

House Bill 2958

Sponsored by Representative BENTZ (at the request of Car and Truck Rental and Leasing 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**.

Provides that limited license that rental company obtains to sell insurance in connection with renting vehicles also extends to rental company's employees and designated agents.

Becomes operative 91 days after effective date of Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to limited licenses to sell insurance in connection with vehicle rentals; creating new pro-
3 visions; amending ORS 744.852 and 744.856; and declaring an emergency.

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

5 **SECTION 1.** ORS 744.852 is amended to read:

6 744.852. (1) The Director of the Department of Consumer and Business Services shall adopt rules
7 *[establishing]* **to specify** information *[required to be submitted by]* **that** rental companies **must sub-**
8 **mit in** applying for a limited license.

9 (2) A rental company that intends to offer insurance as described in ORS 744.854 shall file a
10 limited license application with the director in such form and containing such information as the
11 director requires.

12 (3) *[Upon receipt of]* **After receiving** an application, *[if the director is satisfied that the applica-*
13 *tion is complete]*, the director may issue a limited license to the rental company~~]~~ **if the director**
14 **is satisfied that the application is complete. A limited license that the director issues to the**
15 **rental company under this section is also a limited license for an employee or designated**
16 **agent of the rental company to perform any act that the rental company may perform under**
17 **the limited license.**

18 **SECTION 2.** ORS 744.856 is amended to read:

19 744.856. (1) A rental company *[issued]* **that obtains** a limited license under ORS 744.852 may
20 not issue insurance pursuant to ORS 744.854 unless:

21 (a) The rental agreement is for a period of 90 consecutive days or less.

22 (b) At every location where rental agreements are executed, *[there is]* written material **is**
23 available to prospective renters that:

24 (A) Summarizes clearly and correctly the material terms of the coverage offered and identifies
25 the insurer;

26 (B) Discloses that the coverage *[offered by]* **that** the rental company *[may]* **offers might** dupli-
27 cate coverage *[already provided by]* **that** a renter's personal motor vehicle liability insurance policy,
28 personal liability insurance policy or other source of coverage **already provides;**

29 (C) States that *[the purchase of]* **purchasing** the coverage offered is not required in order to rent
30 a vehicle; and

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 (D) Describes the process for filing a claim.

2 (c) *[The written material referred to in paragraph (b) of this subsection has been filed with and*
 3 *approved by]* **The rental company has filed the written material described in paragraph (b) of**
 4 **this subsection with the Director of the Department of Consumer and Business Services and the**
 5 **director has approved the written material.**

6 (d) The rental agreement separately discloses the price for the coverage purchased.

7 (2) A rental company *[issued]* **that obtains** a limited license under ORS 744.852 must conduct
 8 a training program for **the rental company's employees and designated agents** concerning kinds
 9 of coverage *[offered by the company]* **the rental company offers**. The **rental company shall file**
 10 **the syllabus for the training program** *[shall be filed]* annually with the Director of the Department
 11 of Consumer and Business Services *[by the rental company and is subject to]* **and obtain the**
 12 **director's approval** *[by the director]*. The rental company shall certify annually to the director that
 13 **all of the rental company's employees and designated agents who are** involved in *[the sale or*
 14 *offer of]* **selling or offering** coverage to members of the public have completed or will complete the
 15 training program *[prior to conducting such]* **before making** sales or offers. The rental company shall
 16 also certify annually to the director that *[all such]* **the rental company's employees and desig-**
 17 **nated agents** will receive continuing education on a regular basis concerning the topics covered in
 18 the training program. The **Department of Consumer and Business Services may audit the** rental
 19 company's compliance with *[its]* **the rental company's** certification to the director and with the
 20 *[filed]* training program syllabus **the rental company filed** *[is subject to audit by the Department of*
 21 *Consumer and Business Services]*.

22 (3) A rental company *[issued]* **that obtains** a limited license under ORS 744.852 may not adver-
 23 tise, represent or otherwise hold *[itself or its]* **the rental company or employees or designated**
 24 **agents of the rental company** out as licensed insurers or insurance producers.

25 (4) A rental company *[issued]* **that obtains** a limited license under ORS 744.852 may offer and
 26 sell insurance only in connection with and incidental to the rental of vehicles.

27 (5) A rental company *[issued]* **that obtains** a limited license under ORS 744.852 shall designate
 28 an executive as the statewide filing officer for the rental company.

29 **SECTION 3. (1) The amendments to ORS 744.852 and 744.856 by sections 1 and 2 of this**
 30 **2015 Act become operative 91 days after the effective date of this 2015 Act.**

31 **(2) The Director of the Department of Consumer and Business Services may take any**
 32 **action before the operative date specified in subsection (1) of this section that is necessary**
 33 **to enable the director to exercise, on and after the operative date specified in subsection (1)**
 34 **of this section, all of the duties, functions and powers conferred on the director by the**
 35 **amendments to ORS 744.852 and 744.856 by sections 1 and 2 of this 2015 Act.**

36 **SECTION 4. This 2015 Act being necessary for the immediate preservation of the public**
 37 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
 38 **on its passage.**