

The Kreiner Fix

February 28, 2007

House Bill 4301 was introduced on February 20, 2007 by Representative Paul Condino. The purpose of the bill is to revise the definition of “serious impairment of body function” in the no-fault insurance law. The bill has been referred to the House Judiciary Committee and that committee has held two hearing on the matter in the past week. It is expected that the Committee will vote on the matter next week and refer the bill back to the House.

Over the past two and half years since the Michigan Supreme Court issued their decision in the case of Kreiner v Fischer, 471 Mich 109 (2004), there has been much concern that the Supreme Court went too far in restricting an accident victim’s ability to recover non-economic damages (those losses that affect a person’s quality of life such as mental anguish, emotional distress, and pain and suffering) from an at-fault driver. The overriding goal of HB4301 is to undo those restrictions put in place by the Kreiner Decision.

Testimony was provided by a variety of consumer groups, trade associations, accident victims, and insurance industry representative. Some insurance industry representatives argued that the bill as written would result in premium increases and cautioned the Legislature to be careful not to over correct the system to the point that insurance becomes unaffordable. However, the overall sentiment was that something needs to be done to remove the current restrictions on third-party litigation that resulted from Kreiner in order to ensure there is a fair trade for the unlimited no-fault PIP Benefits. ♦



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