

House Bill 2325

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon Trial Lawyers Association)

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**.

Modifies amount of reimbursement due personal injury protection provider when total benefits exceed damages.

A BILL FOR AN ACT

1
2 Relating to personal injury protection benefits; creating new provisions; and amending ORS 742.544.

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

4 **SECTION 1.** ORS 742.544 is amended to read:

5 742.544. (1) A provider of personal injury protection benefits shall be reimbursed for personal
6 injury protection payments made on behalf of any person only to the extent that the total amount
7 of benefits paid exceeds the [*economic*] damages [*as defined in ORS 31.710*] suffered by that person.
8 As used in this section, "total amount of benefits" means the amount of money recovered by a per-
9 son from:

10 (a) Applicable underinsured motorist benefits described in ORS 742.502 (2);

11 (b) Liability insurance coverage available to the person receiving the personal injury protection
12 benefits from other parties to the accident;

13 (c) Personal injury protection payments; and

14 (d) Any other payments by or on behalf of the party whose fault caused the damages.

15 (2) Nothing in this section requires a person to repay more than the amount of personal injury
16 protection benefits actually received.

17 **SECTION 2.** **The amendments to ORS 742.544 by section 1 of this 2009 Act apply to motor**
18 **vehicle liability policies issued or renewed on or after the effective date of this 2009 Act.**

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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.