

# Senate Bill 633

Sponsored by Senator BROWN (at the request of Debbie Schwartz)

## 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 motor vehicle liability policy that covers taxicab to provide personal injury protection benefits.

## A BILL FOR AN ACT

Relating to personal injury protection benefits; amending ORS 742.518 and 742.520.

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

**SECTION 1.** ORS 742.518 is amended to read:

742.518. As used in ORS 742.518 to 742.542:

(1) "Evaluation services" means physical examinations or reviews of medical records of beneficiaries conducted at the request of an insurer by either an employee of the insurer or a third-party medical record or bill review service to determine whether the provision or continuation of medical services is necessary or reasonable.

(2) "Managed care services" means any system of health care delivery that attempts to control or coordinate use of health care services in order to contain health care expenditures or improve quality of health care services.

(3) "Motor vehicle" means a self-propelled land motor vehicle or trailer, other than:

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

(b) A vehicle operated on rails or crawler-treads; or

(c) A vehicle located for use as a residence or premises.

(4) "Motorcycle" and "moped" have the meanings given those terms in ORS 801.345 and 801.365.

(5) "Occupying" means in, or upon, or entering into or alighting from.

(6) "Pedestrian" means a person while not occupying a self-propelled vehicle other than a wheelchair or a similar low-powered motorized or mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is determined to be medically necessary for the occupant of the wheelchair or other low-powered vehicle.

(7) "Personal injury protection benefits" means the benefits described in ORS 742.518 to 742.542.

(8) "Private passenger motor vehicle" means a four-wheel passenger or station wagon type motor vehicle not used as a public or livery conveyance, and includes any other four-wheel motor vehicle of the utility, pickup body, sedan delivery or panel truck type not used for wholesale or retail delivery other than farming, a self-propelled mobile home and a farm truck.

(9) "Provider" has the meaning given that term in ORS 743.801.

**(10) "Taxicab" means a passenger motor vehicle:**

**(a) That has a passenger seating capacity that does not exceed five;**

**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       **(b) That is used to carry passengers for hire;**

2       **(c) For which the destination and route traveled may be controlled by a passenger;**

3       **(d) For which the fare is calculated on the basis of any combination of an initial fee,**  
4 **distance traveled or waiting time; and**

5       **(e) That is used to transport persons or property, or both.**

6       **SECTION 2.** ORS 742.520 is amended to read:

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

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

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

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

19       (B) A motorcycle or moped [*which*] **that** is not owned by any of such persons, but this exclusion  
20 applies only when the injury or death results from such person's operating or riding upon the mo-  
21 torcycle or moped; and

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

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

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

29       (4) An insurer shall pay all personal injury protection benefits promptly after proof of loss has  
30 been submitted to the insurer.

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

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

36       (7) An insurer:

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

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

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