SENATE STATE OF MINNESOTA EIGHTY-SEVENTH LEGISLATURE

Comm report: To pass and re-referred to Judiciary and Public Safety

OFFICIAL STATUS

Introduction and first reading Referred to Commerce and Consumer Protection S.F. No. 589

(SENATE AUTHORS: SCHEID, Gazelka, Kruse, Thompson and Gerlach)

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03/07/2011

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A bill for an act relating to insurance; no-fault auto; modifying the limitation on damages for noneconomic detriment; amending Minnesota Statutes 2010, section 65B.51, subdivision 3. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA: Section 1. Minnesota Statutes 2010, section 65B.51, subdivision 3, is amended to read: Subd. 3. Limitation of damages for noneconomic detriment. In an action described in subdivision 1, no person shall recover damages for noneconomic detriment unless: (a) The sum of the following exceeds \$4,000: (1) reasonable medical expense benefits paid, payable or payable but for any applicable deductible, plus (2) the value of free medical or surgical care or ordinary and necessary nursing services performed by a relative of the injured person or a member of the injured person's household, plus (3) the amount by which the value of reimbursable medical services or products exceeds the amount of benefit paid, payable, or payable but for an applicable deductible for those services or products if the injured person was charged less than the average reasonable amount charged in this state for similar services or products, minus (4) the amount of medical expense benefits paid, payable, or payable but for an applicable deductible for diagnostic X-rays and for a procedure or treatment for rehabilitation and not for remedial purposes or a course of rehabilitative occupational training; or (b) the injury results in:

Section 1.

S.F. No. 589, as introduced - 87th Legislative Session (2011-2012) [11-1906]

| 2.1 | (1) permanent disfigurement; |
|------|---|
| 2.2 | (2) serious permanent injury impairment of an important bodily function; |
| 2.3 | (3) death; or |
| 2.4 | (4) disability for 60 days or more. |
| 2.5 | (c) For the purposes of clause (a) evidence of the reasonable value of medical |
| 2.6 | services and products shall be admissible in any action brought in this state. |
| 2.7 | For the purposes of this subdivision disability means the inability to engage in |
| 2.8 | substantially all of the injured person's usual and customary daily activities. |
| 2.0 | EFFECTIVE DATE ; APPLICATION . This section is effective August 1, 2011 |
| 2.9 | EFFECTIVE DATE, ATTEICATION. This section is effective August 1, 2011 |
| 2 10 | and applies to actions arising from incidents occurring on or after that date |

Section 1. 2