

No Fault Exclusions

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<p>Arkansas</p> <p>AR ST s 23-89-205. Excluded Benefits</p>	<p>An insurer may exclude benefits to any insured, or his personal representative, under a policy required by s23-89-202, when the insured's conduct contributed to the injury he sustained in any of the following ways: (1) Causing injury to himself intentionally; (2) <i>Causing injury while in the commission of a felony or while seeking to elude lawful apprehension or arrest by a law enforcement official.</i></p>
<p>Florida</p> <p>FL ST s 627.736. Required Personal Injury Protection Benefits; Exclusions; Priority; Claims</p>	<p>(2) Authorized exclusions.--Any insurer may exclude benefits: (a) For injury sustained by the named insured and relatives residing in the same household while occupying another motor vehicle owned by the named insured and not insured under the policy or for injury sustained by any person operating the insured motor vehicle without the express or implied consent of the insured. (b) To any injured person, if such person's conduct contributed to his or her injury under any of the following circumstances: 1. Causing injury to himself or herself intentionally; or 2. <i>Being injured while committing a felony.</i> Whenever an insured is charged with conduct as set forth in subparagraph 2., the 30-day payment provision of paragraph (4)(b) shall be held in abeyance, and the insurer shall withhold payment of any personal injury protection benefits pending the outcome of the case at the trial level. If the charge is nolle prossed or dismissed or the insured is acquitted, the 30-day payment provision shall run from the date the insurer is notified of such action.</p>
<p>Maryland</p> <p>MD Insurance s 19-505. Personal Injury Protection Coverage – In General. (Insurance – Property and Casualty Insurance – Motor Vehicle Insurance – Primary Coverage)</p>	<p>c) (1) An insurer may exclude from the coverage described in this section benefits for: 4. <i>is injured in a motor vehicle accident while committing a felony or while violating s 21-904 of the Transportation Article; or ...</i></p>
<p>Massachusetts</p> <p>MA ST 90 s 34A. Definitions. (Administration of the Government – Public Ways and Works – Motor Vehicles and Aircraft)</p>	<p>Insurers may exclude a person from personal injury protection benefits if such person's conduct contributed to his injury in any of the following ways while operating a motor vehicle in the commonwealth:</p>

	<p>(1) while under the influence of alcohol or a narcotic drug as defined in section one hundred and ninetyseven of chapter ninety-four;</p> <p>(2) while committing a felony or seeking to avoid lawful apprehension or arrest by a police officer; or</p> <p>(3) with the specific intent of causing injury or damage to himself or others.</p>
<p>New Jersey</p> <p>NJ ST 39:6A-7. Exclusions</p>	<p>Exclusions.</p> <p>a. Insurers may exclude a person from benefits under sections 4 and 10 of P.L. 1972, c. 70 (C. 39:6A-4 and 39:6A-10), medical expense benefits provided in section 4 of P.L. 1998, c. 21 (C. 39:6A-3.1) and benefits provided in section 45 of P.L. 2003, c. 89 (C. 39:6A-3.3) if that person's conduct contributed to his personal injuries or death occurred in any of the following ways:</p> <p>(1) while committing a high misdemeanor or felony or seeking to avoid lawful apprehension or arrest by a police officer; or</p> <p>(2) while acting with specific intent of causing injury or damage to himself or others.</p>
<p>New York</p> <p>NY Ins s 5103. Entitlement to First Party Benefits; Additional Financial Security Required.</p>	<p>(b) An insurer may exclude from coverage required by subsection (a) hereof a person who:</p> <p>(1) Intentionally causes his own injury.</p> <p>(2) Is injured as a result of operating a motor vehicle while in an intoxicated condition or while his ability to operate such vehicle is impaired by the use of a drug within the meaning of section eleven hundred ninety-two of the vehicle and traffic law; provided, however, that an insurer shall not exclude such person from coverage with respect to necessary emergency health services rendered in a general hospital, as defined in subdivision ten of section two thousand eight hundred one of the public health law, including ambulance services attendant thereto and related medical screening. Notwithstanding any other law, where the covered person is found to have violated section eleven hundred ninety-two of the vehicle and traffic law, the insurer has a cause of action for the amount of first party benefits paid or payable on behalf of such covered person against such covered person.</p> <p>See also: http://www.dfs.ny.gov/insurance/circltr/2011/cl2011_04.htm</p> <p>(3) Is injured while he is:</p> <p>(i) committing an act which would constitute a felony, or seeking to avoid lawful apprehension or arrest by a law enforcement</p>

	<p><i>officer, or</i></p> <p>(ii) operating a motor vehicle in a race or speed test, or</p> <p>(iii) operating or occupying a motor vehicle known to him to be stolen, or...</p>
<p>Pennsylvania</p> <p>PA ST 75 Pa.C.S.A. s 1718. Exclusion from Benefits</p>	<p>(a) General rule. -- An insurer shall exclude from benefits any insured, or his personal representative, under a policy enumerated in section 1711 (relating to required benefits) or 1712 (relating to availability of benefits), when the conduct of the insured contributed to the injury sustained by the insured on any of the following ways:</p> <p>(1) While intentionally injuring himself or another or attempting to intentionally injure himself or another.</p> <p>(2) <i>While committing a felony.</i></p> <p>(3) While seeking to elude lawful apprehension or arrest by a law enforcement official.</p>
<p>Texas</p> <p>TX Ins s 1952.158. Exclusion of Benefits.</p>	<p>An insurer shall exclude benefits to an insured or the insured's personal representative under the coverage required by this subchapter if the insured's conduct contributed to the injury the insured sustained and that conduct:</p> <p>(1) involved intentionally causing injury to the insured; or</p> <p>(2) <i>occurred while committing a felony or while seeking to elude lawful apprehension or arrest by a law enforcement official.</i></p> <p>HISTORY Added by Acts 2005, 79th Leg., ch. 727, s 2, eff. April 1, 2007.</p>
<p>Utah</p> <p>UT ST s 31A-22-309. Limitations, Exclusions, and Conditions to Personal Injury Protection.</p>	<p>(1) (a) A person who has or is required to have direct benefit coverage under a policy which includes personal injury protection may not maintain a cause of action for general damages arising out of personal injuries alleged to have been caused by an automobile accident, except where the person has sustained one or more of the following:</p> <p>(i) death;</p> <p>(ii) dismemberment;</p> <p>(iii) permanent disability or permanent impairment based upon objective findings;</p> <p>(iv) permanent disfigurement; or</p> <p>(v) medical expenses to a person in excess of \$3,000.</p> <p>(b) Subsection (1)(a) does not apply to a person making an uninsured motorist claim.</p> <p>(2) (a) Any insurer issuing personal injury protection coverage under this part may only exclude from this coverage benefits:</p> <p>(i) for any injury sustained by the insured while occupying another motor vehicle owned by or furnished for the regular use of the insured or a resident family member of the insured and</p>

	<p>not insured under the policy;</p> <p>(ii) for any injury sustained by any person while operating the insured motor vehicle without the express or implied consent of the insured or while not in lawful possession of the insured motor vehicle;</p> <p>(iii) to any injured person, if the person's conduct contributed to his injury:</p> <p>(A) by intentionally causing injury to himself; or</p> <p>(B) <i>while committing a felony</i>;</p>
<p>Washington</p> <p>WA ST s 48.22.090. Personal Injury Protection Coverage – Exceptions.</p>	<p>An insurer is not required to provide personal injury protection coverage to or on behalf of:</p> <p>(1) A person who intentionally causes injury to himself or herself;</p> <p>(2) A person who is injured while participating in a prearranged or organized racing or speed contest or in practice or preparation for such a contest;</p> <p>(3) A person whose bodily injury is due to war, whether or not declared, or to an act or condition incident to such circumstances;</p> <p>(4) A person whose bodily injury results from the radioactive, toxic, explosive, or other hazardous properties of nuclear material;</p> <p>(5) The named insured or a relative while occupying a motor vehicle owned by the named insured or furnished for the named insured's regular use, if such motor vehicle is not described on the declaration page of the policy under which a claim is made;</p> <p>(6) A relative while occupying a motor vehicle owned by the relative or furnished for the relative's regular use, if such motor vehicle is not described on the declaration page of the policy under which a claim is made; or</p> <p>(7) <i>An insured whose bodily injury results or arises from the insured's use of an automobile in the commission of a felony.</i></p> <p>HISTORY Laws 1993, c. 242, s 3; 2003, c. 115 (HB 1084), s 3, eff. 7-27-2003.</p>
<p>PIP General Exclusions</p>	
<p>Oregon</p> <p>§ 742.530 (March 25, 2012)</p>	<p>Exclusions from coverage</p> <p>(1) The insurer may exclude from the coverage for personal injury protection benefits any injured person who:</p> <p>(a) Intentionally causes self-injury;</p> <p>(b) Is participating in any prearranged or organized racing or speed contest or practice or preparation for any such contest; or</p> <p>(c) Willfully conceals or misrepresents any</p>

	<p>material fact in connection with a claim for personal injury protection benefits.</p> <p>(2) The insurer may exclude from the coverage for the benefits required by ORS 742.524 (Contents of personal injury protection benefits) (1)(b) and (c) any person injured as a pedestrian in an accident outside this state, other than the insured person or a member of that persons family residing in the same household. [Formerly 743.815; 2005 c.341 §2]</p>
<p>Kansas</p> <p>Chapter 40: Insurance (February 27, 2010)</p> <hr/> <hr/>	<p>Article 31: Kansas Automobile Injury Reparations Act</p> <p>Statute 40-3108: Personal injury protection benefits; authorized exclusions. Any insurer may exclude benefits required by subsection (f) of K.S.A. 40-3107: (a) For injury sustained by the named insured and relatives residing in the same household while occupying another motor vehicle owned by the named insured and not insured under the policy, or for injury sustained by any person operating the insured motor vehicle without the expressed or implied consent of the insured; and</p> <p>(b) to any person suffering injury, if such person: (1) Caused injury to himself intentionally; (2) was an intentional converter of a motor vehicle at the time the injury was sustained; (3) was injured as a result of conduct within the course of a business of repairing, servicing or otherwise maintaining motor vehicles, unless such conduct occurred off of the business premises; or (4) was injured as a result of conduct in the course of loading and unloading a motor vehicle, unless the conduct occurred while occupying, entering into or alighting from such vehicle.</p> <p>History: L. 1974, ch. 193, § 8; Feb. 22.</p>
<p>Delaware</p> <p>21 Del.C. § 2118</p>	<p>No Fault or PIP coverage is required on all vehicles registered in the State of Delaware. The minimum amount of PIP coverage required by law is \$15,000 per person, \$30,000 per occurrence. Additionally \$5,000 coverage for Funeral services is required. Deductibles and certain customary exclusions are valid.</p> <p>Coverage: 1) Occupants of Delaware registered Motor Vehicles; Named insured's of a Delaware policy and members of their household while occupying a vehicle not covered by a Delaware policy or when struck as a pedestrian by an out of state vehicle.</p> <p>2) All pedestrians struck in Delaware by a</p>

	<p>Delaware registered vehicle.</p> <p>3) Certain exclusions such as non-permissive use exclusion may apply. However in certain cases an exclusion will only reduce coverage to the minimum mandatory amounts.</p> <p>4) Deductibles that serve to reduce or eliminate coverage are permitted, but may not be required.</p> <p>Rental vehicles registered in another state are not required to carry Delaware PIP as long as they comply with the other state's minimum requirements.</p> <p>Note: Rental vehicles registered in another state are not required to carry Delaware PIP as long as they comply with the other state's minimum requirements.</p>
<p>Minnesota</p> <p>Exclusions to PIP</p>	<ul style="list-style-type: none"> - Converted Motor Vehicles (car thieves & joy riders) — if under age 14 can go to the assigned claims plan - Races - if injury/death results from official racing contest - Intentional Injuries - if intentionally causing or attempting to cause injury to self/others - Motorcycles - unless a pedestrian, or motorcycle PIP coverage purchased
<p>Michigan</p> <p>MCL 500.3113</p>	<p>Stolen Vehicles</p> <p>An automobile accident victim cannot recover PIP benefits if the individual is driving a car or truck that was taken unlawfully. However, if the injured individual reasonably believed that his or her use of the motor vehicle was lawful, he or she is entitled to PIP insurance benefits under Michigan law.</p> <p>It is important to note that this disqualification applies only to the thief or criminal. If an automobile accident victim is an innocent occupant of a stolen vehicle, he or she may still recover PIP insurance benefits. Similarly, if an innocent person is involved in an automobile accident with a car or truck that is stolen, his or her right to hire a lawyer and file a lawsuit claiming Michigan PIP insurance benefits, and to sue in tort for personal injury, pain and suffering, and excess economic loss, will not be affected.</p> <p>Uninsured Vehicles</p> <p>If the injured person is the owner of an uninsured motor vehicle that was involved in an auto accident, he or she will be disqualified from receiving PIP benefits. An "owner" is a person who has the right to "use" of a motor vehicle for over thirty days or an individual who holds title to the motor vehicle. Read here about an important insurance coverage in case</p>

of an accident with an uninsured vehicle.

Out-of-State Residents

An auto accident victim is not entitled to Michigan PIP insurance benefits if:

1. He or she is not a resident of the state of Michigan; and
2. He or she is occupying a motor vehicle that is registered out of state; and
3. The motor vehicle is insured by an automobile insurer who is not authorized to sell insurance in the State of Michigan (See MCL 500.3163 for more lawyer commentary on out-state residents injured in Michigan).