

**FROM THE COMMITTEE ON
MODEL CIVIL JURY INSTRUCTIONS**

The Committee amended the Note on Use effective October 22, 2015.

AMENDED

The Committee has amended the Table of Maximum Work Loss Benefits in the Note on Use to state that the listed benefits are for a single 30-day period instead of “per month.” This change makes the Table consistent with the wording of MCL 500.3107. The Department of Insurance and Financial Services has also made this change in Bulletin 2015-20-INS.

M Civ JI 35.01 No-Fault First-Party Benefits Action: Explanation of Statute

We have a state law known as the No-Fault Automobile Insurance Law which provides that if a person sustains accidental bodily injury or death arising out of the [ownership / or / operation / or / maintenance / or / use] of a motor vehicle as a motor vehicle, by [himself or herself / or / someone else], an insurance company may be responsible to pay the following types of benefits:

- (a) *(The first type of benefit is known as “allowable expenses” and consists of all reasonable charges incurred for reasonably necessary products, services and accommodations for an injured person’s care, recovery or rehabilitation. Allowable expenses include, but are not limited to, medical expenses.)
- (b) *(The second type of benefit is known as “work loss benefit” and consists of †(85 percent) of an injured person’s loss of income from work the injured person would have performed during the first three years after the date of the accident if the person had not been injured. The total work loss benefit for any thirty-day period may not exceed \$ [*applicable monthly maximum*].)
- (c) *(The third type of benefit is known as “replacement service expenses” and consists of expenses not exceeding \$20 per day reasonably incurred in obtaining ordinary and necessary services in place of those the injured person would have performed during the first three years after the date of the accident, not for income but for the benefit of [himself / herself] or of [his / her] dependents.)
- (d) *(The fourth type of benefit is known as “survivors’ loss benefits” and consists of two separate types of benefits:

1. A loss, after the date on which the decedent died, of contributions of tangible things of economic value, not including services, that dependents of the decedent, at the time of [his / her] death, would have received from the decedent for support during their dependency if [he / she] had not suffered the accidental bodily injury causing death; and
2. Replacement service expenses, not exceeding \$20 per day, reasonably incurred by these dependents, during their dependency and after the date on which the decedent died, in obtaining ordinary and necessary services in place of those services that the decedent would have performed for their benefit if [he / she] had not suffered the injury causing death.

It should be noted, however, that the total survivors' loss benefits for any thirty-day period, that is, the combination of loss of support and replacement services, may not exceed \$ [*applicable monthly maximum*] and are not payable beyond three years from the date of the accident.)

- (e) *(The last type of benefit is funeral and burial expenses. These may not exceed **\$ [*policy maximum*].)

Note on Use

*The words and subparagraphs should be selected to fit the facts in the particular case.

**See MCL 500.3107(1)(a) for the statutory minimum and maximum for funeral and burial expenses.

Maximum work loss benefits have been increased each year by the Insurance Commission, according to increased cost of living. (See the table below for maximum work loss benefit amounts.) Annual adjustments for survivors' loss benefits commenced on October 1, 1978, with an amendment to MCL 500.3108. Prior to that date, the maximum survivors' loss per thirty-day period was \$1,000. Since October 1, 1978, survivors' loss maximums have been the same as work loss maximums under MCL 500.3107(1)(b).

It should also be noted that no-fault insurance can be purchased which provides benefits in excess of the minimum. For those benefits in excess of the no-fault law, the Court may supply the appropriate amount in the blank captioned "applicable monthly maximum."

†This standard statutory percentage should be modified if plaintiff's income tax consequences are less than 15 percent. See MCL 500.3107(1)(b).

TABLE OF MAXIMUM WORK LOSS BENEFITS

- October 1, 1973 through September 30, 1974—\$1000 per ~~month~~ single 30-day period.
- October 1, 1974 through September 30, 1975—\$1111 per ~~month~~ single 30-day period.
- October 1, 1975 through September 30, 1976—\$1213 per ~~month~~ single 30-day period.
- October 1, 1976 through September 30, 1977—\$1285 per ~~month~~ single 30-day period.

October 1, 1977 through September 30, 1978—\$1373 per ~~month~~ single 30-day period.
October 1, 1978 through September 30, 1979—\$1475 per ~~month~~ single 30-day period.
October 1, 1979 through September 30, 1980—\$1636 per ~~month~~ single 30-day period.
October 1, 1980 through September 30, 1981—\$1870 per ~~month~~ single 30-day period.
October 1, 1981 through September 30, 1982—\$2049 per ~~month~~ single 30-day period.
October 1, 1982 through September 30, 1983—\$2195 per ~~month~~ single 30-day period.
October 1, 1983 through September 30, 1984—\$2252 per ~~month~~ single 30-day period.
October 1, 1984 through September 30, 1985—\$2347 per ~~month~~ single 30-day period.
October 1, 1985 through September 30, 1986—\$2434 per ~~month~~ single 30-day period.
October 1, 1986 through September 30, 1987—\$2477 per ~~month~~ single 30-day period.
October 1, 1987 through September 30, 1988—\$2569 per ~~month~~ single 30-day period.
October 1, 1988 through September 30, 1989—\$2670 per ~~month~~ single 30-day period.
October 1, 1989 through September 30, 1990—\$2808 per ~~month~~ single 30-day period.
October 1, 1990 through September 30, 1991—\$2939 per ~~month~~ single 30-day period.
October 1, 1991 through September 30, 1992—\$3077 per ~~month~~ single 30-day period.
October 1, 1992 through September 30, 1993—\$3172 per ~~month~~ single 30-day period.
October 1, 1993 through September 30, 1994—\$3267 per ~~month~~ single 30-day period.
October 1, 1994 through September 30, 1995—\$3349 per ~~month~~ single 30-day period.
October 1, 1995 through September 30, 1996—\$3450 per ~~month~~ single 30-day period.
October 1, 1996 through September 30, 1997—\$3545 per ~~month~~ single 30-day period.
October 1, 1997 through September 30, 1998—\$3627 per ~~month~~ single 30-day period.
October 1, 1998 through September 30, 1999—\$3688 per ~~month~~ single 30-day period.
October 1, 1999 through September 30, 2000—\$3760 per ~~month~~ single 30-day period.
October 1, 2000 through September 30, 2001—\$3898 per ~~month~~ single 30-day period.
October 1, 2001 through September 30, 2002—\$4027 per ~~month~~ single 30-day period.
October 1, 2002 through September 30, 2003—\$4070 per ~~month~~ single 30-day period.
October 1, 2003 through September 30, 2004—\$4156 per ~~month~~ single 30-day period.
October 1, 2004 through September 30, 2005—\$4293 per ~~month~~ single 30-day period.
October 1, 2005 through September 30, 2006—\$4400 per ~~month~~ single 30-day period.
October 1, 2006 through September 30, 2007—\$4589 per ~~month~~ single 30-day period.
October 1, 2007 through September 30, 2008—\$4713 per ~~month~~ single 30-day period.
October 1, 2008 through September 30, 2009—\$4948 per ~~month~~ single 30-day period.
October 1, 2009 through September 30, 2010—\$4878 per ~~month~~ single 30-day period.
October 1, 2010 through September 30, 2011—\$4929 per ~~month~~ single 30-day period.

October 1, 2011 through September 30, 2012—\$5104 per ~~month~~ single 30-day period.

October 1, 2012 through September 30, 2013—\$5189 per ~~month~~ single 30-day period.

October 1, 2013 through September 30, 2014—\$5282 per ~~month~~ single 30-day period.

October 1, 2014 through September 30, 2015—\$5392 per ~~month~~ single 30-day period.

October 1, 2015 through September 30, 2016—\$5398 per ~~month~~ single 30-day period.

History

M Civ JI 35.01 was added November 1980. Amended May 1998.