

Vince,

As you may be aware, HB 5013 was recently introduced which proposes various changes to Michigan's No Fault system. If you could put me on the agenda to discuss this at our meeting coming up I would appreciate it.

While there are a number of bad items in the bill, there is one that stands out as incredibly unfavorable to motorcyclists that I would suggest ABATE take a position in strong opposition to. The sections of the bill at issue are as follows:

Sec 3109a(3)(B)

IF THE INSURED PERSON NAMED IN THE POLICY SELECTS A COVERAGE LIMIT UNDER SUBSECTION (2)(A) OR (B), THE COVERAGE LIMIT UNDER SUBSECTION (2)(A) OR (B) APPLIES TO PERSONAL PROTECTION INSURANCE BENEFITS PAYABLE UNDER THE POLICY TO THE INSURED PERSON, THE INSURED PERSON'S SPOUSE, A RELATIVE OF EITHER DOMICILED IN THE SAME HOUSEHOLD, **AND ANY OTHER PERSON WITH A RIGHT TO CLAIM PERSONAL PROTECTION INSURANCE BENEFITS UNDER THE POLICY.**

Sec 3114(5)(a)

The insurer of the owner or registrant of the motor vehicle involved in the accident, **SUBJECT TO THE APPLICABLE COVERAGE LEVEL FOR PERSONAL PROTECTION INSURANCE BENEFITS UNDER SECTION 3109A(2).**

Sec 3114(5)(b)

The insurer of the operator of the motor vehicle involved in the accident, **SUBJECT TO THE APPLICABLE COVERAGE LEVEL FOR PERSONAL PROTECTION INSURANCE BENEFITS UNDER SECTION 3109A(2).**

Currently, under our no fault law, if a motorcyclist is involved in an accident with a motor vehicle, the motorcyclist is entitled to get his/her medical expenses, wage loss, attendant care, household chores and mileage paid by the insurer of the owner or operator of the motor vehicle involved in the accident. As our law currently stands, medical expenses and attendant care are unlimited and wage loss and household chores are payable for 3 years.

In the proposed bill, insurance companies will be allowed to offer their insureds a choice of capping benefits at \$250,000.00, \$500,000.00 or opting to keep unlimited medical and attendant care and wage loss and household chores for 3 years as the law currently allows. Herein lies the great danger to motorcyclists. Under the proposed bill, if a motorcyclist is hit by a motor vehicle, the motorcyclist will be subject to cap that the owner/operator of the motor vehicle has chosen for themselves. IE, if the owner/operator of the motor vehicle chose to cap benefits at \$250,000.00 on their policy then that the injured motorcyclist is bound by that cap too, even though the motorcyclist did not choose this cap and even though the motorcyclist may have more than \$250,000.00 in medical bills! . This is a hammer to motorcyclists, and unfairly allows an insurance company to cap a motorcyclists benefits even though the motorcyclist had no say whatsoever in choosing the cap!

I have highlighted and underlined in red above the language that must be removed from this bill regarding this issue.

I will go over this in more detail at the upcoming meeting, but strongly suggest that ABATE actively oppose this bill, especially the portion I discussed in this e-mail. This ramification is not evident from a plain reading of the bill. It's found in the details and through references to other portions of the bill. Given the nuances of Michigan's No Fault law, I believe there is a better than not chance that a legislator not familiar with no fault law will not pick up on or understand the ramification. As always, I

have no problem in assisting the Legislative committee in doing what I can to meet with legislators to discuss this issue. Just let me know.

Very Truly Yours,

Dondi