

Sec. 38a-334-7. Minimum provisions for medical payments

(a) **Coverage.** The insurer may undertake to pay reasonable medical expense incurred within one year from the date of the accident for persons who sustain bodily injury while occupying a motor vehicle designated as the subject of the coverage by specific description or appropriate reference.

(b) **Exclusions.** The insurer's obligation to pay may be made inapplicable:

(1) To injury to any person while he is employed or otherwise engaged in the business or occupation of selling, servicing, repairing, parking or storing motor vehicles;

(2) to injury resulting from insurrection, rebellion, revolution or war;

(3) to employees of any insured injured in the course of their employment;

(4) to the use of a motor vehicle as a public or livery conveyance or while located for use as a residence or premises;

(5) to bodily injury resulting from the radioactive, toxic, explosive or other hazardous properties of source, special nuclear or byproduct material, each as defined in the Atomic Energy Act of 1954, as amended;

(6) to injury arising out of the use of

(i) a farm-type tractor or other equipment designed for use principally off public roads, while not upon public roads,

(ii) a vehicle operated on rails or crawltreads, or

(iii) a vehicle while located for use as a residence or premises.

(c) **Non-duplicating provisions.**

(1) The insurer may provide for proration of benefits with other motor vehicle medical payments insurance but for policies effective on or after November 1, 2000, coverage provided pursuant to this section shall be primary over any amount of other health insurance as defined in section 38a-469 of the General Statutes, or any other health coverage, including but not limited to employee welfare plans subject to the Federal Employee Retirement Income Security Act of 1974, 29 U.S.C. section 1001, et seq., health care plans provided by collectively bargained arrangements, health care plans provided for employees of the United States government and their dependents, part A or part B of Title XVIII of the Social Security Act, Title XIX of the Social Security Act, medical care programs of the Indian Health Service or of a tribal organization and policies issued by the Health Reinsurance Organization;

(2) a provision offsetting the amount paid for medical expenses against any amount payable under the bodily injury liability coverage of the policy may be included;

(3) a provision for subrogation or a lien upon any recovery from a person legally responsible for the injury may be included;

(4) the insurance may be written subject to a deductible stated as a dollar amount provided an appropriate reduction in the rate shall be made in the premium structure; and

(5) in no event shall the total amount of recovery for medical expenses from all sources exceed the total of the insured's medical expenses for bodily injury sustained while occupying a motor vehicle.

(Amended November 1, 2000)

Notes: History note reading "Amended, effective November 1, 2000" edited to standard format

Regulations of Connecticut State Agencies

“Amended November 1, 2000” (February 18, 2015)