations because of financial inability, a person authorized to obtain basic reparation benefits through the assigned claims plan shall notify the bureau of his claim within six months after discovery of the financial inability.

Sec. 11. Minnesota Statutes 1974, Section 65B.67, Subdivision 1, is amended to read:

65B.67 PENALTIES FOR FAILURE TO PROVIDE SECURITY FOR BASIC REPARATION BENEFITS. Subdivision 1. Every owner of a motor vehicle for which security has not been provided as required by section 65B.48, shall be ~~liable in tort without limitation not by the provisions of chapter 65B be relieved of tort liability arising out of the operation, ownership, maintenance or use of the motor vehicle~~.

Sec. 12. Minnesota Statutes 1974, Section 65B.67, Subdivision 2, is amended to read:

Subd. 2. Any owner of a motor vehicle with respect to which security is required under Laws 1974, Chapter 408 who operates such motor vehicle or permits it to be operated upon a public highway, street or road in this state ~~without having in full force and effect who knows or who has reason to know that the vehicle does not have security complying with the terms of section 65B.48, is guilty of a misdemeanor.~~

Sec. 13. Minnesota Statutes 1974, Section 65B.67, Subdivision 4, is amended to read:

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Subd. 4. Any operator of a motor vehicle who is convicted of a misdemeanor under the terms of this section shall have his operator's license revoked for not ~~less than six months or~~ more than 12 months. If such operator is also an owner of the motor vehicle, his motor vehicle registration shall also be revoked for not ~~less than six months or~~ more than 12 months. Before reinstatement of an operator's license or registration, the operator shall file with the commissioner of public safety the written certificate of an insurance carrier authorized to do business in this state stating that security has been provided by the operator as required by section 65B.48.

Sec. 14. Minnesota Statutes 1974, Section 65B.67, is amended by adding a subdivision to read:

Subd. 4a. The commissioner of public safety may revoke the registration of any motor vehicle without preliminary hearing upon a showing by department records or other sufficient evidence that security required by section 65B.48 has not been provided and maintained. Before reinstatement of a vehicle registration, there shall be filed with the commissioner of public safety the written certificate of an insurance carrier authorized to do business in the state stating that security has been provided as required by section 65B.48. The commissioner of public safety may require the certificate of insurance provided to satisfy this subdivision to be certified by the insurance carrier to be non-cancelable for a period not to exceed one year.

Sec. 15. Minnesota Statutes 1974, Section 65B.71, is amended by adding a subdivision to read:

Subd. 4. The provisions of Minnesota Statutes 1971, Chapter 170, as amended by Laws 1973, Chapter 35, Sections 37 and 38, shall apply to a person who is involved in a motor vehicle accident occurring before January 1, 1975. Money deposited with the commissioner in accordance with Minnesota Statutes 1971, Chapter 170, as amended by Laws 1973, Chapter 35, Sections 37 and 38, shall be retained by the commissioner and disbursed only in accordance with Minnesota Statutes 1971, Chapter 170, as amended by Laws 1973, Chapter 35, Sections 37 and 38. An operator's license suspended in accordance with Minnesota Statutes 1971, Chapter 170, as amended by Laws 1973, Chapter 35, Sections 37 and 38, shall be reinstated only in accordance with Minnesota Statutes 1971, Chapter 170, as amended by Laws 1973, Chapter 35, Sections 37 and 38.

Sec. 16. Accidents occurring before January 1, 1975, are not covered by or subject to sections 1 to 14 of this act.

Sec. 17. Minnesota Statutes 1974, Section 65B.52, is repealed.

Sec. 18. This act is retroactively effective on January 1, 1975.

Approved March 28, 1975.

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