

HB 2393-2
(LC 847)
3/25/21 (TSB/ps)

Requested by HOUSE COMMITTEE ON BUSINESS AND LABOR (at the request of Northwest Insurance Council, Oregon Trial Lawyers Association)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2393**

1 On page 1 of the printed bill, delete line 3 and insert “742.518 and
2 742.520.”.

3 Delete lines 5 through 28 and delete pages 2 through 10 and insert:

4 **“SECTION 1.** ORS 742.518 is amended to read:

5 “742.518. As used in ORS 742.518 to 742.542:

6 “(1) ‘Evaluation services’ means physical examinations or reviews of
7 medical records of beneficiaries conducted at the request of an insurer by
8 either an employee of the insurer or a third-party medical record or bill re-
9 view 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
12 that attempts to control or coordinate use of health care services in order
13 to contain health care expenditures or improve quality of health care ser-
14 vices.

15 “(3) ‘Motor vehicle’ means a self-propelled land motor vehicle or trailer,
16 other than:

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

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

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

21 “(4) ‘Motorcycle’ and ‘moped’ have the meanings given those terms in

1 ORS 801.345 and 801.365.

2 “(5) ‘Occupying’ means in, or upon, or entering into or alighting from.

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

8 “(7) ‘Personal injury protection benefits’ means the benefits described in
9 ORS 742.518 to 742.542.

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

15 “(9) ‘Proof of loss’ means documentation that allows an insurer to deter-
16 mine whether a person is entitled to personal injury protection benefits and
17 the amount of any benefit that is due.

18 “(10) ‘Provider’ has the meaning given that term in ORS 743B.001.

19 “(11) **‘Taxi company’ means a person that provides transportation**
20 **services that passengers may request by means of telephone, software**
21 **applications, websites or other Internet-based electronic technology**
22 **or by visible, audible or otherwise physically perceptible signaling di-**
23 **rectly to a hired driver who provides the transportation services with**
24 **a motor vehicle that the hired driver:**

25 **“(a) Owns and operates in affiliation with the person;**

26 **“(b) Leases or rents from the person; or**

27 **“(c) Has other authorization from the person to use for the pur-**
28 **poses described in this subsection.**

29 **“(12) ‘Transportation network company’ means a person that pro-**
30 **vides a software or digital application, the express purpose of which**

1 **is to connect to the Internet and enable a prospective passenger to**
2 **seek and obtain transportation services from a driver who operates a**
3 **private passenger motor vehicle for the purpose of providing trans-**
4 **portation services in affiliation with the person.**

5 **“SECTION 3.** ORS 742.520 is amended to read:

6 **“742.520. (1)(a)** Every motor vehicle liability policy issued for delivery in
7 this state that covers any private passenger motor vehicle shall provide
8 personal injury protection benefits to the person insured thereunder, mem-
9 bers of that person’s family residing in the same household, children not re-
10 lated to the insured by blood, marriage or adoption who are residing in the
11 same household as the insured and being reared as the insured’s own, pas-
12 sengers occupying the insured motor vehicle and pedestrians struck by the
13 insured motor vehicle.

14 **“(b)** A transportation network company shall provide a motor ve-
15 **hicle liability policy with personal injury protection benefits to each**
16 **driver who operates a private passenger motor vehicle in affiliation**
17 **with the transportation network company.**

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

21 **“(d)** The personal injury protection benefits described in paragraphs
22 **(b) and (c) of this subsection must, at all times during which the**
23 **driver operates the private passenger motor vehicle or the taxi to**
24 **provide transportation services to passengers in affiliation with the**
25 **transportation network company or the taxi company, cover the driver**
26 **of the private passenger motor vehicle or taxi, any passengers that**
27 **occupy the private passenger motor vehicle or taxi and pedestrians**
28 **that are struck by the private passenger motor vehicle or taxi.**

29 **“(e)** Notwithstanding paragraphs (b), (c) and (d) of this subsection,
30 **an insurer may exclude from a motor vehicle liability policy any cov-**

1 **erage, including personal injury protection benefits, for a loss or in-**
2 **jury that occurs while a driver is operating a private passenger motor**
3 **vehicle or a taxi to provide transportation services in affiliation with**
4 **a transportation network company or a taxi company.**

5 “(2) Personal injury protection benefits apply to a person’s injury or death
6 resulting:

7 “(a) In the case of the person insured under the policy and members of
8 that person’s family residing in the same household, from the use, occupancy
9 or maintenance of any motor vehicle, except the following vehicles:

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

13 “(B) A motorcycle or moped which is not owned by any of such persons,
14 but this exclusion applies only when the injury or death results from such
15 person’s operating or riding upon the motorcycle or moped; and

16 “(C) A motor vehicle not included in subparagraph (A) or (B) of this
17 paragraph and, **except as provided in paragraph (c) of this subsection,**
18 not a private passenger motor vehicle. However, this exclusion applies only
19 when the injury or death results from such person’s operating or occupying
20 the motor vehicle.

21 “(b) In the case of a passenger occupying or a pedestrian struck by the
22 insured motor vehicle, from the use, occupancy or maintenance of the vehi-
23 cle.

24 “(c) **In the case of a person insured under the policy who operates**
25 **a private passenger motor vehicle or a taxi with which the person**
26 **provides transportation services to passengers in affiliation with a**
27 **transportation network company or a taxi company, and members of**
28 **the person’s family residing in the same household, from the use, oc-**
29 **cupancy or maintenance of the private passenger motor vehicle or**
30 **taxi.**

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

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

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

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

12 “(7) An insurer:

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

15 “(b) May enter into or renew any contract that provides evaluation ser-
16 vices for beneficiaries.

17 **“SECTION 4. The amendments to ORS 742.518 and 742.520 by**
18 **sections 1 and 2 of this 2021 Act apply to policies of insurance that an**
19 **insurer issues or renews on and after the effective date of this 2021**
20 **Act and to transportation network companies and taxi companies that**
21 **conduct operations on and after the effective date of this 2021 Act.”.**

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