

# D R A F T

## SUMMARY

Prevents insurers from considering individual's driving record when determining rates for and whether to issue or renew policy of personal insurance that provides certain types of coverage, except in specified circumstances when insurer may consider abstract of individual's nonemployment driving record to make determinations.

### A BILL FOR AN ACT

1  
2 Relating to policies of personal insurance; creating new provisions; and  
3 amending ORS 746.260 and 746.265.

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

5 **SECTION 1.** ORS 746.260 is amended to read:

6 746.260. (1) **As used in this section, "employment driving record" and**  
7 **"nonemployment driving record" mean the employment driving record**  
8 **and nonemployment driving record described in ORS 802.200.**

9 [(1)] (2) Except as provided in subsection (4) of this section, [*when an*  
10 *individual applies for a policy or a renewal of a policy of casualty insurance*  
11 *providing*] **an insurer may not consider an individual's employment**  
12 **driving record or nonemployment driving record in determining rates**  
13 **for, or whether to issue or renew, a policy of personal insurance, as**  
14 **defined in ORS 746.600, for the individual that provides** automobile li-  
15 ability coverage, uninsured motorist coverage, automobile medical payments  
16 coverage or automobile physical damage coverage on an individually owned  
17 passenger vehicle, including pickup and panel trucks and station wagons[,  
18 *an insurer shall not consider either the employment driving record or the*  
19 *nonemployment driving record of the individual in determining whether the*

1 *policy will be issued or renewed or in determining the rates for the policy*].  
2 An insurer [*shall*] **may** not cancel [*such*] **the** policy or discriminate in regard  
3 to other terms or conditions of the policy based upon the **individual's** em-  
4 ployment driving record or [*the*] nonemployment driving record [*of the indi-*  
5 *vidual*].

6 [(2) *As used in this section, "employment driving record" and "nonemploy-*  
7 *ment driving record" mean the employment driving record and nonemployment*  
8 *driving record described in ORS 802.200.*]

9 (3) This section [*is not intended to*] **does not** affect the enforcement of the  
10 motor vehicle laws.

11 (4) An insurer may use the abstract of the individual's nonemployment  
12 driving record as authorized under ORS 746.265.

13 **SECTION 2.** ORS 746.265 is amended to read:

14 746.265. (1) Subject to subsection (2) of this section, [*when an individual*  
15 *applies for a policy or a renewal of a policy of casualty insurance providing*]  
16 **an insurer may consider the abstract of an individual's nonemploy-**  
17 **ment driving record under ORS 802.220 when evaluating the**  
18 **individual's application to obtain or renew personal insurance, as de-**  
19 **fin ed in ORS 746.600, that provides** automobile liability coverage,  
20 uninsured motorist coverage, automobile medical payments coverage or au-  
21 tomobile physical damage coverage on an individually owned passenger ve-  
22 hicle, including pickup and panel trucks and station wagons[, *the insurer*  
23 *may consider the abstract of the nonemployment driving record of the indi-*  
24 *vidual under ORS 802.220*]:

25 (a) For the purpose of determining whether to issue or renew the  
26 individual's policy.

27 (b) For the purpose of determining the rates of the individual's policy.

28 (2) For the purposes specified in subsection (1) of this section, an insurer  
29 [*issuing or renewing*] **that issues or renews** a policy described in subsection  
30 (1) of this section [*shall*] **may** not consider any:

31 (a) Accident or conviction for violation of motor vehicle laws that oc-

1 curred more than three years immediately preceding the application [*for the*  
2 *policy or renewal of the*] **to issue or renew the** policy;

3 (b) Diversion agreements under ORS 813.220 that were entered into more  
4 than three years immediately preceding the application [*for the policy or re-*  
5 *newal of*] **to issue or renew** the policy; or

6 (c) Suspension of driving privileges pursuant to ORS 809.280 (6) or (8) if  
7 the suspension is based on a nondriving offense.

8 (3) Subsection (2) of this section does not apply if an insurer considers  
9 [*the*] **an individual's** nonemployment driving record [*of an individual*] under  
10 ORS 802.220 for the purpose of providing a discount to the individual.

11 **SECTION 3. The amendments to ORS 746.260 and 746.265 by sections**  
12 **1 and 2 of this 2013 Act apply to insurance policies that an insurer is-**  
13 **sues or renews on or after the effective date of this 2013 Act.**

14