

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **3246**

03/16/2016 Authored by Loonan, Newton and Howe

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

03/30/2016 Adoption of Report: Re-referred to the Committee on Civil Law and Data Practices

03/31/2016 By motion, recalled from the Committee on Civil Law and Data Practices and placed on the General Register
Read Second Time

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

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

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

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

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

1.21 Subd. 1a. **Deduction of basic economic loss benefits previously considered.**
1.22 When a claimant receives compensation for damages that include expenses paid or
1.23 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.