

### Understanding HB 4680, Section 7

HB 4680 Section 7 sponsored by Representative Meadows states as follows:

(7) As used in this section, "serious impairment of **AN IMPORTANT** body function" means an objectively manifested **INJURY OR** impairment of ~~an important body function~~ that affects **OR DID AFFECT** the **INJURED** person's general ability to lead ~~LIVE~~ his or her normal life. **SERIOUS IMPAIRMENT OF AN IMPORTANT BODY FUNCTION DOES NOT REQUIRE PROOF THAT THE INJURY OR IMPAIRMENT OR ITS EFFECT MET EITHER OF THE FOLLOWING:**

(A) **IS OR WAS PERMANENT, SEVERE, EXTENSIVE, OR PERVASIVE OR LASTED FOR A SIGNIFICANT PERIOD OF TIME.**

(B) **ALTERED THE COURSE OR TRAJECTORY OF THE INJURED PERSON'S LIFE; CAUSED THE INJURED PERSON TO BE GENERALLY, OR FOR THE MOST PART, UNABLE TO LIVE HIS OR HER NORMAL LIFE; CAUSED THE INJURED PERSON'S LIFE TO BE SUBSTANTIALLY DIFFERENT AFTER THE INJURY THAN IT WAS BEFORE; OR THAT THE BODY FUNCTION IN QUESTION IS ESSENTIAL OR INDISPENSABLE TO SUSTAINING OR LIVING A NORMAL LIFE.**

The targeted words and phrases contained in this section are specifically referenced in the Supreme Court's Opinion in *Kreiner/Straub* and three other post-*Kreiner* cases where the Supreme Court reversed the Court of Appeals on the Application for Leave to Appeal and adopted the Court of Appeal's dissenting Opinion and thus are necessary to a narrow fix of changes made by *Kreiner* and its progeny:

1. Altered the course or trajectory of life: *Kreiner v Fisher*, 471 Mich 109 (2004).
2. Generally unable or for the most part unable to live prior life: *Kreiner v Fisher*, 471 Mich 109 (2004).
3. Extensive and pervasive injury: *Straub v Collette*, 471 Mich 109 (2004); *Cook v Hardy*, 474 Mich 1010, adopting the dissenting Opinion in Court of Appeals Docket No. 250727.
4. Substantially different life: *Nicke v Miller*, 477 Mich 954.
5. Significant period of time/minimal life interruption, *Cook v Hardy*, 474 Mich 1010, adopting the dissenting Opinion in Court of Appeals Docket No. 250727.
6. Absence of physician-imposed restrictions: *Behnke v Auto Owners*, 474 Mich 1005, adopting the dissenting opinion in Court of Appeals Docket No. 248107; *Cook v Hardy*, 474 Mich 1010, adopting the dissenting Opinion in Court of Appeals Docket No. 250727.