

# Enrolled House Bill 2258

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Consumer Protection and Government Efficiency for State Farm Insurance Companies)

CHAPTER .....

## AN ACT

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

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

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

746.260. (1) **As used in this section, “employment driving record” and “nonemployment driving record” mean the employment driving record and nonemployment driving record described in ORS 802.200.**

[(1)] (2) Except as provided in subsection (4) of this section, *[when an individual applies for a policy or a renewal of a policy of casualty insurance providing]* **an insurer may not consider an individual’s employment driving record or nonemployment driving record in determining rates for, or whether to issue or renew, a policy of personal insurance, as defined in ORS 746.600, that provides, for the individual,** automobile liability coverage, uninsured motorist coverage, automobile medical payments coverage or automobile physical damage coverage on an individually owned passenger vehicle, including pickup and panel trucks and station wagons*[, an insurer shall not consider either the employment driving record or the nonemployment driving record of the individual in determining whether the policy will be issued or renewed or in determining the rates for the policy].* An insurer *[shall]* **may** not cancel *[such]* **the** policy or discriminate in regard to other terms or conditions of the policy based upon the **individual’s** employment driving record or *[the]* nonemployment driving record *[of the individual]*.

[(2)] *As used in this section, “employment driving record” and “nonemployment driving record” mean the employment driving record and nonemployment driving record described in ORS 802.200.]*

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

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

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

746.265. (1) Subject to subsection (2) of this section, *[when an individual applies for a policy or a renewal of a policy of casualty insurance providing]* **an insurer may consider the abstract of an individual’s nonemployment driving record under ORS 802.220 when evaluating the individual’s application to obtain or renew personal insurance, as defined in ORS 746.600, that provides** automobile liability coverage, uninsured motorist coverage, automobile medical payments coverage or automobile physical damage coverage on an individually owned passenger vehicle, in-

cluding pickup and panel trucks and station wagons[, *the insurer may consider the abstract of the nonemployment driving record of the individual under ORS 802.220*]:

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

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

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

(a) Accident or conviction for violation of motor vehicle laws that occurred more than three years immediately preceding the application for the policy or **for** renewal of the policy;

(b) Diversion agreements under ORS 813.220 that were entered into more than three years immediately preceding the application for the policy or **for** renewal of the policy; or

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

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

**SECTION 3. The amendments to ORS 746.260 and 746.265 by sections 1 and 2 of this 2015 Act apply to insurance policies that an insurer issues or renews on or after the effective date of this 2015 Act.**

**Passed by House March 20, 2015**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate May 5, 2015**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2015

**Approved:**

.....M.,....., 2015

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State