

# Guide to Michigan No-Fault Law

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*How to Get Care  
and Compensation from  
Your Insurance Company*



**By: Steven M. Gursten**

# Guide to Michigan No-Fault Law

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From Your Insurance Company

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*Steve is recognized as one of the nation's top attorneys handling serious auto accident injury and wrongful death cases, and No-Fault insurance litigation. He has recovered the largest auto accident and truck accident settlement of any Michigan law firm or lawyer. Steve is head of Michigan Auto Law, the state's largest law firm specializing in car, truck and motorcycle accident cases.*

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- Rhonda Searfoss

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# UPDATE ON MICHIGAN'S NEW NO-FAULT LAW

A new No-Fault auto insurance law was enacted in Michigan on June 11, 2019. This new law fundamentally changed Michigan's auto No-Fault Insurance Law and affects every driver in Michigan.

The changes that will be most relevant to you as you read this book are the following:

- **No-Fault PIP Choice:** The new No-Fault law requires auto insurance companies to offer drivers the choice of the following coverage levels for their No-Fault PIP medical benefits: Unlimited; \$500,000; \$250,000; and \$50,000 (for drivers who are enrolled in Medicaid). This starts with policies issued or renewed after July 1, 2020.
- **Opt-Out of No-Fault PIP Medical Benefits:** The new No-Fault law now allows drivers with Medicare to opt-out of No-Fault PIP Medical Benefits coverage.
- **Savings for Drivers:** Based on the No-Fault PIP medical benefits coverage levels chosen, the new No-Fault law assures drivers savings of 10% to 45% on the No-Fault PIP medical portion of their auto insurance bills.
- **Attendant care:** Auto insurers will not be obligated to pay for more than 56 hours per week of family-provided, in-home attendant care after July 1, 2021.

These important changes to the No-Fault insurance law will be discussed in greater detail later in this book.

To learn more, you can read our blog post, "[New Michigan No-Fault Law Passes: What You Need To Know](#)".

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# **PREFACE:**

## **HOW CAR ACCIDENT VICTIMS CAN GET THE NO-FAULT BENEFITS THEY NEED**

Michigan is a “No-Fault” state, which means that anyone covered by Michigan’s No-Fault auto insurance law who has been injured in a Michigan car accident is entitled to collect No-Fault benefits from his or her auto insurance company regardless of who was at-fault in causing the crash.

This is the generous and invaluable guarantee of Michigan’s No-Fault insurance law.

But as vital as Michigan No-Fault is, it can be and frequently is very complicated to understand for people who have recently been injured in a car crash and don’t know what to do next.

That’s why I created our Guide to Michigan No-Fault Law.

We want you to know and understand your No-Fault rights and be in the best position to recover all of the benefits and protections you need for your post-accident care, recovery or rehabilitation.

In this guide, you’ll discover how to get your medical bills paid and how to collect your wage loss and attendant care benefits as well as replacement services.

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Plus, you'll learn about the important, crucial and necessary steps that you must take in order to protect, preserve and secure the No-Fault benefits you're legally entitled to.

Although we can't take away the hurt, pain and uncertainty that results from a car crash, we hope the advice and suggestions in this guide will help comfort car accident victims – like you or, perhaps, a loved one – as they make their way through the recovery process.

If you have questions about your No-Fault auto insurance rights – or any other car accident-related issue - I hope you won't hesitate to call us.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Gursten". The signature is fluid and cursive, with the first name "Steven" and last name "Gursten" clearly distinguishable.

Steven M. Gursten

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# **CHAPTER 1:**

## **NO-FAULT PIP BENEFITS HELP SERIOUSLY INJURED CAR AND TRUCK ACCIDENT VICTIMS**

In this chapter, you will discover:

- How No-Fault Personal Protection Insurance, also known as Personal Injury Protection (PIP) benefits, helps seriously injured car and truck accident victims like you.
- No-Fault PIP Benefits include important benefits such as paying for victims' medical expenses, wage loss, attendant care benefits and replacement services.

### **How No-Fault PIP Benefits Can Help**

Michigan's No-Fault insurance law helps car and truck accident victims by requiring their auto No-Fault insurance companies to provide them with "personal protection insurance benefits," which are also known as "No-Fault PIP Benefits" or "first-party" benefits. (MCL 500.3105)

No-Fault PIP Benefits pay for the many services that a victim will need in order to recover from and cope with his or her serious, accident-related injuries.

For instance, No-Fault PIP Benefits may pay for:

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1. The products, services, and accommodations that are reasonably necessary for an accident victim's care, recovery, or rehabilitation, including in-home attendant care services. (MCL 500.3107(1)(a))
2. The wages an accident victim loses because his or her accident-related injuries have disabled him or her from working. (MCL 500.3107(1)(b))
3. The cost of hiring a "replacement" to perform the everyday household chores and tasks that the accident victim would have done if he or she had not been injured. (MCL 500.3107(1)(c))
4. The financial support an accident victim would have provided to his or her spouse or family member had the victim not been killed in a car or truck accident. (MCL 500.3108)

## **Care, Recovery, or Rehabilitation**

A car or truck accident victim is entitled under Michigan's No-Fault insurance law to have his or her insurance company pay all reasonable costs for the products, services, and accommodations that are "reasonably necessary" for his or her "care, recovery or rehabilitation." (MCL 500.3107(1)(a))

Prior to July 1, 2020, there was no monetary cap or ceiling on how much – or for how long – an auto insurance company was required to pay No-Fault PIP benefits to cover "reasonably necessary" car accident-related medical expenses. This was known as "unlimited" No-Fault medical coverage. All Michigan drivers who owned a motor vehicle were required to

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carry it. And it was guaranteed to anyone who was injured in a Michigan car accident.

### **IMPORTANT UPDATE: NO-FAULT PIP MEDICAL BENEFITS COVERAGE LEVELS**

Under Michigan's new No-Fault law, No-Fault auto insurance policies issued or renewed after July 1, 2020, will no longer automatically provide only "unlimited" coverage for No-Fault PIP medical benefits.

Instead, drivers will choose from among the following coverage levels for No-Fault PIP medical benefits: (1) \$50,000 (for drivers who are on Medicaid); (2) \$250,000; (3) \$500,000; and (4) unlimited. (MCL 500.3107c(1))

Additionally, drivers who are on Medicare may choose to opt-out completely from No-Fault PIP medical benefits for auto insurance policies issued or renewed after July 1, 2020. (MCL 500.3107d(1) and (7)(c))

The new No-Fault law requires that the "premium rates" filed by the auto insurance companies for the new No-Fault PIP medical benefits coverage levels "must" be on "average" a certain percentage lower than the auto insurance premiums the insurer was charging on May 1, 2019. For policies with a \$50,000 coverage level (for drivers on Medicaid), the "average reduction" in "premium rates" must 45%. For policies with coverage levels of \$250,000, \$500,000 and "unlimited," the average premium reductions must be 35%, 20% and 10%, respectively. (MCL 500.2111f(2)) For policies where a driver on Medicare has opted-out of No-Fault medical

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coverage, there must be “no premium charge” for No-Fault PIP medical benefits. (MCL 500.2111f(3))

### **IMPORTANT NOTE: RECOVERING EXCESS AND FUTURE NO-FAULT PIP MEDICAL BENEFITS**

The new No-Fault law gives Michigan residents who have been injured in a car accident the right to sue an at-fault driver for future medical benefits as well as medical benefits that “exceed” the limits of the No-Fault PIP medical benefits coverage levels in the policy through which they are claiming benefits. (MCL 500.3135(3)(c)) This applies to nonresidents also, but unlike Michigan residents, nonresidents must prove they suffered a serious impairment of body function in order to collect damages for “economic loss.” (MCL 500.3135(3)(d))

As we discuss in “Chapter 5: Making a claim for No-Fault PIP benefits,” in order to make sure you do not forfeit your right to collect benefits, **you must file with the auto insurance company your “application for No-Fault benefits” within one (1) year of your accident**, or you will be forever barred from doing so.

### **Top 9 Care, Recovery, and Rehabilitation Expenses Covered by No-Fault PIP Benefits**

Below are examples of the care, recovery, and rehabilitation services that No-Fault Benefits have covered:

- Medical treatment, such as doctor visits, hospitalizations, surgeries, X-rays, MRIs, CT-scans,

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physical therapy, psychotherapy, cognitive therapy, and prescription medications.

- Medical, physical and vocational rehabilitation services, such as counseling, job training and retraining, and job placement.
- In-home attendant care services provided to the accident victim by a nurse or family member. The services may involve bathing, using the toilet, dressing, administering medicine, supervising or monitoring. **(See Page 16 for details on the new 56-hours-per week restriction on in-home, family-provided attendant care under the new No-Fault law.)**
- Home modifications, such as ramps, wider doors, or elevators, to enable an accident victim to return home despite his or her accident-related injuries or limitations.
- Vehicle modifications, such as making the vehicle wheelchair accessible, to enable an accident victim to drive themselves around, despite his or her accident-related injuries or limitations.
- Medical equipment such as wheelchairs, IVs, walkers, canes, crutches, prosthetics, artificial limbs, medical devices and other aids.
- Reimbursement for the mileage or transportation costs an accident victim incurs in seeking medical treatment for his or her accident-related injuries.
- Guardianship and/or conservatorship expenses for accident victims whose injuries have rendered them legally incapacitated.
- Case manager/management costs.

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## **Exercise Your Right: An Independent Case Manager Advocates for Your Best Interests**

Case managers who work for insurance companies are notorious for placing the insurer's interests above the accident victim.

Instead of making sure the victim is getting the best care possible, the insurance company case manager is frequently preoccupied with finding ways to reduce the extent of coverage and, thus, the insurer's costs.

As an accident victim, you have the right to hire your own independent case manager to act as your patient advocate. And, you have the right to make your insurance company pay for it.

## **Wage Loss**

If a car or truck accident victim's injuries disable him or her from returning to work, the wage loss component of No-Fault PIP Benefits will see to it that the victim can still pay his or her bills.

According to Michigan's No-Fault Insurance Law, a car or truck accident victim is entitled to have an insurance company pay him or her work loss benefits consisting of 85% of the gross income "from work an injured person would have performed ... if he or she had not been injured." (MCL 500.3107(1)(b))

Wage loss benefits are payable for three (3) years following the date of the victim's accident and they cannot exceed a maximum monthly amount which is set

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by law and updated every October 1st. (MCL 500.3107(1)(b))

To collect excess wage loss benefits beyond the three (3) year limit and/or beyond the prescribed monthly maximum amount during the initial three (3) year period, an auto accident victim would be required to file a tort liability-based negligence lawsuit seeking reimbursement for excess wage loss benefits. This is true also for claims for future wage loss benefits. (MCL 500.3135(3)(c))

If the only job available to a car or truck accident victim when he or she becomes able to return to work is one that pays less than what the victim was making before being seriously injured, then the amount of wage loss benefits available will be the difference between pre- and post-accident incomes, calculated at 85% of the gross differential.

Similarly, if an injured person can work but only with reduced hours, the person is entitled to 85% of the gross wage differential.

Additionally, if an accident victim was temporarily unemployed at the time of the accident, he or she may be entitled to wage loss benefits “based on earned income for the last month employed full time preceding the accident.” (MCL 500.3107a)

Lastly, if an injured person continues to work reduced hours and earns an amount in excess of the monthly maximum, the person will not be entitled to recover wage loss benefits.

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## **Attendant Care Services**

Michigan auto accident victims may be so debilitated from their accident-related injuries that they cannot tend to their most basic needs such as eating, bathing, getting dressed and using the bathroom.

For those auto accident victims, the attendant care benefits guaranteed by the Michigan No-Fault Law are essential.

Under Michigan's No-Fault Law, MCL 500.3107(1)(a), a Michigan auto accident victim is entitled to "[a]llowable expenses consisting of all reasonable charges incurred for reasonably necessary products, services and accommodations for an injured person's care ..."

"Care" has been interpreted by Michigan courts to include "attendant care."

A No-Fault auto insurance company carries out its obligation to provide attendant care benefits to a Michigan auto accident victim by paying for a nurse, home-health aide or someone in the victim's family to help the victim tend to the activities of daily living that she performed independently before the accident.

"Attendant care" comes in many forms including, but not limited to, providing assistance to auto accident victims with the activities of daily living listed in the box below."

**Attendant care services include, but are not limited to:**

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- Bathing.
- Grooming.
- Dressing and undressing.
- Using the toilet.
- Changing catheters.
- Administering medication.
- Ambulating (walking and/or wheelchair).
- Positioning and repositioning.
- Transferring from bed, chair and commode.
- Wound care (changing bandages and dressing wounds).
- Supervision and monitoring
- Supervision and management of care providers.
- Being “on-call” or “on stand-by” 24/7.

### **IMPORTANT UPDATE: IN-HOME, FAMILY-PROVIDED ATTENDANT CARE**

Effective July 1, 2021, under the new No-Fault law, auto insurance companies are not required to provide coverage for more than 56 hours per week of in-home, family-provided attendant care – which includes care provided by someone “with whom the injured person had a business or social relationship before the injury.” (MCL 500.3157(10) and (15)(k)) This limitation applies to attendant care provided after July 1, 2021. (MCL 500.3157(14)) However, an auto insurer may choose to “contract to pay benefits for attendant care for more than the hourly limitation . . .” (MCL 500.3157(11)) This new 56-hours-per-week restriction does not apply to commercial agencies who provide attendant care services.

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## **Replacement Services**

This No-Fault PIP Benefit requires an auto accident victim's insurance company to pay for someone (i.e., a "replacement") to do the "ordinary and necessary services" a victim would have done for themselves, or their dependents, if they had not been seriously injured in the accident. (MCL 500.3107(1)(c))

**Replacement Services, i.e., household chores include, but are not limited to:**

- Housekeeping.
- Lawn and garden maintenance.
- Auto maintenance.
- Meal preparation.
- Baby-sitting/childcare.
- Driving family members to school and appointments.

"Replacement services" benefits, which are also known as "household services" benefits, are payable up to \$20 per day limited to the first three (3) years after the date of the accident.

## **No Excess Replacement Services**

Unlike No-Fault wage loss benefits and No-Fault PIP medical benefits (through policies issued or renewed after July 1, 2020), a car or truck accident victim cannot sue to collect excess replacement services, i.e., replacement services beyond the three-year limit or in excess of the prescribed daily maximum amount during the first three (3) years.

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In its July 30, 2012 ruling in *Johnson v. Recca*, the Michigan Supreme Court ruled that auto accident victims no longer have the right to bring third-party tort actions to sue their Michigan No-Fault auto insurance companies for excess replacement services.

For years before the *Johnson* ruling, Michigan courts had recognized the right of seriously injured car and truck accident victims to sue for excess replacement services.

### **When a Loved One is Killed in a Car or Truck Accident**

If your spouse, family member, or loved one is killed in a car or truck accident, and you were dependent on that person for support, then you may be entitled to receive “survivor’s loss” benefits, which is a No-Fault PIP Benefit.

Under Michigan’s No-Fault Insurance Law, an insurance company is required to pay you - as a dependent - money comparable to what you would have received in financial support from your spouse, family member, or loved one, if he or she had not been killed in an accident. (MCL 500.3108(1))

Dependents include husbands, wives, children under the age of 18, physically or mentally incapacitated children over 18, and whomever the facts suggest is a dependent. (MCL 500.3110(1) and (2))

Survivor’s loss benefits also cover the money a dependent will need to obtain the services his or her deceased spouse, family member, or loved one would

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have performed for the dependent (i.e., replacement services).

This No-Fault PIP Benefit is payable for the first three (3) years after the date of the accident and cannot exceed a statutorily determined daily and monthly amount. (MCL 500.3108(1)) The monthly maximum is adjusted annually to reflect changes in the cost of living. The daily replacement services benefit remains at \$20 per day. However, a victim's family can pursue a claim against the at-fault driver for excess survivor's loss benefits. (MCL 500.3135(3)(c))

## **CHAPTER 2: QUALIFYING FOR NO-FAULT PERSONAL INJURY PROTECTION (PIP) BENEFITS**

In this chapter, you will discover:

- Fault is irrelevant as to whether a car or truck accident victim qualifies for No-Fault PIP Benefits.
- How an accident victim qualifies for No-Fault PIP Benefits.
- How an accident victim qualifies for products, services and accommodations that are reasonably necessary for the victim's care, recovery, and rehabilitation as well as benefits to cover wage loss, replacement services, and survivor's loss.

### **No-Fault Means No Fault**

The name "No-Fault Insurance Law" says it all.

According to Michigan's No-Fault Insurance Law, "Personal Protection Insurance benefits," or PIP benefits, "are due ... without regard to fault." (MCL 500.3105(2)).

That means an auto accident victim will receive No-Fault PIP Benefits regardless of whether he or she or the other driver was at-fault in causing the accident that resulted in the victim's injuries.

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## **Qualifying for No-Fault Personal Injury Protection (PIP) Benefits: The 4-Part Baseline Test**

In order to qualify for No-Fault PIP Benefits, a car or truck accident victim must show, at a minimum, the existence of the following four factors:

1. A motor vehicle was involved in the accident.
2. The accident caused bodily injury to you.
3. Your injury was the result of accidental, rather than intentional, conduct. In other words, your injury cannot be the result of your own intentional conduct. However, it can be caused by someone else's intentional conduct.
4. Your accidental bodily injury arose "out of the ownership, operation, maintenance or use of a motor vehicle as a motor vehicle." (MCL 500.3105(1))

Once you have satisfied the 4-part baseline test, you must also comply with the individual tests for each of the No-Fault PIP Benefits: care, recovery, and rehabilitation services; wage loss; replacement services; survivor's loss benefits.

## **What is Recognized as a Motor Vehicle?**

For No-Fault PIP Benefits purposes, a motor vehicle is generally understood to be a car or truck.

Additionally, trailers, go-carts, wheel loaders, and dual-purpose vehicles, such as cement trucks, have also been

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recognized as “motor vehicles” under Michigan’s No-Fault Insurance Law. (MCL 500.3101(3)(i))

But motorcycles, mopeds, and unregistered, uninsured tractors, “off-road-vehicles” (ORVs), golf carts, “power-driven mobility device[s]” (including, but not limited to, motorized wheelchairs), commercial quadricycles and electric bicycles have been specifically disqualified as “motor vehicles” for No-Fault PIP Benefits purposes. (MCL 500.3101(3)(i)(i through viii))

## **Motorcycle Accidents are Different**

Whether you, as a motorcycle-accident victim, qualify to receive No-Fault PIP Benefits will depend on what vehicles were involved in your accident.

For instance, if you were on a motorcycle and it crashed into a tree, another motorcycle or a properly parked, unoccupied car or truck, then you will be disqualified from receiving No-Fault PIP Benefits.

However, if an occupied car or truck (i.e. a “motor vehicle” as defined in the Michigan No-Fault Act (MCL 500.3101(3)(i)) was involved in your motorcycle accident, then you may be eligible to collect No-Fault PIP Benefits.

## **Qualifying Injuries**

The kind of bodily injury that qualifies for No-Fault PIP Benefits can be traced to a single identifiable event or accident, at a specific date, time, and location.

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Below are examples of bodily injuries that have qualified car and truck accident victims to receive No-Fault PIP Benefits:

- Death
- Dismemberment, major or embarrassing scars and/or other permanent, serious disfigurement.
- Traumatic brain injuries, which affect a victim's neurological, cognitive, emotional, behavioral, and social functioning, as well as certain physical abilities.
- Closed head injuries, such as concussions, contusions, hematomas, and hemorrhages.
- Spinal injuries, which include herniated and bulging discs, as well as nerve, cord, and facet joint damage.
- Back injuries.
- Neck injuries.
- Bone fractures.
- Psychological or psychiatric injuries, such as post-traumatic stress disorder, and major and manic depression.
- Severe, post-traumatic headaches.
- Accident-related medical conditions, such as high cholesterol and reflexive sympathetic disorder.

### **Traumatic Brain Injury Symptoms**

- Short-term memory loss.
- Tinnitus (ringing in the ears).
- Blurred vision.
- Headaches.
- Dizziness.
- Lightheadedness.

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- Inability to concentrate.
- Emotional problems (depression, crying spells, mood swings, irritability, frustration)
- Sleep disruption.
- Inability to perform job duties.
- Social isolation.
- Anger.
- Inability to function within family.
- Inability to maintain interpersonal relationships.

### **The ‘Care, Recovery, or Rehabilitation’ Test**

To qualify for No-Fault PIP Benefits to cover products, services and accommodation for “an injured person’s care, recovery, or rehabilitation,” a car or truck accident victim must demonstrate two major points:

1. The cost is reasonable for the products, services, and accommodations you are claiming.
2. The products, services, and accommodations you are claiming are reasonably necessary “for” your accident-related care, recovery, or rehabilitation. (MCL 500.3107(1)(a))

### **The ‘Wage Loss’ Test**

In order to calculate the amount of your wage loss benefits, you must show what you would have earned in work-income if you had not been injured in a motor vehicle accident. (MCL 500.3107(1)(b))

If you were temporarily unemployed and actively looking for work – or working reduced hours – at the time of the

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accident, then you must show what your earned income was for the last month you were employed full-time before the accident. (MCL 500.3107a)

## **The ‘Attendant Care’ Test**

In *Douglas v. Allstate* (decided on July 30, 2012), the Michigan Supreme Court explained what an attendant care provider, such as an auto accident victim’s family member, must show in order to be compensated for providing “attendant care” services:

1. **Causation:** Attendant care services must be “‘necessitated by [an] injury sustained in a motor vehicle accident ...’”
2. **Amount and nature of attendant care services:** “[A]n injured person who seeks reimbursement for any attendant care services must prove by a preponderance of the evidence ... the amount and nature of the services rendered ...,” which can be accomplished by “contemporaneously” providing to the auto accident victim’s No-Fault auto insurer “itemized statements, bills, contracts, or logs listing the nature of services provided with sufficient detail for the insurer to determine whether they are compensable.”
3. **Expectation of compensation:** “[A]n injured person who seeks reimbursement for any attendant care services must prove by a preponderance of the evidence ... the caregiver’s expectation of compensation or reimbursement for providing the attendant care ...”

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4. **Reasonable charge for attendant care services:** A caregiver's charge for having provided attendant care services must be "reasonable."

### **The 'Replacement Services' Test**

In order to qualify for replacement-services benefits, a car or truck accident victim must show the claimed services were:

1. Reasonable.
2. Actually performed.
3. Services you would have done for yourself or for your dependents had you not been seriously injured in a car or truck accident. (MCL 500.3107(1)(c))

### **The 'Survivor's Loss' Test**

A dependent who is seeking survivor's loss benefits after a spouse, family member, or loved one was killed in a car or truck accident must show the amount the deceased would have contributed in terms of "tangible things of value" and the expenses incurred by the dependent in "obtaining the ordinary and necessary services" that the deceased "would have performed for [the dependent's] benefit" had the deceased not lost his or her life in a fatal car or truck accident. (MCL 500.3108(1))

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## **CHAPTER 3:**

# **‘ROADBLOCKS’ BETWEEN YOU AND YOUR NO-FAULT PERSONAL INJURY PROTECTION (PIP) BENEFITS**

In this chapter, you will discover:

- The ‘roadblocks’ that could appear between you and your No-Fault PIP Benefits.
- How to navigate around those ‘roadblocks’ on your way to receiving the No-Fault PIP Benefits you are entitled to.

### **Five ‘Roadblocks’ to Watch for**

Car and truck accident victims can be disqualified from receiving No-Fault PIP Benefits if any of the following five ‘roadblocks’ appear in their path:

1. The “parked vehicle” exclusion.
2. The “stolen vehicle” disqualification.
3. The “uninsured vehicle” disqualification.
4. The “non-Michigan resident” disqualification.
5. The “Michigan-resident injured in an out-of-state accident” disqualification.

### **The ‘Parked Vehicle’ Exclusion**

This roadblock to No-Fault PIP Benefits applies when the accident that injured the victim involved a parked car. (MCL 500.3106(1))

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However, the exclusion is not absolute.

There are exceptions. For instance:

- The exclusion would not apply to deny benefits if the accident victim was injured while “occupying, entering into or alighting from” the parked vehicle. (MCL 500.3106(1)(c))
- If the vehicle was “parked in such a way as to cause unreasonable risk of the bodily injury which occurred” or if “the injury was a direct result of physical contact with equipment permanently mounted on the vehicle,” then either of those scenarios would prevent the exclusion from denying the victim his or her No-Fault PIP Benefits. (MCL 500.3106(1)(a) and (b))

## **The ‘Stolen Vehicle’ Disqualification**

Michigan’s No-Fault insurance law says a car or truck accident victim is disqualified from receiving No-Fault PIP Benefits “if at the time of the accident” he or she “was willingly operating or willingly using a motor vehicle or motorcycle that was taken unlawfully, and the person knew or should have known that the motor vehicle or motorcycle was taken unlawfully.” (MCL 500.3113(a))

Prior to January 13, 2015, there was an exception to the “unlawful use” disqualification for when an auto or motorcycle accident victim “reasonably believed that he or she was entitled to take and use the vehicle.” The

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exception was eliminated as part of Public Act 489 of 2014.

## **End of the Ride for “Joyriding-Family-Member” Exception**

On July 31, 2012, in *Spectrum Health Hospitals v. Farm Bureau Mutual Insurance Company of Michigan, et al.*, the Michigan Supreme Court brought to a screeching halt the “joyriding-family-member” exception to the “stolen vehicle” disqualification rule.

For many years prior to the July 2012 ruling, Michigan courts applied a “joyriding-family-member” exception to the No-Fault Law’s PIP disqualification for injured drivers of vehicles that had been “taken unlawfully.”

Under the “joyriding family member” exception, if a person’s family member was injured in a car accident after taking the family car without permission (so long as there was no actual intent to steal), the injured family member would not have been treated like a car thief and, thus, would have still qualified to receive No-Fault PIP Benefits.

But the Michigan Supreme Court, in *Spectrum Health Hospitals* rejected the “joyriding family member” exception as being at odds with the actual law passed by the Michigan Legislature: “There is absolutely no textual basis to support a family-joyriding exception to MCL 500.3113(a).”

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## **The ‘Uninsured Vehicle’ Disqualification**

If a car or truck accident victim is driving his or her own uninsured vehicle at the time of the accident, then the victim is absolutely barred from receiving No-Fault PIP Benefits. With no exceptions. (MCL 500.3113(b))

The same disqualification rule applies to uninsured motorcycle owners. (MCL 500.3113(b))

### **IMPORTANT: WHO IS AN “OWNER”?**

It is important to note that under Michigan’s No-Fault auto insurance law, an “owner” is not only the person who “holds the legal title” to a car, truck or motorcycle. (MCL 500.3101(3)(l)(iii)) An “owner” can also be a person who has “the use of a motor vehicle, under a lease or otherwise, for a period that is greater than 30 days.” (MCL 500.3101(3)(l)(i)) This includes the right to use of the vehicle for 30 days, even if it is not actually used for 30 days. (See *Twichel v. MIC General Insurance*, 469 Mich 524 (2004): The Michigan Supreme Court clarified that “it is not necessary that a person actually have used the vehicle for a thirty-day period before a finding may be made that the person is the owner.”)

## **Vehicle Ownership May Affect Your No-Fault PIP Benefits**

Your right to receive No-Fault PIP Benefits may depend on who owns the auto or motorcycle you were driving at the time you were injured in an accident.

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Michigan's No-Fault insurance law draws a distinction between whether you were driving your own motor vehicle/motorcycle or someone else's.

For instance, under the "uninsured vehicle" disqualification rule, you are disqualified from receiving No-Fault PIP Benefits if you were driving your own, uninsured motor vehicle/motorcycle when you were injured.

But if you were just borrowing a friend's vehicle (which happened to be uninsured) for the day, and you were injured in an accident while driving your friend's vehicle, then you would not be disqualified – even though the vehicle you were driving was not covered by No-Fault insurance.

### **The 'Non-Michigan Resident' Disqualification**

Non-Michigan residents who get injured in car or truck accidents in Michigan qualify for No-Fault PIP Benefits only if certain specific circumstances are met.

Under the new No-Fault law, a non-Michigan resident who is injured in a car crash in Michigan is entitled to collect No-Fault benefits only if "the person owned a motor vehicle that was registered and insured in this state." (MCL 500.3113(c))

This new rule applies regardless of whether the nonresident is a driver, passenger, pedestrian or a bicyclist.

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## **The ‘Michigan Resident Injured in an Out-of-State Accident’ Disqualification**

A Michigan resident who is injured in an out-of-state car or truck accident will receive No-Fault PIP Benefits so long as certain requirements are met. (MCL 500.3111)

First, the accident must have occurred somewhere in the U.S. (including its territories and possessions) or Canada.

Second, the victim must have been the named insured on a Michigan No-Fault auto insurance policy or he or she is the spouse or resident relative of someone who is.

Or, third, the victim was an occupant of a vehicle involved in the accident and either he or she is a Michigan resident or the vehicle’s owner or registrant has No-Fault coverage for the vehicle.

**IMPORTANT:** Given the changes brought about by the new No-Fault law, it is not currently known what the source of No-Fault benefits will be for an occupant under the third scenario above. Assuming the order of priority rules for occupants in MCL 500.3114(4) applies (as discussed in detail in the next chapter), then the occupant would, as the rules instruct, make a claim with the Michigan Assigned Claims Plan. However, the MACP does not cover car accidents that occur out-of-state. (MCL 500.3172(1))

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## **CHAPTER 4:**

# **IDENTIFYING THE INSURANCE COMPANY THAT WILL PAY YOUR NO-FAULT PIP BENEFITS**

In this chapter, you will discover:

- How the “priority” rules for payment of No-Fault PIP Benefits work.
- How to use the priority rules to identify the insurance company that is going to pay for your benefits.

### **The ‘Order of Priority’ Rules**

Michigan’s No-Fault insurance law contains “order of priority” rules that determine which of several possible No-Fault insurance companies has the highest or first priority (i.e., responsibility) to pay for a car or truck accident victim’s No-Fault PIP Benefits.

The priority rules are slightly different for occupants (i.e., drivers and passengers), non-occupants (i.e., pedestrians, bicyclists) and motorcycle riders.

### **The Top 6 Candidates to Pay Your No-Fault PIP Benefits\***

1. Your No-Fault auto insurance company.
2. Your spouse’s No-Fault auto insurance company.
3. The No-Fault auto insurance company of a relative who lives in your home.

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4. The No-Fault auto insurance company for the vehicle's owner or registrant.
5. The No-Fault auto insurance company for the vehicle's driver.
6. The Michigan Assigned Claims Plan which is administered by the Michigan Automobile Insurance Placement Facility (MAIPF).

**\*EXCEPTIONS** include employers' vehicles, the operator or passenger of a motorcycle, limousines, airport and hotel shuttle buses, ambulances and other medical vehicles. Contact your attorney to discuss these exceptions.

### **The 'Order of Priority' Rules for Vehicle Occupants**

***First priority:*** If you have a No-Fault auto insurance policy in which you are the "named insured," then you should file your claim for No-Fault PIP benefits with your auto insurance company. (MCL 500.3114(1))

***Second priority:*** If you don't have car insurance, but your spouse and/or a relative who lives with you has a No-Fault insurance policy in which they are the "named insureds," then you should file your claim with your spouse's or relative's auto insurance company. (MCL 500.3114(1))

***Third priority:*** If coverage is not available through any of the sources above, then you should file your claim for No-Fault benefits with the Michigan Assigned Claims

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Plan which is administered by the Michigan Automobile Insurance Placement Facility. (MCL 500.3114(4))

**IMPORTANT: MULTIPLE INSURANCE POLICIES, SAME PRIORITY**

All auto insurance policies within the same order of priority have equal duty to provide No-Fault benefits. For instance, if you do not have your own auto insurance policy to provide benefits after a car accident, but your spouse does, and another resident-relative(s) does, then each of their policies will pay their pro-rata share of No-Fault PIP benefits. The same is true in situations involving multiple policies (e.g., a classic car with another policy, both policies are responsible regardless of the vehicle occupied).

**IMPORTANT UPDATE: LIMITS ON NO-FAULT MEDICAL COVERAGE**

Under the new No-Fault law, your No-Fault medical coverage is limited to the amount of the No-Fault PIP medical benefits coverage level selected in the policy through which you are claiming benefits for policies issued or renewed after July 1, 2020. (MCL 500.3107c(5)) An exception to this rule exists for injured motorcycle operators and passengers if the top priority insurer(s) have no No-Fault PIP coverage due to the Opt-out provision.

**IMPORTANT UPDATE: COVERAGE LIMITS THROUGH THE ASSIGNED CLAIMS PLAN**

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The new No-Fault law imposes a \$250,000 cap on No-Fault PIP medical benefits recovered through the Michigan Automobile Insurance Placement Facility (MAIPF) which administers the Michigan Assigned Claims Plan. (MCL 500.3172(7)(a)) [Note: According to order 19-049-MI, issued by the Director of the Department of Insurance and Financial Services on September 24, 2019, the \$250,000 cap on No-Fault benefits through the Michigan Assigned Claims Plan “shall not” be imposed “prior to July 2, 2020.”]

## **The Michigan Automobile Insurance Placement Facility**

The Michigan Automobile Insurance Placement Facility (MAIPF) which administers the Michigan Assigned Claims Plan is an agency that is called on when no No-Fault auto insurance provider can be identified through application of the order of priority rules. (MCL 500.3171 through 500.3175)

The MAIPF acts as a safety net for seriously injured car or truck accident victims by making sure they receive the No-Fault PIP Benefits the law entitles them to.

The MAIPF accomplishes its mission through the Michigan Assigned Claims Plan (MACP), which assigns victims’ claims to participating auto insurance companies for payment of the victim’s No-Fault benefits.

## **The ‘Order of Priority’ Rules for Non-Occupants**

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**First priority:** If you have a No-Fault auto insurance policy in which you are the “named insured,” then you should file your claim for No-Fault PIP benefits with your auto insurance company. (MCL 500.3114(1); 500.3115)

**Second priority:** If you don’t have insurance, but your spouse and/or a relative who lives with you has a No-Fault insurance policy in which they are the “named insureds,” then you should file your claim with your spouse’s or relative’s auto insurance company. (MCL 500.3114(1); 500.3115)

**Third priority:** If coverage is not available through any of the sources above, then you should file your claim for No-Fault benefits with the Michigan Assigned Claims Plan which is administered by the Michigan Automobile Insurance Placement Facility. (MCL 500.3115) Additionally, as discussed above, No-Fault PIP medical benefits through the MAIPF/MACP are capped at \$250,000. (MCL 500.3172(7)(a))

### **‘Order of Priority’ Rules for Occupants of “Vehicles for Hire”**

If you are the driver (operator) of a vehicle-for-hire (i.e., “a motor vehicle operated in the business of transporting passengers”), then you will file your claim for No-Fault benefits with “the insurer of the motor vehicle.” (MCL 500.3114(2))

If you are a passenger in a vehicle-for-hire such as a taxicab, a bus or a “transportation network company vehicle” (i.e., an Uber or Lyft), then you will seek No-

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Fault benefits first through your own policy. If you do not have coverage, then you will seek benefits through the policy belonging to your spouse or a resident relative. However, if there is no coverage available “under any other policy,” then you will seek No-Fault benefits through “the insurer of the motor vehicle” that is being used as a vehicle-for-hire. (MCL 500.3114(2))

Alternatively, if you are a passenger of a vehicle-for-hire such as a limousine, airport shuttle vehicle, hotel shuttle vehicle or ambulance, then you will first seek benefits from “the insurer of the vehicle.” (MCL 500.3114(2)) Only if coverage is not available will you seek No-Fault benefits in accordance with the priority rules that apply to occupants.

### **‘Order of Priority’ Rules for Work Vehicles**

If you or a spouse and/or resident-relative are injured in a car or truck accident involving your employer’s “work vehicle” (i.e., “a motor vehicle owned or registered by the employer”), then you file your claim for No-Fault PIP Benefits as follows:

- You will first seek benefits “from the insurer of the furnished vehicle.” (MCL 500.3114(3))
- Only if coverage is not available will you seek No-Fault benefits in accordance with the priority rules that apply to occupants.

It is worth noting that in many cases where a work-related No-Fault claim is made, there will likely also be a Workers’ Compensation claim if the car accident

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occurred within or during the course and scope of employment.

## **The ‘Order of Priority’ Rules for Motorcyclists**

***First priority:*** Motorcycle operators and passengers who have been injured in an accident with a “motor vehicle” will seek No-Fault benefits first from the “insurer of the owner . . . of the motor vehicle involved in the accident” and, second, from “the insurer of the operator” of the vehicle. (MCL 500.3114(5)(a) and (b))

***Second priority:*** If coverage is not available from the sources above or if the policyholder opted out of No-Fault PIP medical coverage, then an injured motorcyclist will turn to the “motor vehicle insurer of the operator of the motorcycle involved in the accident” and, then, the “motor vehicle insurer” of the motorcycle’s owner or registrant. (MCL 500.3114(5)(c) and (d))

***Third priority:*** If no No-Fault coverage is available to a motorcyclist injured in an accident with a “motor vehicle” through any of the above sources, then an injured motorcyclist will have to file a claim for No-Fault benefits with the Michigan Assigned Claims Plan. (MCL 500.3114(6))

## **IMPORTANT: MOTORCYCLE PASSENGERS**

Before an injured motorcycle passenger seeks No-Fault benefits through the Michigan Assigned Claims Plan, he or she would seek benefits through his or her own policy, then through the policy of a spouse and/or resident

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relative. (See *Frierson v. West American Ins. Co.*, 261 Mich. App. 732 (2004))

## **Spouses and Resident-Relatives**

Spouses and resident relatives have the exact same level of priority. If you do not have your own insurance and you live with a spouse and a resident-relative(s) who have policies with different insurance companies, you must make a separate claim/Application for Benefits with each insurer. Each insurer will be responsible for their pro-rata share of your No-Fault PIP benefits. For example: If you ultimately have two (2) insurers, each insurer will be responsible for 50% of your No-Fault PIP benefits.

## **Who is an “Owner”?**

Michigan’s No-Fault insurance law says a person is an “owner” of a car or truck (i.e., “motor vehicle”) for No-Fault purposes under any of several circumstances:

- He or she “rent[s] a motor vehicle or ha[s] the use of a motor vehicle, under a lease or otherwise, for a period that is greater than 30 days.” (MCL 500.3101(3)(l)(i)) Use of the vehicle includes the right to use the vehicle for greater than 30 days even if 30 days have not passed. (See *Twichel v. MIC General Insurance*, 469 Mich 524 (2004): The Michigan Supreme Court clarified that “it is not necessary that a person actually have used the vehicle for a thirty-day period before a finding may be made that the

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person is the owner.”) This is referred to as “constructive” ownership.

- He or she “holds the legal title to a motor vehicle,” except when he or she is “in the business of leasing” the motor vehicle and has leased it out for more than 30 days. (MCL 500.3101(3)(l)(iii))
- He or she has the “immediate right of possession of a motor vehicle ... under an installment sale contract.” (MCL 500.3101(2)(l)(iv))

## **CHAPTER 5:**

# **MAKING A CLAIM FOR NO-FAULT PIP BENEFITS**

In this chapter, you will discover:

- The process for making your claim for No-Fault PIP Benefits.
- The deadlines for filing your claim notice and lawsuit to recover unpaid No-Fault PIP Benefits.
- How to make the insurance company pay for unreasonably denying your No-Fault PIP Benefits claim.

### **The Claims Process**

The two major components to the process for making a No-Fault PIP Benefits claim are:

1. Providing proper notice of your claim to your insurance company.
2. Meeting the deadline for filing a lawsuit to collect unpaid No-Fault PIP Benefits.

### **Top 4 Ways to Ensure Your Recovery of No-Fault PIP Benefits**

1. Notify your insurance company about your accident-related injury. Provide **WRITTEN NOTICE** within one year of the accident. Failure to provide timely notice could result in denial of your benefits claim.
2. Comply with other, applicable notice requirements.

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3. File your lawsuit before the one-year deadline expires.
4. Seek attorney fees and penalty interest for an unreasonable denial of your claim.

## Notice of Your Injury Claim

The first and most important thing you must do is notify your No-Fault insurance company about your car or truck accident-related injury - **within one (1) year of the accident.** (MCL 500.3145(1))

You provide the required notice by filing a “**WRITTEN NOTICE OF INJURY**,” which is often called an “Application for Benefits,” with your insurance company. In the notice, you must give the following information:

1. Your name/name of the insured party;
2. Your address;
3. Date and time of accident;
4. Location of accident (street, closest intersecting street, city/township and state);
5. The “nature” of your injury. (MCL 500.3145(1))

As for how specific a car accident victim’s injury information must be in order to satisfy the No-Fault Law’s “notice of injury” requirement, the Michigan Supreme Court addressed this issue in *Dillon v. State Farm Mutual Automobile Insurance Company*.

In its unanimous, three-page order in *Dillon*, which was issued on November 9, 2017, the Supreme Court ruled:

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- A car accident victim cannot satisfy the No-Fault law's notice-of-injury rule "by merely providing notice that she was physically injured."
- The rule's requirement that the victim "indicate in ordinary language the ... nature of his injury" "refers to an injury's inherent characteristics."
- "A description of symptoms that are traceable to a diagnosed injury is sufficient to constitute" the "notice" required by the No-Fault law.
- The No-Fault law "does not require" a victim "to provide a precise medical diagnosis, as this would not constitute 'ordinary language.'"

By failing to comply with the No-Fault law's one (1) year written notice requirement, you will risk losing – or forfeiting – your right to No-Fault PIP benefits.

Once the one (1) year deadline for filing a written notice of injury has expired, and you have not filed the written notice, attempts to file claims with the insurance company from that point forward will likely be unsuccessful.

And, it is just as likely that, after the one (1) year deadline has expired, attempts to sue to force the insurance company to pay benefits will be dismissed.

There is one and only one exception to the one (1) year notice requirement. If the insurance company has paid No-Fault PIP benefits for your injury or injuries, then you do not have to file the one (1)-year notice. (MCL 500.3145(1)) However, it is strongly suggested that the written notice be timely filed anyway.

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## **Secrets to a Successful Notice**

Pour on the detail: Less is not more when it comes to filling out a notice of injury for a No-Fault insurance company. You want the gravity of your injuries to be as impactful on paper as they are in reality.

## **Be the Squeaky Wheel**

It is not uncommon for accident victims to take the stoic approach, delaying filing an application for benefits because they think their injuries are “minor” and will likely heal by themselves over time. Unfortunately, by the time victims realize their injuries are not going away, and may have gotten worse, it may be too late to receive the No-Fault PIP Benefits they need – and are entitled to.

## **Other Notice Requirements**

Other than the one (1) year written notice requirement discussed above (See the “Notice of Your Injury Claim” section above and its discussion of the one (1) year notice requirement for No-Fault benefits to be paid and/or for a lawsuit to be filed), Michigan’s No-Fault insurance law imposes no other notice requirements for car or truck accident victims seeking No-Fault PIP Benefits.

However, accident victims should check their auto insurance policies because insurance companies may include stricter and shorter notification deadlines than the one required by Michigan’s No-Fault insurance law.

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For instance, some no-fault insurance companies demand notice within thirty (30) days of a hit-and-run accident. Claims that may implicate uninsured motorist and/or underinsured motorist provisions are also frequently subject to shortened notification deadlines.

Additionally, depending on the particular facts of a case and the parties involved, the law may require an accident victim to provide some form of notice to entities other than his or her No-Fault insurance company.

Below is a list of several notice requirements that may come into play:

- Sixty-day (60-day) written notice for claims against transportation authorities. (MCL 124.419)
- Six (6) month written and verified (notary required) notice for personal injury claims against the State of Michigan. (MCL 600.6431(4))
- Two (2) year written notice for claims against federal government agencies (i.e. Federal Tort Claim Act – FTCA). (28 U.S.C. Section 2401(b); 28 U.S.C. Section 2675(a and b)) This is accomplished by submitting an FTCA Form 95 to the applicable department of the Federal Government.

## **Going to Court: Deadline for Filing a Lawsuit**

If a car or truck accident victim has complied with the one-year notice requirement, and the No-Fault insurance company has denied his or her claim for No-Fault PIP Benefits – either in whole or part – or stops

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paying on the claim after initially doing so, then the accident victim has one (1) year to file a lawsuit from the date that the No-Fault PIP Benefits went unpaid. (MCL 500.3145(1))

### **IMPORTANT UPDATE: THE FILING DEADLINE FOR LAWSUITS SEEKING UNPAID AND OVERDUE NO-FAULT BENEFITS**

The new No-Fault law altered the one-year-back rule which had historically limited car accident victims' ability to sue for unpaid and overdue No-Fault benefits that had been denied or cut-off. The one-year-back rule provided that a car accident victim "may not recover benefits for any portion of the loss incurred more than 1 year before the date on which the action was commenced." (MCL 500.3145(1)) However, the new Michigan No-Fault law states that this "limitation . . . is tolled from the date the person claiming the benefits makes a specific claim for the benefits until the date the insurer formally denies the claim." (MCL 500.3145(3)) Notably, the law cautions that tolling "does not apply if the person claiming the benefits fails to pursue the claim with reasonable diligence."

### **Young Accident Victims**

Car and truck accident victims who are younger than 18 years of age (unemancipated minors) do not have the legal right to sue under their own power.

An adult must sue on the young victim's behalf.

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The adult can be a “Next Friend” (who is any “competent, responsible person”), a conservator, or a guardian — all of whom must be approved and appointed by a judge.

## **The Price for Being Unreasonable**

If a car or truck accident victim wins his or her lawsuit to recover unpaid No-Fault PIP benefits, then financial penalties may be imposed on the auto insurance company if the benefits were overdue and/or if the auto insurance company was unreasonable in refusing to or delaying payment.

First, a jury or a judge can order the auto insurance company to pay 12% interest on overdue No-Fault benefits. (MCL 500.3142(2-4))

Second, a judge can order an auto insurance company to pay a car accident victim’s attorney fee if the judge finds that the auto insurance company unreasonably refused to pay No-Fault benefits or unreasonably delayed in making proper payment of No-Fault benefits. (MCL 500.3148(1))

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## **CHAPTER 6: HOW INSURANCE COMPANIES TRY TO AVOID PAYING NO-FAULT PIP BENEFITS**

In this chapter, you will discover:

- The tricks insurance companies use to shirk their responsibility to pay the benefits you are entitled to.
- How to protect yourself and your claim for No-Fault PIP Benefits against such tricks.

### **Hardball Tactics to Extract Low-Ball Settlements**

The old adage that one should be wary of strangers bearing gifts is invaluable advice for car and truck accident victims to whom so-called “generous” settlement offers have been extended by no-fault insurance companies.

That is because the insurance company’s true motivation for a quick and early settlement – typically an anomaly in motor-vehicle-accident litigation – likely has little to do with wanting to see that justice is done and much to do with cutting the insurance company’s losses.

The company has likely concluded it is liable for damages and, thus, it wants to try to settle for a low amount before the victim realizes the value of his or her claim far exceeds the insurance company’s offer.

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Moreover, the insurance company may have no intention of settling. Instead, the settlement offer and the accompanying “negotiations” are merely a way for the insurance company to run out the clock until it can lawfully destroy the evidence that establishes its liability.

### **The ‘Set Off’ Concept**

The “set off” concept, which is authorized by Michigan’s No-Fault insurance law, is a tactic used by No-Fault insurance companies to avoid paying out all or some of the No-Fault PIP Benefits it is responsible for when like-kind benefits are available from another source.

For instance, if a car or truck accident victim receives Social Security Disability or Worker’s Compensation or Veteran’s Benefits, then the victim’s No-Fault insurance company is allowed by Michigan’s No-Fault insurance law to subtract – or “set-off” – that amount from what the insurer would otherwise be obligated to pay in No-Fault PIP benefits. (MCL 500.3109)

Additionally, a No-Fault insurance company can set-off the amount of No-Fault PIP Benefits it must pay by requiring an accident victim to seek benefits through his or her health insurer if the victim’s policy provides for “coordinated benefits.” (MCL 500.3109a)

Lastly, No-Fault insurance companies are no longer limited to \$300 PIP deductibles and can charge any deductible amounts they want. Consumers must be cautious about the promise of lower premiums for deductibles that they will not be able to overcome.

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## **Pursuing Social Security Disability**

No-Fault insurance companies are using Social Security Disability (SSD) and Supplemental Security Income (SSI) benefits to avoid having to pay No-Fault PIP Benefits to the accident victims they insure.

Specifically, auto insurers request that car accident victims apply for SSD and/or SSI which victims are “obliged to use reasonable efforts to obtain” if requested by their auto insurers. (See *Perez v. State Farm*, 418 Mich. 634 (1984); *Grau v. DAIE*, 148 Mich. App. 82 (1985); and MCL 500.3109(1))

This creates a win-win-win scenario for the insurance companies:

- If an accident victim refuses to apply, then the insurance company cuts off his or her No-Fault PIP Benefits.
- If an accident victim is granted SSD or SSI, then that is a mandatory set-off for the insurance company.
- And, if the accident victim is denied SSD or SSI, then the insurance company can use the denial as “proof” the victim does not qualify for benefits.

Strange and unseemly as it sounds, however, the insurance companies’ tactic is legal.

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## CONCLUSION

I hope my Guide to Michigan No-Fault Law will help you better understand your rights to No-Fault benefits and enable you to be in the best position to recover all of the benefits and protections you need for your post-accident care, recovery or rehabilitation.

If you need more information, visit our [Michigan No-Fault Insurance Resource Center](#). It has information on [No-Fault benefits](#), the [No-Fault Act](#), [Michigan mini-tort](#), [Social Security Disability](#) and [additional coverage](#) that can protect you if you're ever injured in an auto accident.

You're also welcome to call one of our insurance attorneys at (877) 776-0791. There's no cost or obligation, and we can answer all your questions about your car accident or your No-Fault insurance policy.

**MICHIGAN AUTO LAW**  
AUTO ACCIDENT ATTORNEYS

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## TESTIMONIALS ABOUT MICHIGAN AUTO LAW

Read over 1,000 real reviews from people we have helped at [www.michiganautolaw.com/about/reviews/](http://www.michiganautolaw.com/about/reviews/)

\* \* \*

“My husband was killed in an automobile accident involving a gravel hauler truck on the freeway. It became apparent that I needed to seek out an attorney. After interviewing four different lawyers, Steven Gursten of Michigan Auto Law stood out amongst them as the guy to go to for several reasons. **There was a genuine nature about Steve. He was exceptionally easy to talk with and an incredible listener. Of course, his knowledge and the know how to get the job done was apparent. He treated me with a real sense of kindness as an individual and not a potential case.** Steve settled my husband’s case out of court so I didn’t have to go through a trial. Throughout the whole process, **Steve went above and beyond my expectations in terms of his hard work to uncover the truths of the matter and all the things the trucking company did that were unsafe and contributed to the accident.** Steve treated me with a lot of respect. He responded to my questions and phone calls very promptly. I never felt like he was in a hurry to get me off the phone. He listened to everything I had to say all the time. In terms of when I had to give my deposition, he prepared me and was next to me every step of the way. That was also the case when I had to go to court before the judge for the settlement. It made me feel very safe. **Steve gave me confidence and the strength to get up**

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**there and do what I had to do.** He did so much research and he explored every possible avenue to get me the best settlement possible. He worked very hard for me. Along the way, he kept me informed of the status of everything. **I would say if anybody is involved in an automobile accident involving trucks or other commercial vehicles, to not hesitate to contact Steve. You will not be let down.** If you've done your homework and investigated attorneys, Steve is the obvious right choice. I walked out of his office knowing it was a no-brainer decision to go with him. It was the right thing to do for my family, in the wake of such a terrible accident and traumatic time in our lives. I felt it in my heart, and I was right. **Another thing I would like to note is that even after the case was closed, Steve is still here for me with advice and all the time I need."**

- Lynda Nunez, Riverview

\* \* \*

"When someone I love was hurt in a car accident I wanted the best auto attorney I could find. So I did my research. Michigan Auto Law's impressive reputation and results brought me to their door. Not only was my perception of their legal talent right on point, but to that ability they combine good intentions, empathy, people skills and professionalism. **Michigan Auto Law is at the top of their specialty."**

— John Wilcox, Attorney, Lansing

\* \* \*

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“This is a firm that believes in communication with their clients. Robin, Michelle, and Tom are a powerhouse trio. Michelle and Robin were very instrumental to me as well. They were very empathic concerning my injuries. Tom has spent a lot of time with me and exuded patience to the utmost. **I have never felt rushed or brushed to the side. All lines of communication were open for me. They care about their clients. I have, and will continue to refer people to this firm.** I want to also give a thanks to Larry Gursten who offered to help me and gave me his personal phone to contact him if I had any questions or concerns. “

-Johnnie Meeks, Warren

\* \* \*

“I found Michigan Auto Law by searching on the internet. They were friendly and responsive right away. My own No-Fault insurance company refused to give me forms, so they stepped in and made sure all my benefits were collected. I was able to focus on my recovery while they handled the legal issues. Josh and Jordan were great, two different people with one goal in taking care of me. They paid attention to every detail and **I was confident when we walked into court that they were going to fight for me.** I don’t understand why we have to fight for benefits we pay for every month, but I am glad I had Michigan Auto Law to make sure I was protected.”

-Nathaniel Brown, Canton

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“Michigan Auto Law was exceptional at everything they’ve done for me. **I would highly recommend them to anyone without hesitation.** The care, expertise and compassion started from the first day and never ended. They are an outstanding law firm. My positive experience with them really changed my mind about lawyers in general.”

-Cindy Schwarz, National City

# Guide to Michigan No-Fault Law

*Discover the simple steps you can take  
to recover important No-Fault insurance benefits  
from your own auto insurance company after an accident.*

This guide will inform you about your rights under Michigan's No-Fault law, and how you can recover and protect important insurance benefits when making a claim after an accident.

In this guide, our attorneys answer important questions about your No-Fault lawsuit, such as how to get your medical bills paid, and how to collect your own lost wages and replacement services. We also explain critical coverages that your insurance company may not tell you about, such as attendant care (in-home nursing services).



**About the Author:** Steven M. Gursten is head of Michigan Auto Law, the largest auto accident law firm in Michigan that exclusively handles car, truck and motorcycle accident cases. He is a nationwide expert in automobile accident and Michigan No-Fault laws and has held numerous legal leadership positions including past president of the Traumatic Brain Injury Litigation Group of the American Association for Justice and past president of the Motor Vehicle Trial Lawyers Association. He is a Michigan Lawyers Weekly Lawyer of the Year, and is listed as a Top 50 Michigan Super Lawyer® as well as Best Lawyers in America®.

"Michigan Auto Law has been listed for 17 consecutive years with the top reported injury settlements and trial verdicts in Michigan ... This remarkable record eclipses every other law firm in Michigan ..."

— Attorney at Law Magazine

"Michigan's largest law firm that completely specializes in serious automobile accidents."

— Michigan Lawyers Weekly

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