

House Bill 3490

Sponsored by Representative KOMP; Representative KRUMMEL, Senators CARTER, KRUSE, VERGER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires insurers to provide personal injury protection benefits after receiving either proof of loss form or prehospital care report form.

A BILL FOR AN ACT

1
2 Relating to proof of loss; amending ORS 742.520.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 742.520 is amended to read:

5 742.520. (1) Every motor vehicle liability policy issued for delivery in this state that covers any
6 private passenger motor vehicle shall provide personal injury protection benefits to the person in-
7 sured thereunder, members of that person's family residing in the same household, children not re-
8 lated to the insured by blood, marriage or adoption who are residing in the same household as the
9 insured and being reared as the insured's own, passengers occupying the insured motor vehicle and
10 pedestrians struck by the insured motor vehicle.

11 (2) Personal injury protection benefits apply to a person's injury or death resulting:

12 (a) In the case of the person insured under the policy and members of that person's family re-
13 siding in the same household, from the use, occupancy or maintenance of any motor vehicle, except
14 the following vehicles:

15 (A) A motor vehicle, including a motorcycle or moped, that is owned or furnished or available
16 for regular use by any of such persons and that is not described in the policy;

17 (B) A motorcycle or moped which is not owned by any of such persons, but this exclusion applies
18 only when the injury or death results from such person's operating or riding upon the motorcycle
19 or moped; and

20 (C) A motor vehicle not included in subparagraph (A) or (B) of this paragraph and not a private
21 passenger motor vehicle. However, this exclusion applies only when the injury or death results from
22 such person's operating or occupying the motor vehicle.

23 (b) In the case of a passenger occupying or a pedestrian struck by the insured motor vehicle,
24 from the use, occupancy or maintenance of the vehicle.

25 (3) Personal injury protection benefits consist of payments for expenses, loss of income and loss
26 of essential services as provided in ORS 742.524.

27 (4) *[An insurer shall pay all personal injury protection benefits promptly after proof of loss has*
28 *been submitted to the insurer.]* **An insurer shall pay all personal injury protection benefits**
29 **promptly after either of the following documents have been submitted to the insurer:**

30 **(a) A proof of loss form; or**

31 **(b) A prehospital care report form submitted by an ambulance service. For the purposes**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **of this paragraph, ambulance service has the meaning given that term in ORS 682.025.**

2 (5) The potential existence of a cause of action in tort does not relieve an insurer from the duty
3 to pay personal injury protection benefits.

4 (6) Disputes between insurers and beneficiaries about the amount of personal injury protection
5 benefits, or about the denial of personal injury protection benefits, shall be decided by arbitration
6 if mutually agreed to at the time of the dispute.

7 (7) An insurer:

8 (a) May not enter into or renew any contract that provides, or has the effect of providing,
9 managed care services to beneficiaries.

10 (b) May enter into or renew any contract that provides evaluation services for beneficiaries.

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