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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES  
LANSING

R. KEVIN CLINTON  
DIRECTOR

# Memorandum

**DATE:** April 1, 2013  
**TO:** Interested Persons  
**FROM:** R. Kevin Clinton *RKC*  
Director  
**SUBJECT:** Rescission of Bulletin 83-10

Bulletin 83-10 is rescinded as of this date.

Section 3163 of the Insurance Code requires insurers authorized to transact automobile liability insurance and personal and property protection insurance in Michigan to certify "that any accidental bodily injury or property damage occurring in this state arising from the ownership, operation, maintenance, or use of a motor vehicle as a motor vehicle by an out-of-state resident who is insured under its automobile liability insurance policies, is subject to the personal and property protection insurance system under this act." In effect, Section 3163 requires an out-of-state insurer to certify that it provides Michigan no-fault benefits under Chapter 31 of the Insurance Code to its insureds when those insureds are using their motor vehicles in Michigan.

The certification required by Section 3163 is made on a "certification form" (form FIS 0170). Bulletin 83-10 was issued to "clarify the coverages" to be provided by insurers having to file the certification form with what is now the Department of Insurance and Financial Services. A recent review of the certification form revealed that it imposed an apparent requirement on insurers to certify that they "provide collision damage benefits equivalent to benefits which would have been recoverable under property damage liability had tort not been abolished." However, that requirement is not found in Chapter 31 and is not enforceable.

Form FIS 0170 has been revised to conform to Section 3163. The new version of the form can be found at:

[http://www.michigan.gov/documents/cis\\_ofis\\_fis\\_0170\\_24129\\_7.pdf](http://www.michigan.gov/documents/cis_ofis_fis_0170_24129_7.pdf)

The new version of form FIS 0170 should be used by insurers for all future certifications. Insurers may also refile previous certifications using the revised form.

Since Bulletin 83-10 incorrectly interpreted the coverages that out-of-state insurers must certify that they provide to comply with Michigan's no-fault system, it is inapplicable and is rescinded.