

HOUSE BILL No. 4995

June 28, 2007, Introduced by Rep. Virgil Smith and referred to the Committee on Insurance.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
(MCL 500.100 to 500.8302) by adding section 3136.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3136. IF AN INJURED PERSON RECOVERS DAMAGES UNDER SECTION
2 3135 FOR NONECONOMIC LOSS OR EXCESS ECONOMIC LOSS AND IS REQUIRED
3 TO PAY ALL OR A PORTION OF THAT RECOVERY TO ANY PERSON OR ENTITY
4 CLAIMING A LIEN OR RIGHT OF REIMBURSEMENT, SUBROGATION, RECOUPMENT,
5 OR OFFSET AGAINST THE RECOVERY, THE INSURER RESPONSIBLE TO PAY
6 PERSONAL PROTECTION INSURANCE BENEFITS TO THE INJURED PERSON SHALL
7 REIMBURSE THE INJURED PERSON FOR THE AMOUNT HE OR SHE IS REQUIRED
8 TO PAY THE PERSON OR ENTITY TO THE EXTENT THAT THE PAYMENT WOULD
9 HAVE BEEN PAYABLE BY THE INSURER IF THE PERSON OR ENTITY HAD NOT
10 PAID THOSE AMOUNTS. THIS SECTION APPLIES TO ANY CASE FILED ON OR

1 **AFTER OCTOBER 1, 1973.**

2 Enacting section 1. Section 3136 of the insurance code of
3 1956, 1956 PA 218, MCL 500.3136, as added by this amendatory act,
4 is curative and intended to correct the misinterpretation of law
5 and legislative intent that occurred in the Michigan court of
6 appeals decision in Dunn v DAIIE, 254 Mich App 256; 657 NW2d 153
7 (2002).