

1 S.142

2 Introduced by Senator Sirotkin

3 Referred to Committee on

4 Date:

5 Subject: Insurance; motor vehicle liability policies; medical payments

6 coverage

7 Statement of purpose of bill as introduced: This bill proposes to require motor
8 vehicle liability policies to provide medical payments coverage and to establish
9 claims payment practices with respect to such coverage.

10 An act relating to medical payments coverage and motor vehicle liability
11 policies

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 23 V.S.A. § 811 is added to read:

14 § 811. MEDICAL PAYMENTS

15 (a) Any motor vehicle liability policy covering a private passenger
16 automobile and issued with respect to any motor vehicle registered or
17 principally garaged in this State shall provide medical payments coverage
18 therein or supplemental thereto in an amount equal to or greater than \$5,000.00
19 per person for medical costs incurred as a result of injuries sustained in an
20 accident involving the insured vehicle by the driver and passengers in the

1 vehicle. Such coverage shall apply only to medical costs incurred during
2 three years following the date the injuries are sustained.

3 (b) A health insurer, as defined in 18 V.S.A. § 9402, shall not coordinate
4 benefits against medical payments coverage.

5 (c) Medical payments coverage shall not be assignable to any health care
6 provider.

7 (d) The insured shall have the exclusive right to submit a claim for medical
8 expenses under either medical payments coverage or a health insurance policy
9 or other plan providing health care coverage, or both, as the insured elects;
10 provided, however, an insured shall not be entitled to duplicate payment from
11 medical payments coverage and a health insurance policy for the same medical
12 expense. The use of medical payments coverage to repay a health insurance
13 lien, Medicaid lien, or similar medical lien does not qualify as a duplicate
14 payment.

15 (e) This section shall not apply to any commercial policy insuring more
16 than four automobiles, nor to any commercial policy covering a garage,
17 automobile sales agency, repair shop, service station, public parking place
18 operation hazards, or trucking operation.

19 (f) Nothing in this section is intended to conflict with the provisions of
20 42 U.S.C. § 1395y.

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2019.