

HOUSE AMENDMENTS TO HOUSE BILL 2190

By COMMITTEE ON CONSUMER PROTECTION

February 17

1 In line 2 of the printed bill, after “insurance” insert “; creating new provisions; and amending
2 ORS 742.466”.

3 In line 4, delete “to 4” and insert “and 3”.

4 Delete lines 6 through 19 and insert:

5 **“SECTION 2. When an insurer declares a motor vehicle a total loss and offers to make
6 a cash settlement to an insured or third-party owner of the motor vehicle, the insurer shall
7 provide the insured or third-party owner:**

8 **“(1) Any valuation or appraisal reports relied upon by the insurer to determine value; and**

9 **“(2) A written statement in a form provided by the Director of the Department of Con-
10 sumer and Business Services that includes:**

11 **“(a) Information about total loss, vehicle valuation and the duties of the insurer; and**

12 **“(b) The manner in which and under what circumstances the insured may contact the
13 Insurance Division of the Department of Consumer and Business Services.**

14 **“SECTION 3. (1) An insurer shall pay the insured or third-party owner of a motor vehicle
15 the amount of the motor vehicle’s value that is not in dispute if the insurer declares the
16 motor vehicle a total loss and the insurer and the insured or third-party owner are unable
17 to agree on the value of the motor vehicle. Acceptance of payment of the undisputed amount
18 neither waives the rights of the insured or third-party owner under the policy nor prevents
19 the insured or third-party owner from pursuing a claim for additional amounts. Payment of
20 the undisputed amount by the insurer does not waive any rights of the insurer under the
21 policy.**

22 **“(2) An insurer is not obligated to pay the undisputed amount under subsection (1) of this
23 section until the insured or third-party owner of the motor vehicle:**

24 **“(a) Agrees to execute documents sufficient to transfer ownership of the motor vehicle
25 to the insurer; and**

26 **“(b) Authorizes the insurer, at the insurer’s expense, to move the motor vehicle to a
27 disclosed location selected by the insurer, where the motor vehicle will remain available for
28 inspection and evaluation for not fewer than 14 calendar days.**

29 **“(3) After the expiration of the 14-day period under subsection (2) of this section, the
30 insurer may proceed with the salvage sale of the motor vehicle.**

31 **“SECTION 4. ORS 742.466 is amended to read:**

32 **“742.466. (1) In the event of a dispute between the insurer and insured under a motor vehicle
33 liability policy concerning coverage for physical damage, if the policy contains a provision author-
34 izing the insured to obtain an independent appraisal by a disinterested party of the physical damage,
35 that provision shall apply.**

1 **“(2) When a motor vehicle liability policy contains a provision for resolving a dispute**
2 **through appraisal of a motor vehicle insured under the policy, the insurer shall reimburse**
3 **the insured for the reasonable appraisal costs if the final appraisal decision under the policy**
4 **provision is greater than the amount of the insurer’s last offer prior to the incurrence of the**
5 **appraisal costs.**

6 “[(2)] (3) If a motor vehicle liability policy does not contain a provision described in subsection
7 (1) of this section, then notwithstanding any other provision of the policy, any resolution of the
8 dispute shall be subject to rules adopted by the Director of the Department of Consumer and Busi-
9 ness Services.”

10 In line 22, delete “Sections 3 and 4” and insert “Section 3 of this 2009 Act and the amendments
11 to ORS 742.466 by section 4”.

12
