

MINNESOTA STATUTES 1975 SUPPLEMENT

64A.24 FRATERNAL BENEFICIARY ASSOCIATIONS

death, annuity, or endowment benefits upon the lives of children below age 16 at next birthday; provided, that the association has a class of adult membership carrying life insurance certificates at a rate of contribution at least equal to those known as National Fraternal Congress rates, or upon a table based upon the association's own experience of at least 20 years covering not less than 100,000 lives, with an interest assumption of not more than four percent per annum, or upon the mortality tables and interest rates prescribed by law for life insurance companies, to which juvenile certificate holders shall be transferred without medical reexamination upon attaining the age of 16 years.

[1975 c 129 s 2]

[For text of subs 2 and 3, see M.S.1974]

64A.25 Children's benefit certificates; requirements.

[For text of subs 1 to 3, see M.S.1974]

Subd. 4. Premiums, mortality table, extra assessments. The death benefit contributions to be made upon the certificate shall be based upon the standard industrial mortality table or the English life table number six, and at a rate of interest not greater than four percent per annum, or upon the mortality tables and interest rates prescribed by law for life insurance companies; provided, that the contributions may be waived or returns may be made from surplus in excess of reserve and other liabilities, as provided in the bylaws; and provided, further, that extra contributions shall be made if the reserves provided for in section 64A.27 become impaired.

[1975 c 129 s 3]

64A.31 The contract.

[For text of subs 1 to 5, see M.S.1974]

Subd. 6. Disability offset prohibited. No association certificate, contract or other evidence of coverage entered into, issued, amended, renewed or delivered on or after January 1, 1976 shall contain any provision offsetting, or in any other manner reducing, any benefit to a member or other beneficiary by the amount of, or in any proportion to any increase in disability benefits received or receivable under the Social Security Act, as amended subsequent to the date of commencement of such benefit.

[1975 c 323 s 5]

CHAPTER 65B. AUTOMOBILE INSURANCE

Sec.	Sec.
65B.132 Student discounts; eligibility. [New]	65B.525 Arbitration procedure; rules of court.
65B.43 Definitions.	[New]
65B.44 Basic economic loss benefits.	65B.56 Cooperation of person claiming benefits.
65B.48 Reparation security compulsory.	65B.59 Races.
65B.51 Deduction of collateral benefits from tort recovery; limitation on right to recover damages.	65B.65 Time for presenting claims under assigned claims plan.
65B.52 Repealed.	65B.67 Penalties for failure to provide security for basic reparation benefits.
	65B.71 Compliance.

(NOTE: Laws 1975, Chapter 18 is retroactively effective on January 1, 1975 pursuant to Laws 1975, Chapter 18, Section 18.)

65B.132 Student discounts; eligibility.

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Any insurance company providing discounts on automobile insurance premiums to eligible persons attending colleges and universities must provide the discount to eligible students enrolled in area vocational-technical institutes accredited by the department of education.

[1975 c 44 s 1]

65B.43 Definitions.

[For text of subds 1 to 6, see M.S.1974]

Subd. 7. "Loss" means economic detriment resulting from the accident causing the injury, consisting only of medical expense, 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.

[For text of subds 8 to 11, see M.S.1974]

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 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.

[1975 c 18 s 1,2]

[For text of subds 13 and 14, see M.S.1974]

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 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.

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. 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

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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.

[For text of subds 3 to 5, see M.S.1974]

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 cover loss accruing after decedent's death of contributions of money or tangible things of economic value, not including services, 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. Questions of the existence and the extent of dependency shall be questions of fact, considering the support regularly received from the deceased.

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.

[For text of subd 7, see M.S.1974]

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

[1975 c 18 s 3-6]

65B.48 **Reparation security compulsory.**

Subdivision 1. Every owner of a motor vehicle of a type which is required to be registered or licensed or is principally garaged in this state shall maintain during the period in which operation or use is contemplated a plan of reparation security under provisions approved by the commissioner, insuring against loss resulting from liability imposed by law for injury and property damage sustained by any person arising out of the ownership, maintenance, operation or use of the vehicle. The plan of reparation security shall provide for basic economic loss benefits and residual liability coverage in amounts not less than those specified in section 65B.49, subdivision 3, clauses (1) and (2). The non-resident owner of a motor vehicle which is not required to be registered or licensed, or which is not principally garaged in this state, shall maintain such security in effect continuously throughout the period of the operation, maintenance or use of such motor vehicle within this state with respect to accidents occurring in this state.

[1975 c 160 s 1]

[For text of subds 2 to 8, see M.S.1974]

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AUTOMOBILE INSURANCE 65B.56

65B.51 Deduction of collateral benefits from tort recovery; limitation on right to recover damages.

[For text of subd 1, see M.S.1974]

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 a reparation obligor because of 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.

[1975 c 18 s 7]

[For text of subds 3 to 5, see M.S.1974]

65B.52 [Repealed, 1975 c 18 s 17]

65B.525 Arbitration procedure; rules of court.

Subdivision 1. The supreme court and the several courts of general trial jurisdiction of this state may, on or before January 1, 1975, by rules of court or other constitutionally allowable device, provide for the submission to arbitration, upon mutual consent of all parties to the action, of all cases at issue where a claim in an amount of \$5,000 or less is made by a motor vehicle accident victim, whether in an action to recover economic loss or non-economic detriment for the allegedly negligent operation, maintenance, or use of a motor vehicle within this state, or against any reparation obligor for benefits as provided in Laws 1974, Chapter 408.

Subd. 2. The rules of court may provide that cases which are not at issue, whether or not suit has been filed, may be referred to arbitration by agreement of reference signed by counsel for both sides, or by the parties themselves. Such agreement of reference shall define the issues to be arbitrated and, shall also contain any stipulations with respect to facts submitted or agreed or defenses waived. In such cases, the agreement of reference shall take the place of the pleadings in the case and be filed of record.

[1975 c 160 s 2]

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. Obligors 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

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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.

[1975 c 18 s 8]

[For text of subd 2, see M.S.1974]

65B.59 Races.

A person who is injured in the course of 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 benefits. His survivors are not entitled to basic or optional economic loss benefits for loss arising from his death.

[1975 c 18 s 9]

65B.65 Time for presenting claims under assigned claims plan.

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.

[1975 c 18 s 10]

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 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.

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 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.

[For text of subd 3, see M.S.1974]

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 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 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.

Subd. 4a. The commissioner of public safety may revoke the registration

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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 noncancelable for a period not to exceed one year.

[1975 c 18 s 11-14]

[For text of subds 5 and 6, see M.S.1974]

65B.71 Compliance.

[For text of subds 1 to 3, see M.S.1974]

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.

[1975 c 18 s 15]

CHAPTER 67A. TOWNSHIP MUTUAL COMPANIES

Sec.		Sec.	
67A.01	Number of members required, property and territory.	67A.16	Repealed.
67A.03	Corporate existence.	67A.161	Arbitration of disputed losses. [New]
67A.06	Powers of corporation.	67A.17	Assessments.
67A.07	Principal office.	67A.18	Termination.
67A.09	Officers.	67A.19	Joint or partial risks.
67A.10	Rights of certain members.	67A.21	Consolidation, merger.
67A.11	Annual meeting.	67A.22	Repealed.
67A.12	Applications.	67A.23	Investments, limitations.
67A.13	Types of insurance authorized.	67A.29	Government.
67A.14	Insurable property.	67A.30	Applications and binders.
		67A.31	Insurable property.
		67A.33	Repealed.

67A.01 Number of members required, property and territory.

It shall be lawful for any number of persons, not less than 25, residing in adjoining townships in this state, who shall collectively own property worth at least \$50,000, to form themselves into a corporation for mutual insurance against loss or damage by the perils listed in section 67A.13. Any such company shall operate in no more than 150 adjoining townships in the aggregate at the same time; provided, that when any such company confines its operations to one county it may transact business in the whole thereof by so providing in its certificate of incorporation, and provided further that in case of merger of two or more companies having contiguous territories, the surviving company in the merger shall have the right to transact business in the entire territory of the merged companies, but the territory of the surviving company in the merger shall not be larger than 250 townships.