

Senate Bill 952

Sponsored by COMMITTEE ON JUDICIARY

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**.

Modifies amount of reimbursement due personal injury protection provider when total benefits exceed damages.

A BILL FOR AN ACT

1
2 Relating to personal injury protection benefits; creating new provisions; and amending ORS 742.544.

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

4 **SECTION 1.** ORS 742.544 is amended to read:

5 742.544. (1) A provider of personal injury protection benefits shall be reimbursed for personal
6 injury protection payments made on behalf of any person only to the extent that the total amount
7 of benefits paid exceeds the [*economic*] damages [*as defined in ORS 31.710*] suffered by that person.
8 As used in this section, "total amount of benefits" means the amount of money recovered by a per-
9 son from:

10 (a) Applicable underinsured motorist benefits described in ORS 742.502 (2);

11 (b) Liability insurance coverage available to the person receiving the personal injury protection
12 benefits from other parties to the accident;

13 (c) Personal injury protection payments; and

14 (d) Any other payments by or on behalf of the party whose fault caused the damages.

15 (2) Nothing in this section requires a person to repay more than the amount of personal injury
16 protection benefits actually received.

17 **SECTION 2. The amendments to ORS 742.544 by section 1 of this 2005 Act apply to motor**
18 **vehicle liability policies issued or renewed on or after the effective date of this 2005 Act.**

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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.