

House Bill 2495

Sponsored by Representative BENTZ (at the request of Mike Dickerson) (Presession filed.)

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**.

Removes requirement that person intending to meet financial responsibility requirements for driving in this state by self-insuring have more than 25 vehicles, including commercial buses, registered in person's name.

Becomes operative 90 days following adjournment sine die.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to self-insuring to meet financial responsibility requirements for driving in this state; cre-
3 ating new provisions; amending ORS 806.130; and declaring an emergency.

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

5 **SECTION 1.** ORS 806.130 is amended to read:

6 806.130. (1) To qualify as a self-insurer for purposes of financial responsibility requirements un-
7 der ORS 806.060, a person must do all of the following:

8 (a) Apply to the Department of Transportation and be issued by the department a certificate of
9 self-insurance under ORS 806.140.

10 (b) Either:

11 (A) Establish to the satisfaction of the department that the person possesses and will continue
12 to possess the ability to pay and discharge judgments described under ORS 806.040 that might be
13 obtained against the applicant; or

14 (B) Be qualified under the laws of the State of Oregon or under an ordinance of a city of this
15 state to act as a self-insurer and be acting as a self-insurer.

16 (c) Agree to provide the same coverage and to pay the same amounts with respect to an acci-
17 dent occurring while the certificate is in force that an insurer would be obligated to provide and
18 to pay under a motor vehicle liability insurance policy, including providing the coverage required
19 under ORS 806.080 (1)(b) and uninsured motorist coverage and liability coverage to at least the
20 limits specified in ORS 806.070.

21 *[(d) Have more than 25 motor vehicles including commercial buses registered in the person's*
22 *name.]*

23 (2)(a) If an accident occurs while a certificate of self-insurance issued under ORS 806.140 is in
24 force, the liability protection provided and the amounts paid under subsection (1)(c) of this section
25 are secondary to any motor vehicle liability insurance or uninsured motorist coverage available to
26 a customer of the self-insurer, an operator of the self-insured vehicle or an occupant of the self-
27 insured vehicle unless otherwise agreed to by the self-insurer. A self-insurer is required to provide
28 the minimum payments established under ORS 742.502 and 806.070 only when the motor vehicle li-
29 ability insurance policy of a customer of the self-insurer or an operator of the self-insured vehicle
30 does not provide the minimum required payments established in ORS 742.502 and 806.070.

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 (b) A self-insurer may recover from a customer of the self-insurer or an operator of the self-
2 insured vehicle the amounts paid under subsection (1)(c) of this section.

3 (3) Nothing in this section requires a self-insurer to provide liability coverage when a person is
4 operating the vehicle without permission of the self-insurer.

5 **SECTION 2.** (1) The amendments to ORS 806.130 by section 1 of this 2017 Act become
6 operative 90 days after the date on which the 2017 regular session of the Seventy-ninth
7 Legislative Assembly adjourns sine die.

8 (2) The Director of Transportation may adopt rules and take any other action before the
9 operative date specified in subsection (1) of this section that is necessary to enable the di-
10 rector to exercise, on and after the operative date specified in subsection (1) of this section,
11 all of the duties, functions and powers conferred on the director by the amendments to ORS
12 806.130 by section 1 of this 2017 Act.

13 **SECTION 3.** This 2017 Act being necessary for the immediate preservation of the public
14 peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect
15 on its passage.
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