

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.6309 Plan for structured payment of future damages; determination as to future collectibility of annuity contract or qualified assignment; owner of annuity contract; making qualified assignment; effect of qualified assignment; recipients of structured payments guaranteed by annuity contract.

Sec. 6309.

(1) Subject to section 6307, if the plaintiff and the defendant agree to a plan for the structured payment of future damages within 35 days of the judgment, the court shall order that structured payments shall be made pursuant to that plan.

(2) If the plaintiff and defendant do not agree to a plan for structured payments as prescribed by subsection (1), the court shall order the structured payment of future damages pursuant to a plan submitted to the court by the plaintiff or defendant.

(3) Upon motion by the plaintiff, the court shall make a determination as to the future collectibility of the annuity contract or a qualified assignment made pursuant to subsection (4).

(4) The defendant or the defendant's liability insurance carrier who satisfies a portion of the judgment by the purchase of an annuity contract as provided by this section or section 6307 shall be the owner of that annuity contract, except that the defendant or the defendant's insurance carrier may make a qualified assignment, within the meaning of section 130(c) of the internal revenue code of 1954, as amended, of the obligation to the plaintiff.

(5) If a qualified assignment is made pursuant to subsection (4), the defendant's liability insurance carrier shall be relieved of all obligation to the plaintiff.

(6) Structured payments guaranteed by an annuity contract shall be made to the plaintiff or the plaintiff's estate, or in a wrongful death action, to the person or persons entitled to the damages or that person's or persons' estate, as applicable.

History: Add. 1986, Act 178, Eff. Oct. 1, 1986

Compiler's Notes: Section 3 of Act 178 of 1986 provides:“(1) Sections 2925b, 5805, 5838, and 5851 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to causes of action arising before October 1, 1986.”(2) Sections 1483, 5838a, and 6304 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to causes of action arising on or after October 1, 1986.”(3) Sections 1629, 1653, 2169, 2591, 2912c, 2912d, 2912e, 6098, 6301, 6303, 6305, 6306, 6307, 6309, and 6311 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after October 1, 1986.”(4) Sections 1651 and 6013 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to cases filed before October 1, 1986.”(5) Chapter 49 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after January 1, 1987.”(6) Chapter 49a of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed in judicial circuits which are comprised of more than 1 county on or after July 1, 1990 and shall apply to cases filed in judicial circuits which are comprised of 1 county on or after October 1, 1988.”