

MINNESOTA STATUTES 1979 SUPPLEMENT

65A.35 FIRE AND RELATED INSURANCE

facility, each member of the facility shall be allotted votes bearing the same ratio to the total number of votes to be cast as each member's written premium on basic property insurance during calendar year 1968 bears to the statewide total written premium for basic property insurance during such year. The first governing committee shall be elected at a meeting of the members or their authorized representatives.

(2) Any vacancy among the elected members on the governing committee shall be filled by a vote of the other elected members of the governing committee.

(3) If at any time the members fail to elect the required number of members to the governing committee, or a vacancy remains unfilled for more than 15 days, the commissioner may appoint the members necessary to constitute a full governing committee.

[For text of subd 6, see M.S.1978]

[1979 c 207 s 5]

CHAPTER 65B. AUTOMOBILE INSURANCE

Sec. 65B.13	Automobile insurance, discrimination in automobile policies forbidden.	Sec. 65B.61	Benefits primary; subtractions; coordination.
65B.131	Repealed.	65B.64	Persons entitled to participate in assigned claims plan.
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65B.13 Automobile insurance, discrimination in automobile policies forbidden.

No insurance company, or its agent, shall refuse to issue any standard policy of motor vehicle insurance or make any discrimination in the acceptance of risks, in rates, premiums, dividends, or benefits of any kind, or by way of rebate:

(a) between persons of the same class, or

(b) on account of race, or

(c) on account of physical handicap if the handicap is compensated for by special training, equipment, prosthetic device, corrective lenses, or medication and if the physically handicapped person;

(1) is licensed by the department of public safety to operate a motor vehicle in this state, and

(2) operates only vehicles which are equipped with auxiliary devices and equipment necessary for safe and effective operation by the handicapped person.

Every company or agent violating any of the foregoing provisions shall be fined not more than \$100 per violation, and every officer, agent, or solicitor violating the same shall be guilty of a misdemeanor. The commissioner of insurance is authorized to treat violations of this section as an unfair insurance practice and to enforce this section using the procedures, remedies, and penalties provided in sections 72A.17 to 72A.32.

[1979 c 215 s 1]

65B.131 [Repealed, 1979 c 215 s 2]

65B.43 Definitions.

[For text of subds 1 to 3, see M.S.1978]

Subd. 4. "Owner" means a person, other than a lienholder or secured party, who owns or holds legal title to a motor vehicle or is entitled to the use and possession of a motor vehicle subject to a security interest held by another person. If a motor vehicle is the subject of a lease having an initial term of six months or longer, the lessee shall be deemed the owner for the purposes of sections 65B.41 to 65B.71, and 170.54, notwithstanding the fact that the lessor retains title to the vehicle and notwithstanding the fact that the lessee may be the owner for the purposes of chapter 168A.

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[For text of subs 5 to 14, see M.S.1978]

[1979 c 190 s 1]

65B.44 Basic economic loss benefits.

[For text of subd 1, see M.S.1978]

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 and all other reasonable transportation expenses incurred in traveling to receive covered medical benefits, 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 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.

Subd. 3. **Disability and income loss benefits.** Disability and income loss benefits shall provide compensation for 85 percent of the injured person's loss of present and future gross income from inability to work proximately caused by the nonfatal injury subject to a maximum of \$200 per week. Loss of income includes the costs incurred by a self-employed person to hire substitute employees to perform tasks which are necessary to maintain his income, which he normally performs himself, and which he cannot perform because of his injury.

If the injured person is unemployed at the time of injury and is receiving or is eligible to receive unemployment benefits under chapter 268, but the injured person loses his eligibility for those benefits because of inability to work caused by the injury, disability and income loss benefits shall provide compensation for the lost benefits in an amount equal to the unemployment benefits which otherwise would have been payable, subject to a maximum of \$200 per week.

Compensation under this subdivision shall be reduced by any income from substitute work actually performed by the injured person or by income the injured person would have earned in available appropriate substitute work which he was capable of performing but unreasonably failed to undertake.

For the purposes of this section "inability to work" means disability which prevents the injured person from engaging in any substantial gainful occupation or employment on a regular basis, for wage or profit, for which he is or may by training become reasonably qualified. If the injured person returns to his employment and is unable by reason of his injury to work continuously, compensation for lost income shall be reduced by the income received while he is actually able to work.

[For text of subs 4 to 8, see M.S.1978]

[1979 c 221 s 1,2]

65B.53 Indemnity; arbitration between obligors; subrogation.

Subdivision 1. A reparation obligor paying or obligated to pay basic or optional economic loss benefits is entitled to indemnity subject to the limits of the applicable residual liability coverage from a reparation obligor providing residual liability coverage on a commercial vehicle of more than 5,500 pounds curb weight if negligence in the operation, maintenance or use of the commercial vehicle was the direct and proximate cause of the injury for which the basic economic loss benefits were paid or payable to the extent that the insured would have been liable for damages but for the deduction provisions of section 65B.51, subdivision 1.

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[For text of subs 2 to 8, see M.S.1978]

[1979 c 190 s 2]

65B.54 Reparation obligor's duty to respond to claims.

[For text of subd 1, see M.S.1978]

Subd. 2. Overdue payments shall bear simple interest at the rate of 15 percent per annum.

[For text of subs 3 to 5, see M.S.1978]

[1979 c 190 s 3]

65B.61 Benefits primary; subtractions; coordination.

[For text of subs 1 and 2, see M.S.1978]

Subd. 3. Any legal entity, other than a reparation obligor obligated to pay benefits under a plan of reparation security or an insurer or employer obligated to pay benefits under a workers' compensation law, may coordinate any benefits it is obligated to pay for loss incurred as a result of injury arising out of the maintenance or use of a motor vehicle with basic economic loss benefits. No entity may coordinate benefits pursuant to this subdivision, unless it provides an appropriately reduced premium rate. The amount of this rate reduction shall be not less than the amount of the projected reduction in benefits and claims for which the entity will be liable on that class of risks, less the additional reasonable expenses incurred to administer the plan coordinating benefits. The projected reduction in benefits and claims shall be based upon sound actuarial principles.

Subd. 4. [Repealed, 1979 c 57 s 2]

[1979 c 57 s 1]

65B.64 Persons entitled to participate in assigned claims plan.

[For text of subs 1 and 2, see M.S.1978]

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 he failed to have such security in effect. Members of the owner's household other than minor children shall also be disqualified from benefits through the assigned claims plan.

[1979 c 190 s 4]

65B.67 Penalties for failure to provide security for basic reparation benefits.

Subdivision 1. Every owner of a motor vehicle or motorcycle for which security has not been provided as required by section 65B.48, shall not by the provisions of this chapter be relieved of tort liability arising out of the operation, ownership, maintenance or use of the motor vehicle or motorcycle.

Subd. 2. Any owner of a motor vehicle or motorcycle with respect to which security is required under sections 65B.41 to 65B.71 who operates the motor vehicle or motorcycle or permits it to be operated upon a public highway, street or road in this state and who knows or has reason to know that the motor vehicle or motorcycle does not have security complying with the terms of section 65B.48, is guilty of a misdemeanor.

Subd. 3. Any other person who operates a motor vehicle or motorcycle upon a public highway, street or road in this state with knowledge that the owner does not have

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security complying with the terms of section 65B.48 in full force and effect is guilty of a misdemeanor.

Subd. 4. Any operator of a motor vehicle or motorcycle who is convicted of a misdemeanor under the terms of this section shall have his driver's license revoked for not more than 12 months. If the operator is also an owner of the motor vehicle or motorcycle, the registration of the motor vehicle or motorcycle shall also be revoked for not more than 12 months. Before reinstatement of a driver'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 of any motor vehicle or motorcycle, and may suspend the driver's license of any operator, without preliminary hearing upon a showing by department records, including accident reports required to be submitted by section 169.09, or other sufficient evidence that security required by section 65B.48 has not been provided and maintained. Before reinstatement of the 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. The commissioner of public safety may also require a certificate of insurance to be filed with respect to all vehicles required to be insured under section 65B.48 and owned by any person whose driving privileges have been suspended or revoked as provided in this section before reinstating the person's driver's license.

Subd. 5. When a nonresident's operating privilege is suspended pursuant to this section, the commissioner of public safety or his designee shall transmit a copy of the record of the action to the official in charge of the issuance of licenses in the state in which the nonresident resides.

Subd. 6. Upon receipt of notification that the operating privilege of a resident of this state has been suspended or revoked in any other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle or motorcycle accident, or for failure to provide security covering a motor vehicle or motorcycle if required by the laws of that state, the commissioner of public safety shall suspend the operator's license of the resident until he furnishes evidence of compliance with the laws of this state and if applicable the laws of the other state.

[1979 c 190 s 5]

65B.68 Rules of commissioner of public safety.

[For text of subs 1 and 2, see M.S.1978]

Subd. 3. Before a motor vehicle or motorcycle may be registered in this state, the owner must file with the commissioner of public safety satisfactory evidence that security has been provided as required by section 65B.48. If a person who is required to furnish evidence ceases to maintain the required security, he shall immediately surrender the registration certificate and license plates for the motor vehicle or motorcycle. This subdivision shall expire on December 31, 1979, or on the date the commissioner of public safety promulgates a rule requiring an owner of a motor vehicle or a motorcycle to file evidence of security prior to registration of the motor vehicle or motorcycle, whichever occurs first.

[1979 c 190 s 6]

65B.685 Standardizing coverage.

As far as consistent with the requirements of sections 65B.41 to 65B.71, the commissioner may limit by rule the variety of coverages available in order to give insurance purchasers reasonable opportunity to compare the cost of insuring with various insurers.

[1979 c 190 s 7]