

House Bill 3088

Sponsored by Representative BOONE (at the request of Sarah Nebeker)

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**.

Increases minimum length of time that personal injury protection benefits are available after motor vehicle accident.

A BILL FOR AN ACT

1
2 Relating to personal injury protection benefits; creating new provisions; and amending ORS 742.524.

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

4 **SECTION 1.** ORS 742.524 is amended to read:

5 742.524. (1) Personal injury protection benefits as required by ORS 742.520 shall consist of the
6 following payments for the injury or death of each person:

7 (a) All reasonable and necessary expenses of medical, hospital, dental, surgical, ambulance and
8 prosthetic services incurred within [*one year*] **three years** after the date of the person's injury, but
9 not more than \$15,000 in the aggregate for all such expenses of the person. Expenses of medical,
10 hospital, dental, surgical, ambulance and prosthetic services shall be presumed to be reasonable and
11 necessary unless the provider is given notice of denial of the charges not more than 60 calendar
12 days after the insurer receives from the provider notice of the claim for the services. At any time
13 during the first 50 calendar days after the insurer receives notice of claim, the provider shall, within
14 10 business days, answer in writing questions from the insurer regarding the claim. For purposes
15 of determining when the 60-day period provided by this paragraph has elapsed, counting of days
16 shall be suspended if the provider does not supply written answers to the insurer within 10 days and
17 may not resume until the answers are supplied.

18 (b) If the injured person is usually engaged in a remunerative occupation and if disability con-
19 tinues for at least 14 days, 70 percent of the loss of income from work during the period of the in-
20 jured person's disability until the date the person is able to return to the person's usual occupation.
21 This benefit is subject to a maximum payment of \$3,000 per month and a maximum payment period
22 in the aggregate of 52 weeks. As used in this paragraph, "income" includes but is not limited to
23 salary, wages, tips, commissions, professional fees and profits from an individually owned business
24 or farm.

25 (c) If the injured person is not usually engaged in a remunerative occupation and if disability
26 continues for at least 14 days, the expenses reasonably incurred by the injured person for essential
27 services that were performed by a person who is not related to the injured person or residing in the
28 injured person's household in lieu of the services the injured person would have performed without
29 income during the period of the person's disability until the date the person is reasonably able to
30 perform such essential services. This benefit is subject to a maximum payment of \$30 per day and
31 a maximum payment period in the aggregate of 52 weeks.

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) All reasonable and necessary funeral expenses incurred within one year after the date of the
2 person's injury, but not more than \$5,000.

3 (e) If the injured person is a parent of a minor child and is required to be hospitalized for a
4 minimum of 24 hours, \$25 per day for child care, with payments to begin after the initial 24 hours
5 of hospitalization and to be made for as long as the person is unable to return to work if the person
6 is engaged in a remunerative occupation or for as long as the person is unable to perform essential
7 services that the person would have performed without income if the person is not usually engaged
8 in a remunerative occupation, but not to exceed \$750.

9 (2) With respect to the insured person and members of that person's family residing in the same
10 household, an insurer may offer forms of coverage for the benefits required by subsection (1)(a), (b)
11 and (c) of this section with deductibles of up to \$250.

12 **SECTION 2. The amendments to ORS 742.524 by section 1 of this 2015 Act apply to in-**
13 **insurance policies issued or renewed on or after the effective date of this 2015 Act.**

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