
By: **Delegates Krysiak, Vallario, and Gordon**
Introduced and read first time: February 9, 2001
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Liability Insurance - Personal Injury Protection Coverage -**
3 **Minimum Benefits**

4 FOR the purpose of increasing the minimum medical, hospital, and disability benefits
5 that are required to be provided by an insurer that issues, sells, or delivers a
6 motor vehicle liability insurance policy in the State; providing for the
7 application of this Act; and generally relating to the minimum medical, hospital,
8 and disability benefits required to be provided in a motor vehicle liability
9 insurance policy that an insurer issues, sells, or delivers in the State.

10 BY repealing and reenacting, without amendments,
11 Article - Insurance
12 Section 19-505(a)
13 Annotated Code of Maryland
14 (1997 Volume and 2000 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Insurance
17 Section 19-505(b)
18 Annotated Code of Maryland
19 (1997 Volume and 2000 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Insurance**

23 19-505.

24 (a) Unless waived in accordance with § 19-506 of this subtitle, each insurer
25 that issues, sells, or delivers a motor vehicle liability insurance policy in the State
26 shall provide coverage for the medical, hospital, and disability benefits described in
27 this section for each of the following individuals:

1 (1) except for individuals specifically excluded under § 27-606 of this
2 article:

3 (i) the first named insured, and any family member of the first
4 named insured who resides in the first named insured's household, who is injured in
5 any motor vehicle accident, including an accident that involves an uninsured motor
6 vehicle or a motor vehicle the identity of which cannot be ascertained; and

7 (ii) any other individual who is injured in a motor vehicle accident
8 while using the insured motor vehicle with the express or implied permission of the
9 named insured;

10 (2) an individual who is injured in a motor vehicle accident while
11 occupying the insured motor vehicle as a guest or passenger; and

12 (3) an individual who is injured in a motor vehicle accident that involves
13 the insured motor vehicle:

14 (i) as a pedestrian; or

15 (ii) while in, on, or alighting from a vehicle that is operated by
16 animal or muscular power.

17 (b) (1) In this subsection, "income" means:

18 (i) wages, salaries, tips, commissions, professional fees, and other
19 earnings from work or employment;

20 (ii) earnings from a business or farm owned individually, jointly, or
21 in partnership; and

22 (iii) to the extent earnings are paid or payable in property or
23 services instead of in cash, the reasonable value of the property or services.

24 (2) The minimum medical, hospital, and disability benefits provided by
25 an insurer under this section shall include up to [~~\$2,500~~] \$3,500 for:

26 (i) payment of all reasonable and necessary expenses that arise
27 from a motor vehicle accident and that are incurred within 3 years after the accident
28 for necessary prosthetic devices and ambulance, dental, funeral, hospital, medical,
29 professional nursing, surgical, and x-ray services;

30 (ii) payment of benefits for 85% of income lost:

31 1. within 3 years after, and resulting from, a motor vehicle
32 accident; and

33 2. by an injured individual who was earning or producing
34 income when the accident occurred; and

1 (iii) payments made in reimbursement of reasonable and necessary
2 expenses incurred within 3 years after a motor vehicle accident for essential services
3 ordinarily performed for the care and maintenance of the family or family household
4 by an individual who was injured in the accident and not earning or producing income
5 when the accident occurred.

6 (3) As a condition of providing loss of income benefits under this
7 subsection, an insurer may require the injured individual to furnish the insurer with
8 reasonable medical proof of the injury causing loss of income.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
10 construed only prospectively and may not be applied or interpreted to have any effect
11 on or application to any motor vehicle liability insurance policy issued, sold, or
12 delivered before the effective date of this Act.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2001.