

**A-Engrossed**  
**House Bill 2393**

Ordered by the House April 13  
Including House Amendments dated April 13

Sponsored by Representative MARSH; Representative BYNUM (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.

*[Removes option to elect, for uninsured motorist coverage, coverage limits that fall below coverage limits applicable to personal injury protection benefits.]*

*[Specifies order in which coverage under motor vehicle insurance policies, other than insured's primary policy, applies to compensate for bodily injury or death of insured.]*

*[Includes motor vehicle used as public or livery conveyance within definition of private passenger motor vehicle for purposes of requiring personal injury protection benefits under motor vehicle liability policy.]*

**Requires transportation network company and taxi company to provide motor vehicle liability insurance policy with personal injury protection benefits to each driver who operates personal motor vehicle in affiliation with transportation network company or taxi in affiliation with taxi company.**

**Specifies that personal injury protection benefits must, at all times during which driver operates personal motor vehicle in affiliation with transportation network company or taxi in affiliation with taxi company, cover driver of personal motor vehicle or taxi, any passengers that occupy personal motor vehicle or taxi and pedestrians that are struck by personal motor vehicle or taxi.**

**Permits insurer to exclude from motor vehicle liability insurance policy for private passenger motor vehicle any coverage, including personal injury protection benefits, for loss or injury that occurs while driver is operating private passenger motor vehicle to provide transportation services for compensation in affiliation with transportation network company.**

**Specifies exclusions for personal injury protection benefit coverage.**

**A BILL FOR AN ACT**

1  
2 Relating to motor vehicle liability insurance coverage; creating new provisions; and amending ORS  
3 742.518 and 742.520.

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

5 **SECTION 1.** ORS 742.518 is amended to read:

6 742.518. As used in ORS 742.518 to 742.542:

7 (1) "Evaluation services" means physical examinations or reviews of medical records of benefi-  
8 ciaries conducted at the request of an insurer by either an employee of the insurer or a third-party  
9 medical record or bill review service to determine whether the provision or continuation of medical  
10 services is necessary or reasonable.

11 (2) "Managed care services" means any system of health care delivery that attempts to control  
12 or coordinate use of health care services in order to contain health care expenditures or improve  
13 quality of health care services.

14 (3) "Motor vehicle" means a self-propelled land motor vehicle or trailer, other than:

15 (a) A farm-type tractor or other self-propelled equipment designed for use principally off public  
16 roads, while not upon public roads;

17 (b) A vehicle operated on rails or crawler-treads; or

**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 (c) A vehicle located for use as a residence or premises.

2 (4) "Motorcycle" and "moped" have the meanings given those terms in ORS 801.345 and 801.365.

3 (5) "Occupying" means in, or upon, or entering into or alighting from.

4 (6) "Pedestrian" means a person while not occupying a self-propelled vehicle other than a  
5 wheelchair or a similar low-powered motorized or mechanically propelled vehicle that is designed  
6 specifically for use by a person with a physical disability and that is determined to be medically  
7 necessary for the occupant of the wheelchair or other low-powered vehicle.

8 (7) "Personal injury protection benefits" means the benefits described in ORS 742.518 to 742.542.

9 (8) "Private passenger motor vehicle" means a four-wheel passenger or station wagon type motor  
10 vehicle not used as a public or livery conveyance, and includes any other four-wheel motor vehicle  
11 of the utility, pickup body, sedan delivery or panel truck type not used for wholesale or retail de-  
12 livery other than farming, a self-propelled mobile home and a farm truck.

13 (9) "Proof of loss" means documentation that allows an insurer to determine whether a person  
14 is entitled to personal injury protection benefits and the amount of any benefit that is due.

15 (10) "Provider" has the meaning given that term in ORS 743B.001.

16 (11) **"Taxi company" means a corporation, limited liability company, partnership or other**  
17 **association that provides transportation services for compensation that passengers may re-**  
18 **quest by means of telephone, software applications, websites or other Internet-based elec-**  
19 **tronic technology or by visible, audible or otherwise physically perceptible signaling directly**  
20 **to a hired driver who provides the transportation services with a motor vehicle that the**  
21 **hired driver:**

22 (a) **Owns and operates in affiliation with the corporation, limited liability company,**  
23 **partnership or other association;**

24 (b) **Leases or rents from the corporation, limited liability company, partnership or other**  
25 **association; or**

26 (c) **Has other authorization from the corporation, limited liability company, partnership**  
27 **or other association to use for the purposes described in this subsection.**

28 (12) **"Transportation network company" means a corporation, limited liability company,**  
29 **partnership or other association that provides a software or digital application, the express**  
30 **purpose of which is to connect to the Internet and enable a prospective passenger to seek**  
31 **and obtain transportation services from a driver who operates a personal motor vehicle for**  
32 **the purpose of providing transportation services for compensation in affiliation with the**  
33 **corporation, limited liability company, partnership or other association.**

34 **SECTION 2.** ORS 742.520 is amended to read:

35 742.520. (1)(a) Every motor vehicle liability policy issued for delivery in this state that covers  
36 any private passenger motor vehicle shall provide personal injury protection benefits to the person  
37 insured thereunder, members of that person's family residing in the same household, children not  
38 related to the insured by blood, marriage or adoption who are residing in the same household as the  
39 insured and being reared as the insured's own, passengers occupying the insured motor vehicle and  
40 pedestrians struck by the insured motor vehicle.

41 (b) **A transportation network company shall provide a motor vehicle liability policy with**  
42 **personal injury protection benefits to each driver who operates a personal motor vehicle in**  
43 **affiliation with the transportation network company.**

44 (c) **A taxi company shall provide a motor vehicle liability policy with personal injury**  
45 **protection benefits to each driver who operates a taxi in affiliation with the taxi company.**

1       **(d) The personal injury protection benefits described in paragraphs (b) and (c) of this**  
2 **subsection must, at all times during which the driver operates the personal motor vehicle**  
3 **or the taxi to provide transportation services to passengers in affiliation with the transpor-**  
4 **tation network company or the taxi company, cover the driver of the personal motor vehicle**  
5 **or taxi, any passengers that occupy the personal motor vehicle or taxi and pedestrians that**  
6 **are struck by the personal motor vehicle or taxi.**

7       **(e) Notwithstanding paragraphs (b), (c) and (d) of this subsection, an insurer may exclude**  
8 **from a motor vehicle liability policy for a private passenger motor vehicle any coverage, in-**  
9 **cluding personal injury protection benefits, for a loss or injury that occurs while a driver is**  
10 **operating a private passenger motor vehicle to provide transportation services for compen-**  
11 **sation in affiliation with a transportation network company.**

12       (2) Personal injury protection benefits apply to a person's injury or death resulting:

13       (a) In the case of the person insured under the policy and members of that person's family re-  
14 siding in the same household, from the use, occupancy or maintenance of any motor vehicle, except  
15 the following vehicles:

16       (A) A motor vehicle, including a motorcycle or moped, that is owned or furnished or available  
17 for regular use by any of such persons and that is not described in the policy;

18       (B) A motorcycle or moped which is not owned by any of such persons, but this exclusion applies  
19 only when the injury or death results from such person's operating or riding upon the motorcycle  
20 or moped; and

21       (C) A motor vehicle not included in subparagraph (A) or (B) of this paragraph and, **except as**  
22 **provided in paragraph (c) of this subsection**, not a private passenger motor vehicle. However,  
23 this exclusion applies only when the injury or death results from such person's operating or occu-  
24 pying the motor vehicle.

25       (b) In the case of a passenger occupying or a pedestrian struck by the insured motor vehicle,  
26 from the use, occupancy or maintenance of the vehicle.

27       **(c) In the case of a person insured under the policy who operates a personal motor ve-**  
28 **hicle or a taxi with which the person provides transportation services to passengers for**  
29 **compensation in affiliation with a transportation network company or a taxi company, from**  
30 **the use, occupancy or maintenance of the personal motor vehicle or taxi.**

31       (3) Personal injury protection benefits consist of payments for expenses, loss of income and loss  
32 of essential services as provided in ORS 742.524.

33       (4) An insurer shall pay all personal injury protection benefits promptly after proof of loss has  
34 been submitted to the insurer.

35       (5) The potential existence of a cause of action in tort does not relieve an insurer from the duty  
36 to pay personal injury protection benefits.

37       (6) Disputes between insurers and beneficiaries about the amount of personal injury protection  
38 benefits, or about the denial of personal injury protection benefits, shall be decided by arbitration  
39 if mutually agreed to at the time of the dispute. Arbitration under this subsection shall take place  
40 as described in ORS 742.521.

41       (7) An insurer:

42       (a) May not enter into or renew any contract that provides, or has the effect of providing,  
43 managed care services to beneficiaries.

44       (b) May enter into or renew any contract that provides evaluation services for beneficiaries.

45       **SECTION 3. The amendments to ORS 742.518 and 742.520 by sections 1 and 2 of this 2021**

1 **Act apply to policies of insurance that an insurer issues or renews on and after the effective**  
2 **date of this 2021 Act and to transportation network companies and taxi companies that**  
3 **conduct operations on and after the effective date of this 2021 Act.**

4

---