Happy Holidays and Season’s Greetings to all.

With the end of 2019 near, it is a good time to reflect over this past year and take a glimpse at what is coming next for 2020. First, thanks to our program people, we had two great educational conferences: one at VisTaTech Center and the other at a new venue for us, Glen Oaks Golf Course. These two conferences were very well attended and according to our Evaluation Form responses, were greatly enjoyed by those in attendance. We also had a great Scholarship Golf Outing at Glen Oaks, much thanks to our outgoing Golf Chair, Tim McClorey. The success of the event allowed us to provide scholarship funds to three deserving risk management students.

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2020 should be another great year for MIPRIMA. We will kick-off the year with our MIPRIMA Spring Educational Conference at VisTaTech on March 19th. We have great educational speakers lined up; we will announce them as we get a little closer to the event date. Don’t miss this event! Next, we have the Annual MIPRIMA Scholarship Golf Outing set for June 24th at Glen Oaks Golf Course; get your foursomes together and save that date. Then the BIG NEWS for 2020 is that MIPRIMA will once again host a summer conference. This will take place on July 15th, 16th and 17th at Shanty Creek Resort in Bellaire Michigan. This is a beautiful facility and we are hoping for a large turn out that will enable us to again make this an annual event.

As the year ends, we also need to thank the Board of Directors and the Committee members who work to keep our organization functioning through the year. However, most of all we would like to thank our sponsors who, without their support MIPRIMA would be only a shadow of its current self. We would also like to remind the Sponsors that they are invited to have a display table at any of our events.

All the Best,
Douglas Gniewek, President MIPRIMA

Save the Dates

MIPRIMA Spring Educational Conference
March 19, 2020
VisTaTech in Livonia

MIPRIMA Golf Scholarship Golf Outing
June 24, 2020
Glen Oaks Golf Course

MIPRIMA Summer Conference
July 15 - 17 2020
Shanty Creek
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Useful Resources
Stay informed on the latest national and local events.

**Educational Resources**
- **The Institute**
  www.TheInstitutes.org  
  Offering professional designations in Insurance and Risk Management
- **CPCU Society**
  www.cpcusociety.org  
  5 CPCU chapters located in Michigan
- **PRIMA Institute**
- **Public Entity Risk Institute (PERI)**
- **E-Training Center**
- **Risk and Insurance Management Society (RIMS) – Education**

**National PRIMA**
www.Primacentral.org  
Offering National Membership and Webinar Series

**Olivet College**
www.olivetcollege.edu

**Other Resources**
- **AM Best Rating Center**  
- **Dept. of Treasury’s Listing of Approved Sureties**  
- **Michigan Office of Finance and Insurance Services Search Criteria for Insurance Entities**

**Michigan BWDC Employer Insurance Coverage Inquiry**
- **Current Workers Comp Insurance Coverage Lookup**
- **Risk Management Library**
- **Library and Resource Directory**

Visit MIPRIMA online... scan the QR code!
The Two Sides of “Distracted Driving”
Part I
Information provided by Eric Waidelich

As with anything in life, there are always two sides to any situation. For this first part of this two-part series, we are going to focus on texting and driving, as if you are the person behind the wheel. The second part of the series will focus on you, as the by-stander who might be the recipient of someone else texting and driving. Keep in mind that all of the information we are about to cover is not just for your safety, but is also a requirement of OSHA.

Texting while driving, puts millions of Americans who drive on the job at risk every day. That risk continues to grow as texting becomes more widespread. As a business owner or manager, it’s your legal responsibility under the Occupational Safety and Health Act to safeguard drivers at work.

This holds true whether they drive full-time or only occasionally to carry out their work, and whether they drive a company vehicle or their own. When your workers are behind the wheel doing your company’s work, their safety is your business.

That’s why the Occupational Safety and Health Administration (OSHA), which enforces worker safety laws, has joined with the Transportation Department, other Labor Department agencies and key associations and organizations to enlist the help and cooperation of businesses – in a nationwide outreach, education, and enforcement effort to stop the dangerous practice of texting while driving.

The Law
Your state legislature and governor make the laws regarding distracted driving. Many states now have laws against texting, talking on a cell phone, and other distractions while driving. You can visit the Governors Highway Safety Association to learn about the laws in your state. GO HERE

The Facts
• More workers are killed every year in Motor Vehicle Crashes than any other cause.
• Distracted driving claimed 3,166 lives in 2017 alone, (newest data available).
• Reaction time is delayed for a driver talking on a cell phone as much as it is for a driver who is legally drunk.
• More texting leads to more crashes. With each additional 1 million text messages, fatalities from distracted driving rose more than 75%.
• People under the age of 20 are involved in more fatal crashes due to distractions than any other age group.
• Studies show that drivers who send or receive text messages focus their attention away from the road for an average of 4.6 seconds. At 55 mph, this is equivalent to driving the length of a football field blindfolded!

Employers & Supervisors Should
• Prohibit texting while driving. OSHA encourages employers to declare their vehicles “text-free zones” and to emphasize that commitment to their workers, customers, and communities.
• Establish work processes that do not make it necessary for workers to text while driving in order to carry out their duties.
• Set up clear procedures for the safe use of texting and other technologies for communicating with managers, customers, and others.
• Incorporate safe communications practices into worker orientation, training and meetings.
• Eliminate financial and other incentive systems that encourage workers to text while driving.

New School Year
New drivers are hitting the roads this month, in every community across the United States. Thousands of them. Remember, people under the age of 20 are involved in more fatal crashes due to distractions than any other age group.

Studies have determined that teen drivers have a higher rate of fatal crashes, mainly because of their immaturity, lack of skills, and lack of experience. They speed, they make mistakes, and they get distracted easily – especially if their friends are in the car.

Continued...
What Can You Do?

- Familiarizing yourself with the restrictions placed on your teen’s license can better assist you in enforcing those laws. You have the opportunity to establish some important ground rules for your teen driver. Restrict night driving and passengers, prohibit driving while using the phone, and require seat belt use at all times.
- Set the example by keeping your eyes on the road and your hands on the wheel while driving. Be consistent between the message you tell your teen and your own driving behaviors. Novice teen drivers most often learn from watching their parents.
- Don’t rely solely on a driver’s education class to teach your teen to drive. Set aside time to take your teen on practice driving sessions.
- Set consequences for distracted driving. If your teen breaks a distraction rule you’ve set, consider suspending your teen’s driving privileges, or consider limiting a teen’s access to their cell phone—a punishment that in today’s world could be seen by teens as a serious consequence.

Information provided by Eric Waidelich of Rizikon Inc. Office: (877) 591-0300; Mobile: (313) 530-8251; Email: ewaideich@rizikon.net

*Source material and statistics are from OSHA, NHTSA, and ConeZoneBC.*
Attorneys Frederick V. Livingston, above and Marc D. McDonald, below together presented The New Usual Suspects, Medical Provider Fraud & Unwarranted Treatment.

Audrey Forbush, Attorney & Matt Heins, Loss Control Specialist, Presented: Open Carry Guns in the Workplace

Go to the MIPRIMA Website Home Page for Power Point and other information presented by speakers at the conference. Once on the Home Page select Doc & Files; Next select education presentations, and then select the presentation.
No-Fault
The biggest issues currently impacting public risk managers are the massive changes to Michigan’s auto no-fault insurance laws.

MIPRIMA offered a fall seminar that was very well received. A panel of local legal experts comprised of James T. Mellon, Wayne J. Miller, and Ronald M. Sangster, provided background and a historic context for how our “No Fault Laws” were developed and then a review of “many” of the recent changes. It appears that this reform was the result of some late-night marathon negotiations and a quick vote by the legislature. According to our speakers many of the officials who voted for these laws now defend their action by pleading that they had not had time to actually read them before they voted for them.

Certain of the new provisions have already come under criticism from the likes of Mitch Albom whose article entitled “The awful ‘new normal’ of Michigan’s auto no-fault law” appeared in the Free Press on September 22, 2019. READ HERE

Albom points out the irony of the Governor signing this new legislation on Mackinac Island, "a place where no cars are allowed."

At about the same time that Albom was writing his article, Anita G. Fox, the current Director of DFIS, was issuing Order 19-048-M dated 20 September, 2019, in which it is clarified that many of the provisions of these new laws cannot be implemented until the underlying insurance policies are amended subject to the forms and rates requirements of the current insurance code. READ HERE

So, it appears that even the state is still trying to work out some of the kinks created by this new legislation. Risk Managers need to remain watchful regarding the implementation dates for these new provisions. You must coordinate not only the effective date in the statute, but also the renewal date of your insurance policy. One of our seminar speakers, Ron Sangster has posted on his website several articles analyzing the impact of these new laws. READ ARTICLES

To some extent these track the panel discussion that occurred at our seminar and can fill in information for those who could not attend. Sangster has also written a column for the MDTC which is available online. READ COLUMN

Note that although this article was published as part of the October 2019 MDTC newsletter it contains a disclaimer similar to my own writings here and are his opinions only.

The politicians defend their vote as follow through on the prior promise to reduce auto insurance premiums. It is clear that by placing a dollar limit on PIP that as a line item that should go down. However, by doing away with the coverage for unlimited medical costs, like squeezing a water balloon there is a bulge elsewhere, and these expenses reappear as damage elements elsewhere. Or as Sangster states in his MDTC essay - “To put it another way, I cannot help but wonder if the savings realized on the PIP side of the equation won’t be offset by the increase in the premium dollars paid for the increased tort liability policy limits."

Whether the overall cost will go down for the average consumer is yet to be seen. But it is clear that some losses that were previously covered as first party claims will now be morphed into new liability exposures. It is always necessary for the public risk manager to recall that while the insurers may find relief in applying a limit

Continued...
and shifting the cost of excess claims back to the policyholder as a public risk manager, you are trying to protect that deep pocket policyholder.

**Michigan Catastrophic Claims Association - MCCA**

One of the key drivers of this reform of auto insurance discussed above was the political promise to reduce auto insurance. Since the MIPRIMA seminar the MCCA has announced an adjustment to the 2020 rate. The per vehicle MCCA charge for 2020 will be $100 which is $120 less than 2019. [READ MORE HERE](#)

The per vehicle reduction is very understandable and allows the local politicians to point to MCCA and announce that we have lowered insurance premiums. Undoubtedly this development will make it harder to get any technical clean up bills passed to patch the issues outlined by Sangster and others.

**Lawsuit Already Contesting Unconstitutionality of No-Fault Reform**

According to AP, Attorney George Sinas has already filed a lawsuit in Ingham County Circuit Court seeking a Declaratory Judgement that several sections of the new reform are unconstitutional. [READ HERE](#)

**Open & Obvious Defense to Sidewalk Claims is Retroactive**

On August 29, 2019 the Michigan Court of Appeals in the published decision in *Buhl v City of Oak Park* held that the open and obvious defense to sidewalk claims can be applied retroactively and would apply even to injuries that occurred before January 4, 2017 (the effective date of the recent statute.) [READ HERE](#)
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