

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 4332

(As passed the House, November 30, 2000)

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
(MCL 500.100 to 500.8302) by adding section 3010.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3010. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
2 ACT, AN AUTOMOBILE INSURER SHALL NOT PAY A CLAIM OF \$2,000.00 OR
3 MORE FOR LOSS OR DAMAGE CAUSED BY FIRE OR EXPLOSION TO AN INSURED
4 MOTOR VEHICLE UNTIL A REPORT UNDER SUBSECTION (2) HAS BEEN SUB-
5 MITTED AND THE INSURER HAS RECEIVED FROM THE INSURED A
6 COPY OF THE REPORT.

7 (2) IF AN INSURED MOTOR VEHICLE SUFFERS LOSS OR DAMAGE
8 CAUSED BY FIRE OR EXPLOSION, THE INSURED SHALL SUBMIT TO THE FIRE
9 OR LAW ENFORCEMENT AUTHORITY DESIGNATED BY THE CITY, VILLAGE, OR
10 TOWNSHIP A REPORT PRESCRIBED BY THE STATE FIRE MARSHAL THAT

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1 REQUIRES INFORMATION CONCERNING THE MOTOR VEHICLE FIRE OR
2 EXPLOSION.

3 (3) THIS SECTION DOES NOT APPLY TO ACCIDENTAL FIRES OR
4 EXPLOSIONS AS DETERMINED BY THE INSURER OR THE FIRE OR LAW
5 ENFORCEMENT AUTHORITY DESIGNATED BY THE CITY, VILLAGE, OR
6 TOWNSHIP. IF THE INSURER OR THE FIRE OR LAW ENFORCEMENT AUTHORITY
DESIGNATED BY THE CITY, VILLAGE, OR TOWNSHIP DETERMINES THAT THE
FIRE OR EXPLOSION MAY NOT BE ACCIDENTAL, THE INSURER OR THE FIRE OR
LAW ENFORCEMENT AUTHORITY DESIGNATED BY THE CITY, VILLAGE, OR
TOWNSHIP SHALL NOTIFY THE INSURED OF THE REQUIREMENT FOR A REPORT
UNDER THIS SECTION BY NOT LATER THAN 30 DAYS AFTER THE DETERMINATION
BY THE INSURER OR THE FIRE OR LAW ENFORCEMENT AUTHORITY DESIGNATED
BY THE CITY, VILLAGE, OR TOWNSHIP.

7 (4) THIS SECTION APPLIES ONLY IF THE FIRE OR LAW ENFORCEMENT
8 AUTHORITY RESPONSIBLE FOR INVESTIGATING THE FIRE OR EXPLOSION IS
9 LOCATED IN A CITY, VILLAGE, OR TOWNSHIP DESCRIBED IN SUBSECTION
10 (8) AND IF THE CITY, VILLAGE, OR TOWNSHIP PURSUANT TO A RESOLU-
11 TION BY ITS GOVERNING BODY NOTIFIES THE COMMISSIONER IN WRITING
12 OF BOTH OF THE FOLLOWING:

13 (A) THAT THE CITY, VILLAGE, OR TOWNSHIP HAS ELECTED TO
14 RECEIVE THE REPORTS PREPARED UNDER SUBSECTION (2).

15 (B) THE NAME AND ADDRESS OF THE FIRE OR LAW ENFORCMENT
16 AUTHORITY DESIGNATED BY THE CITY, VILLAGE, OR TOWNSHIP TO RECEIVE
17 REPORTS PREPARED UNDER SUBSECTION (2).

18 (5) THE COMMISSIONER SHALL PREPARE AND DISTRIBUTE A LIST OF
19 ALL CITIES, VILLAGES, AND TOWNSHIPS THAT HAVE ELECTED TO APPLY
20 THIS SECTION TO ALL INSURANCE COMPANIES TRANSACTING AUTOMOBILE
21 INSURANCE IN THIS STATE.

22 (6) A CITY, VILLAGE, OR TOWNSHIP MAY BE ADDED TO THE LIST
23 PREPARED UNDER SUBSECTION (5) BY SUBMITTING A WRITTEN REQUEST
24 CONTAINING THE INFORMATION REQUIRED UNDER SUBSECTION (4) TO THE
25 COMMISSIONER. IF A WRITTEN REQUEST IS RECEIVED, THE COMMISSIONER
26 SHALL PREPARE AND DISTRIBUTE AN AMENDED LIST INDICATING THE
27 ADDITION. THE ADDITION SHALL BE EFFECTIVE ON THE DATE SPECIFIED

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1 BY THE COMMISSIONER IN THE AMENDED LIST. THE COMMISSIONER SHALL
2 NOTIFY THE CITY, VILLAGE, TOWNSHIP, AND ALL INSURERS TRANSACTING
3 AUTOMOBILE INSURANCE IN THIS STATE OF THE EFFECTIVE DATE OF AN
4 ADDITION WHICH SHALL BE EFFECTIVE NOT LESS THAN 30 DAYS AFTER
5 RECEIPT OF THE NOTICE BY THE INSURANCE COMPANY. THIS SECTION
6 DOES NOT APPLY TO ANY LOSS THAT OCCURRED BEFORE THE EFFECTIVE
7 DATE OF THE ADDITION.

8 (7) A CITY, VILLAGE, OR TOWNSHIP MAY REQUEST TO BE DELETED
9 FROM THE LIST OR MAY CEASE TO APPLY THIS SECTION FOR A PERIOD OF
10 NOT LESS THAN 6 MONTHS UPON NOT LESS THAN 30 DAYS' WRITTEN NOTICE
11 TO THE COMMISSIONER. AFTER RECEIPT OF A REQUEST TO BE DELETED
12 FROM THE LIST, THE COMMISSIONER SHALL PREPARE AND DISTRIBUTE AN
13 AMENDMENT TO THE LIST INDICATING THE DELETION. THE DELETION
14 SHALL BE EFFECTIVE ON THE DATE SPECIFIED BY THE COMMISSIONER IN
15 THE AMENDMENT. THE COMMISSIONER SHALL NOTIFY THE CITY, VILLAGE,
16 TOWNSHIP, AND ALL INSURERS TRANSACTING AUTOMOBILE INSURANCE IN
17 THIS STATE OF THE EFFECTIVE DATE OF A DELETION WHICH SHALL BE
18 EFFECTIVE NOT LESS THAN 30 DAYS AFTER RECEIPT OF THE NOTICE BY
19 THE INSURANCE COMPANY. A CITY, VILLAGE, OR TOWNSHIP SHALL CON-
20 TINUE TO APPLY THIS SECTION TO ANY LOSS THAT OCCURRED BEFORE THE
21 EFFECTIVE DATE OF THE DELETION, NOTWITHSTANDING THE DELETION.

22 (8) A CITY, VILLAGE, OR TOWNSHIP MAY ELECT TO APPLY THIS
23 SECTION AS PROVIDED IN SUBSECTION (4) AND AS FOLLOWS:

24 (A) IF THE CITY, VILLAGE, OR TOWNSHIP IS LOCATED IN A COUNTY
25 WITH A POPULATION OF 425,000 OR MORE.

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1 (B) IF THE CITY, VILLAGE, OR TOWNSHIP IS LOCATED IN A COUNTY
2 WITH A POPULATION OF LESS THAN 425,000 BUT THE CITY, VILLAGE, OR
3 TOWNSHIP HAS A POPULATION OF 50,000 OR MORE.

4 (9) THERE IS NO LIABILITY ON THE PART OF, AND A CAUSE OF
5 ACTION DOES NOT ARISE AGAINST, AN INSURER OR AN AGENT OR EMPLOYEE
6 OF AN INSURER FOR WITHHOLDING MONEY IN THE COURSE OF COMPLYING
7 WITH OR ATTEMPTING TO COMPLY WITH THIS SECTION.