

STANDARDS FOR MOTOR VEHICLE FORMS FILING

This checklist must be submitted with your filing in compliance with OAR 836-010-0011(2). This list includes relevant statutes, rules, bulletins, and other documented positions to enforce ORS 731.016. The standards are summaries and review of the entire statute or rule may be necessary. Complete each item to confirm that diligent consideration has been given to each and is certified by the signature on the certificate of compliance form. “Not applicable” can be used only if the item does not apply to the coverage being filed. Any line left blank will cause this filing to be considered incomplete. Not including required information or policy provisions may result in disapproval of the filing. *(If submitting your filings electronically, bookmark the provision(s) in the form(s) that satisfy the requirement and identify the page/paragraph on this form.)*

The checklist is NOT APPLICABLE to the following:

For TOIs not listed, see our Web site for specific standards at: http://insurance.oregon.gov/docs/serff/filing_requirements.html.

Adopting bureau forms, see requirements under *Bureau Form Adoption* on our Web site.

Adopting rating organization loss cost; see requirements under *Rating Organization Loss Cost* on our Web site.

Motor-vehicle applications filed separately from the policy; see specific standards on our Web site.

Mechanical breakdown, GAP and rental vehicle company filings; see specific requirements on our Web site.

Filing of simple endorsements, title or declaration pages, or advertisements does not require a checklist of standards; see the Web site.

Insurer name: _____

Date: _____

Market:

Personal lines

Commercial lines

TOI (type of insurance): 19.0 Personal Auto

20.0 Commercial Auto

Sub-TOI code:

- 19.0001 Private Passenger Auto
- 19.0002 Motorcycle
- 19.0003 Recreational Vehicles
- 19.0004 Other _____

- 20.0001 Business Auto
- 20.0002 Garage
- 20.0003 Other _____
- 20.0004 Truckers

Type of filing:

- Standard market
- Non-standard market
- Antique/classic
- Named driver exclusion (Requirements listed under limits.)
- Non-owner

Review requirement	Reference	Description of review standards requirements	Location of standard in filing (or check the box)
GENERAL REQUIREMENTS FOR ALL FILINGS			
Product Locator		Were the forms in your filing developed with the NAIC Product Locator, Oregon information? <i>(The requirements on this document are substantially the same as those on the Product Locator for consistency in drafting and meeting these filing requirements.)</i>	Yes No <input type="checkbox"/> <input type="checkbox"/>
Filing submission	OAR 836-010-0011 As required on SERFF or our Web site	Required forms are located on SERFF or on our Web site at: http://insurance.oregon.gov/docs/serff/filing_requirements.html . These must be submitted for your filing to be accepted as complete: 1. Uniform Transmittal Document (paper filings only) 2. Filing Description in SERFF or on Transmittal form. (Cover letter) 3. Third-party filer's letter of authorization. 4. Certificate of compliance form. 5. Product standards (this document). 6. The standards for motor-vehicle rates and rules & explanatory memorandum, if rates and rules are part of this filing. (If filing separately, indicate in the cover letter.) 7. If filing homeowners/auto combination, include standards for homeowners. 8. Forms filed for approval. 9. For mail filings, two self-addressed stamped envelopes, one large enough for the Division to return approved forms.	Yes N/A <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
No filing or filing exemptions	ORS 742.468	<u>Exemptions from these standards:</u> (ORS 742.468) Certain policies are not considered motor vehicle liability policies and do not mandate types or amounts of coverage. The following are not considered motor-vehicle liability policies. Refer to the appropriate standards. (1) Comprehensive general liability. (2) Excess liability. (3) Umbrella liability.	
Review	ORS 742.003(1)	Included in this filing for review: 1. New policy or program. 2. Endorsements amending an existing program that include additional coverages in these standards need only attach the pages addressing that area. 3. Notice of claim requirements issued with liability policies 4. Application form. 5. Insurance identification card. 6. Statement Electing Lower Limits (example in Exhibit 1 under OAR 836-054-0000).	Yes N/A <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Effective date	ORS 742.003	No policy has been issued or will be issued using the forms in this filing until the filing is approved.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
Other related forms				
Insurance pool notification	ORS 742.570	When required by ORS 742.570, notification is given to the named insured of possible eligibility for automobile liability insurance through any insurance pool or facility operating in Oregon when automobile bodily injury and property damage liability coverage is canceled. The notice is included with the notice of cancellation or the notice of intent not to renew.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
Insurance card	ORS 742.447	A card is issued for each covered vehicle with every motor vehicle liability policy. The card must show the effective date and the expiration date of insurance that meets either the financial or future-responsibility requirements of ORS Chapter 806. Refer to http://www.oregon.gov/ODOT/DMV/driverid/insurance.shtml	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
Notice of claim requirement	ORS 746.290	Motor vehicle liability policies are accompanied by a prominent notice of the claim rights and responsibilities of the insured and notice that a particular repair shop cannot be required as a condition for recovery.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
Statement electing lower limits	ORS 742.502(2)(b)	The company meets one of the following to satisfy the approval requirement: <u>Approval option 1</u> - The example statement obtained from OID is used for electing lower limits.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
		<u>Approval option 2</u> - The statement used is in substantial compliance and includes the following: (a) An acknowledgment by the named insured that the named insured was offered uninsured-motorist coverage with limits equal to those for bodily injury liability. (b) A brief summary, not part of the insurance contract, of uninsured- and underinsured-motorist coverages. (c) A statement of the price for coverage per insured vehicle, with limits equal to the named insured's bodily injury-liability limits and the price for coverage per insured vehicle with the lower limits requested by the named insured. (d) A notice to the effect that the statement shall remain in force until rescinded in writing by a named insured or until such time as motor-vehicle-bodily-injury-liability limits are changed. (e) Signed, dated, and submitted within 60 days from the time insured elects lower limits.	Yes <input type="checkbox"/>	NA <input type="checkbox"/>
		<u>Approval option 3</u> - The statement is included in this filing for prior approval or has been previously approved and complies with ORS 742.502 (2)(b)	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
Application form (Personal lines)				
Application	ORS 742.458(1)	The application is filed for approval as part of the entire contract as required under ORS 742.003(1) and does not conflict with laws relating to the coverage.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 746.260 & 746.265(3)	<u>Driving record</u> - The application does not ask for convictions or accidents beyond three years immediately preceding the application for new or renewal coverage unless the question is specifically asked to qualify the applicant for a discount.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.562 & 742.564	The application does not state coverage will be considered "null and void." It may state that coverage may be canceled or a claim denied.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>

Application (continued)	ORS 746.265(2)(a)	<u>Conviction for violations</u> - The application asks for convictions of violations and not violations.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 746.265(2)(c)	<u>Non-driving offense prohibited</u> - The application does not ask for records of convictions or driver-license suspensions that are non-driving offenses.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.450(6), OAR 836-058- 0010	<u>Named drivers excluded</u> -A person identified as an excluded driver is not the named insured. Exclusions stated on the application correspond with those in the policy and comply with the requirements listed for forms under “Exclusions and Limits”.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	Bulletin 98-5	<u>Fraud warning</u> - The application is not required to include a fraud warning. (If one is included, it must be general in nature and does not state that the applicant is “guilty” of fraud, but that they “may be” guilty of fraud.)	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.013	<u>Warranties</u> - All statements and descriptions in the application made by or on behalf of the insured are representations and not warranties. Misrepresentations do not prevent coverage unless fraudulent or material to the acceptance of the risk.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

FORMS

Legibility of forms	ORS 742.005(2)	The forms are clear and understandable in the presentation of premiums, labels, description of contents, title, headings, backing, and other indication (including restrictions) in the provisions. The information is clear and understandable to the consumer and is not unintelligible, uncertain, ambiguous, abstruse, or likely to mislead.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Policy documentation	ORS 742.450(1)	<u>Declaration page</u> - The policy-declaration page states the following: (a) The name of the underwriting insurer. (b) The name and address of the named insured. (c) The coverage afforded by the policy. (d) The premium charged. (e) The policy period and the limits of liability.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.458	(1) The policy contains an “entire contract” provision	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
		(2) The policy contains a statement that the satisfaction by the insured of a judgment for injury or damage is not a prerequisite to the insurer fulfilling its right or duty to make payment on account of such injury or damage.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
ORS 742.500 and 742.504(2); ORS 742.508; 742.510, and 742.520(1); 742.520(7); 742.560 to 572	<u>Definitions</u> - The policy includes, either in the general section or the applicable section of the policy, statutory or substantially equivalent definitions for the following: Property damage - ORS 742.508, 742.510, & 742.520(1) Personal injury protection - ORS 742.520(7) Uninsured and underinsured - ORS 742.500 and 742.504(2) Cancellation and nonrenewal - ORS 742.560 to 742.572	Yes <input type="checkbox"/> N/A <input type="checkbox"/>	

Policy documentation (continued)	ORS 806.080, 806.270, 806.075	<u>Minimum requirements</u> - A motor vehicle liability insurance policy that meets the financial-responsibility requirements under ORS 806.060 ORS 806.070 and/or ORS 806.075, or future responsibility requirements under ORS 806.270 contains all of the following requirements: (1) The policy explicitly describes or references all motor vehicles covered by the policy. (2) The policy insures the named insured and all other persons insured under the terms of the policy against loss from liabilities imposed by law for damages arising out of the ownership, operation, use, or maintenance of motor vehicles by persons insured under the policy. (3) The policy includes coverage for all persons who, with the consent of the named insured, use the motor vehicles insured under the policy, except for any person specifically excluded from coverage under ORS 742.450. Named driver exclusions address liability coverage only. No exclusion or reduced limits apply to UM/UIM or PIP	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.450		Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.046(2)		Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	OAR 836-062-0005 & 0010	<u>Physical damage policies, notice</u> - The face page of a physical damage policy includes the required disclosure or a notice which is substantially the same.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	Policy period	ORS 742.048	<u>Effective date and time</u> - Policy states that coverage commences at 12:01 a.m. and the date. It includes a statement that coverage applies only to accidents that occur on and after the effective date of the policy; during the policy period.	Yes <input type="checkbox"/>
Titles & headings	ORS 742.005(2)	Each form filed identifies the insurer and is clearly titled. Headings for benefits include references to any limitations and restrictions in the provision.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
Access to courts	ORS 742.061	<u>Attorney fees</u> - If a claim settlement is not made within six months and action is brought to court, should the plaintiff's recovery exceed the amount of payment made by the defendant, the court will set attorney fees to be paid as part of the costs of legal action and any appeal, unless the parties agree to binding arbitration.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
Bankruptcy	ORS 742.031	The policy includes a bankruptcy provision similar to that in ORS 742.031	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>

Cancellation & nonrenewal	ORS 742.562(1)	<p><u>Grounds for cancellation</u> - The policy provides that notice of cancellation is limited to one or more of the following reasons:</p> <p>(a) Nonpayment of premium.</p> <p>(b) Fraud or material misrepresentation affecting the policy or in the presentation of a claim thereunder or violation of any of the terms or conditions of the policy.</p> <p>(c) The named insured or any customary operator of an automobile insured under the policy has had driving privileges suspended or revoked during the policy period or 180 days immediately preceding the effective renewal date. An insurer may not cancel a policy for suspension of driving privileges if based on a non-driving offense.</p> <p>[No policy is canceled or annulled after the occurrence of an injury or damage that takes place prior to the effective date of cancellation, and no statement made by or for the insured in violation of the policy is used to defeat or void the policy. ORS 742.456]</p>	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.702 and OAR 836-085-010	For commercial auto which is included in a package with commercial general liability the general liability cancellation rule applies, a policy in effect for 60 or more days may be cancelled prior to policy expiration only for specific reasons listed in ORS 742.702. The effective date of cancellation for cause is no less than 10 working days after the insured receives notice.	
	ORS 742.564(1) and 742.706(2)	<u>Notice</u> - Notice of cancellation is delivered by the insurer to the named insured at least 30 days prior to the effective date of cancellation and is accompanied by the reason for cancellation, unless cancellation is for nonpayment of premium, in which case at least 10 days' notice of cancellation is given accompanied by the reason.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.566(1), 742.706(1) and OAR 836-085-0025	<u>Renewal and nonrenewal</u> - The policy provides for renewal of the policy contingent upon payment of premium unless the insurer mails or delivers to the named insured, at the address shown in the policy, at least 30* days' advance notice and the reason for nonrenewal. For commercial auto, when the coverage for auto is a part of a package that includes general liability the general liability law applies. If renewal is on terms less favorable or at higher rates, the new terms or rates may take effect on the renewal date, if the insurer provides the insured, and the agent if any, 30* days' written notice. * 2005 legislative change takes this to 45 days effective 1-1-06	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.566	<u>Termination</u> - The policy provides for automatic termination on the effective date of any replacement or succeeding automobile insurance policy, with respect to any automobile designated in both policies.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.568, 742.708 and OAR 836-085-0050	Documentation of mailing the notice of cancellation or nonrenewal to the named insured at the address shown in the policy serves as record of proof of notice.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Fees, service charges, taxes	OAR 836-071-0269 and ORS 731.808	All charges to the policyholder are listed on the declarations page. Field add-ons are not permitted.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

Excess coverage	ORS 742.464	The policy contains lawful coverage exceeding or in addition to required coverage, and such coverage is clearly disclosed as not subject to the provisions of ORS 742.031, 742.400 and 742.450 - 464. The coverage that provides minimum limits meets the requirements of those sections.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	OAR 836-058-0020	<u>Named Person Excluded from Excess Limits</u> – An insurer who excludes one or more persons as provided by law from any coverage in excess of the coverage required by ORS 742.450(2)(a) to be provided in a motor vehicle liability insurance policy issued for delivery in this state must state in the policy or endorsement the policy limits applicable to that person.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Exclusions	ORS 742.450(2)(a); (6) & (7)(a)(b)	<u>Named Driver Exclusions</u> <u>Definitions</u> - All exclusions and limitations are defined, and definitions include financial responsibility requirements as described in ORS 806.070, 806.075 and 806.080 or the coverage described in ORS 801.270. Specific Exclusions are allowed only as stated in ORS 742.450(6)&(7)(a & b) and defined in OAR 836-058-0010 Exclusions apply to liability coverage as described in ORS 806.070/075 & 080 only. No exclusion or step down limits apply to UM/UIM or PIP.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Limits	ORS 742.450(2), (3) & (4) and ORS 806.070 See cases: <i>Wright and Strickland vs. State Farm Mutual Auto Ins. Co.</i> , 332 Or. 20, 22 P.3d 739 (2001); and <i>North Pacific Ins. Co. vs. Hamilton</i> , 332 Or.1, 22 P.3d 744 (2001)	Every motor vehicle liability policy delivered in this state contains an agreement or endorsement stating that, as respects bodily injury and death or property damage, the insurance provides either the coverage described in ORS 806.070 or 806.075 as outlined in 806.080. <u>Minimum limits</u> - The policy provides at least the minimum amount required to qualify for financial responsibility under ORS 806.070 or ORS 806.075. The policy includes an agreement that states the insurance provided is subject to all provisions of the Oregon Vehicle Code related to financial responsibility requirements including those in ORS 801.280, or for future responsibility in ORS 801.290.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.450(5)	The policy provides liability coverage up to the limits of coverage when the named insured operates a temporary replacement motor vehicle while the named insured's vehicle is being repaired or serviced, whether or not the insured pays for the use of such a vehicle.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.450(8)	Every motor vehicle liability insurance policy issued for delivery in this state shall contain a provision that provides liability coverage for each family member of the insured residing in the same household as the insured in an amount equal to the amount of liability coverage purchased by the insured.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.450, OAR 836-058-0010, ORS 742.502, and 742.520	The policy may exclude by name any person other than the named insured for any of the following reasons when a signed statement has been obtained from each named insured that the policy will not provide coverage (exclusion does not apply to uninsured motorist, underinsured motorist and auto personal injury protection coverages): (a) A person may be excluded because of the driving record of the person. (b) A person may be excluded due to a suspended license for other than a non-driving offense. (c) A person may be excluded because the excluded person's risk category would cause premiums to create a financial hardship to the named insured.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

Loss settlement	ORS 746.280	<u>Designation of repair shop prohibited</u> - Coverage is not dependent on a particular person or shop making the repairs. See also OAR 836-080-0240(10)	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.053	Policy states that proof of loss forms are available from an insurer upon request by an insured.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Other insurance	ORS 742.510	<u>Property damage (optional) limits:</u> (1) The policy provides motor vehicle liability coverage that meets the minimum limits for injury to or destruction of the property of others in any one accident and makes available coverage for property damage to a private passenger vehicle of the insured as defined in 742.508(3) or a self propelled motor home caused by an uninsured vehicle. (2) A policy does not cover the first \$300 of property damage to the covered motor vehicle as the result of an accident with a hit-and-run vehicle or phantom vehicle. In all other cases, the first \$200 damage is not covered. (3) Coverage for property damage applies only to the amount of damages the insured may be legally entitled to recover and does not include coverage for loss of use of the covered vehicle.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Participating policies	OAR 836-080-0120(2)	A participating policy requires a participation provision that includes substantially equivalent wording to that stated in the rule.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Premium pmt. refund, retention	ORS742.023 (1f) 731.808	<u>Refunds</u> - The policy states the method and formula used for refunding premium for early cancellation.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Rebates	ORS 746.035 & 746.045	Inducements or rebates specified in the policy. If answer is other than "N/A," details must be included in the rates and rules filing.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Motor vehicle liability			
Risk classification	ORS 742.449	A higher risk category is not assigned solely due to absence of coverage, lapse in coverage, or suspension for a non-driving offense pursuant to ORS 809.280(7)(9), as long as the applicant did not violate ORS 806.010.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Binders	ORS 742.458(3)	The policy states that any binder issued pending the issuance of a motor vehicle liability insurance policy fulfills the requirements of the policy.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Exclusions	ORS 742.454	Exclusions may include the following: (1) Liability under any workers' compensation law.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
		(2) Liability on account of bodily injury to, or death of, an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance, or repair of a vehicle.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
		(3) Liability for damage to property owned by, rented to, in charge of, or transported by the insured.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Loss Settlement	ORS 742.460	The motor vehicle liability policy requires the insured to reimburse the insurer for any payment made by the insurer that the insurer would not have been obligated to make under the terms of the policy and provides for the prorating with other valid and collectible insurance.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

Loss Settlement Continued	ORS 742.462	The policy contains the statement that the insurer has the right to settle any claim covered by the policy, and the amount is deductible from the limits of liability.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.456	The policy contains a provision that states the liability of an insurer shall be absolute whenever injury or damage covered by the policy occurs.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Personal injury protection (PIP)			
Arbitration	ORS 742.520 (6) ORS 742.522	Disputes between insurers and beneficiaries about the amount of personal injury protection benefits or about the denial of personal injury benefits, shall be decided by arbitration if mutually agreed to at the time of the dispute. Arbitration under this subsection shall be conducted under local court rules in the county where the arbitration is held. Findings and awards made in arbitration proceeding under this section: are binding on the parties to the arbitration; are not binding on any other party and; may not be used for the purpose of collateral estoppel.	Yes <input type="checkbox"/> No <input type="checkbox"/>
Exclusions	ORS 742.530(1)	The insurer may exclude from coverage for personal injury protection benefits any injured person meeting the following criteria: (a) Intentionally caused self-injury. (b) Participated in any prearranged or organized racing or speed contest or practice or preparation for any such contest. (c) Willfully conceals or misrepresents any material fact in connection with a claim for PIP	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.530(2)	<u>Pedestrians</u> - The insurer may exclude from coverage benefits required by ORS 742.524 (1)(b) and (c) any person injured as a pedestrian in an accident outside this state, other than the insured person or a member of that person's family residing in the insured's household.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Expenses	ORS 742.520(3)	Personal injury protection benefits consist of payments for expenses, loss of income, and loss of essential services as stated in ORS 742.524.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Loss settlement	ORS 742.520(2)	<u>Injury or death</u> - Benefits apply to a person's injury or death resulting: (a) In the case of the person insured under the policy and members of that person's family residing in the same household, from the use, occupancy or maintenance of any motor vehicle, except the following vehicles: (A) A motor vehicle, including a motorcycle or moped, that is owned or furnished or available for regular use by any of such persons and that is not described in the policy; (B) A motorcycle or moped not owned by any of such persons (this exclusion applies only when the injury or death results from such person's operating or riding upon the motorcycle or moped); and (C) A motor vehicle not a private passenger motor vehicle. (This exclusion applies only when the injury or death results from such person's operating or occupying the motor vehicle). (b) In the case of a passenger occupying or a pedestrian struck by the insured motor vehicle, from the use, occupancy or maintenance of the vehicle.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

Loss Settlement (continued)	ORS 742.524(1)	Personal injury protection shall provide the minimum benefits, as prescribed by ORS 742.524(1), for the following: (a) Medical, dental, surgical, ambulance, prosthetic services incurred within 1 year of injury. (b) Loss of income for disability if injured party is usually engaged in remunerative occupation. (c) Incurred cost for essential services during disability if injured party is not employed. (d) Funeral expenses. (e) Child care.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.542	<u>Deductible</u> - Payment by a motor vehicle liability insurer of personal injury protection benefits for its own insured is applied to reducing the amount of damages the insured may be entitled to recover from the insurer under uninsured or underinsured motorist coverage for the same accident, but is not applied in reduction of the uninsured or underinsured motorist coverage policy limits.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.524(2)	<u>Members of household</u> - With respect to the insured person and members of that person's family residing in the same household, the benefits for personal injury protection may include a deductible not to exceed \$250.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.526(2)	<u>Benefit reduction</u> - The personal injury protection benefits may be reduced or eliminated by policy provision when the injured person is entitled to receive workers' compensation benefits or any other, similar medical or disability benefits.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.528	<u>Notice of denial of benefits</u> – For any denial of payment for personal injury protection benefits to or on behalf of an insured a written notice of the denial is required within 60 days of receipt of the claim from the provider stating the reason for the denial and method for contesting the denial with a copy provided to the provider of services under ORS 742.524 (1)(a).	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.536(1)	<u>Required notice</u> - If the injured person makes claim or institutes legal action for damages for injuries against any person, the insured must give notice of the claim or action to the insurer.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
Primary coverage	ORS 742.520(1)	<u>Persons insured</u> - The motor vehicle liability policy provides personal injury protection benefits to the following: (a) The person insured. (b) Members of that person's family and domestic partners residing in the same household. (c) Children not related to the insured by blood, marriage, or adoption who are residing in the same household as the insured and being reared as the insured's or a domestic partners own. (d) Passengers occupying the insured motor vehicle. (e) Pedestrians struck by the insured motor vehicle.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>

Primary coverage continued	ORS 742.526(1)	<p>Primary nature of benefits:</p> <p>(a) The insured and members of the family of the insured residing in the same household, injured while occupying the insured motor vehicle are primary.</p> <p>(b) Passengers injured while occupying the insured motor vehicle are primary.</p> <p>(c) The insured and members of family residing in the same household, injured as pedestrians, are primary.</p> <p>(d) The insured and members of family residing in the same household, injured while occupying a motor vehicle not insured under the policy, are excess.</p> <p>(e) Pedestrians injured by the insured motor vehicle, other than the insured and members of family residing in the same household, are excess over any other collateral benefits to which the injured person is entitled, including, but not limited to, insurance benefits, governmental benefits, or gratuitous benefits.</p>	<p>Yes N/A</p> <p><input type="checkbox"/> <input type="checkbox"/></p>
Subrogation	ORS 742.538	<u>Rights of insurer</u> - The policy describes subrogation rights of the insurer, if personal injury protection benefits are furnished, and the extent to which insurer is entitled to the proceeds of any settlement for benefits furnished by the insurer less the insurer's share of expenses, costs, and attorney fees incurred by the injured person in connection with the recovery.	<p>Yes N/A</p> <p><input type="checkbox"/> <input type="checkbox"/></p>
	ORS 742.538 and OAR 836-080-0240(8)	<u>Recovery calculation:</u> <p>(1) The provision calculates respective shares of expenses, costs, and attorney fees under this section; the basis of allocation shall be the respective proportions borne to the total recovery by such benefits furnished by the insurer, and the total recovery less insurer benefits.</p> <p>(2) If the first-party claimant requests, the claimant's deductible is included in the insurer's demands under its subrogation rights. No deduction for expenses can be taken from the deductible recovery unless an outside attorney is retained.</p>	<p>Yes N/A</p> <p><input type="checkbox"/> <input type="checkbox"/></p>
	ORS 742.536(2), (3)(a) and (b)	The policy provides for the insurer to seek entitled reimbursement for benefits paid from any recovery under the claim. The insurer has a lien for benefits it has furnished, less the proportion, (not to exceed 100 percent), of expenses, costs, and attorney fees incurred by the injured person in connection with the recovery. In the case of a legal action, the action shall be taken in the name of the injured person.	<p>Yes N/A</p> <p><input type="checkbox"/> <input type="checkbox"/></p>
Physical damage			
Appraisal	ORS 742.466(1)	The policy provides that, in the event of a dispute, the insured is authorized to obtain an independent appraisal of the physical damage from a disinterested party.	<p>Yes N/A</p> <p><input type="checkbox"/> <input type="checkbox"/></p>

Loss valuation	Oregon case law <i>Rossier vs Union Automobile Ins. Co.</i> 134 Or.211, 291 P.498(1930), <i>Dunmire Motor Co vs Oregon Mutual Fire Ins</i> 166 Or. 690, 114 P. 2d 1005(1941)	<u>Diminution of value</u> if the policy does not provide coverage for loss of market value or “diminution of value,” the term describing the limitation is specifically defined in the policy.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
		The policy provides a separate exclusion stating there is no coverage for diminished value.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Uninsured and underinsured motorist			
Policy documentation	ORS 742.504(4)(e)	The insured shall promptly provide any information reasonably requested by the insurer that is in the custody and control of the insured, when requesting the insurer to consent to a settlement.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Arbitration	ORS 742.504(10)	This policy provides for arbitration if claim settlement cannot be reached. The parties may elect arbitration by mutual agreement at the time of the dispute. The arbitration shall be conducted, unless otherwise agreed, as follows: Parties to an arbitration shall submit the dispute to arbitration by a panel of three arbitrators. The panel shall consist of one arbitrator chosen by each party and one arbitrator chosen by the two arbitrators previously chosen to sit on the panel. An arbitration proceeding shall be conducted under local court rules here the arbitration is held. Costs to the insured of the arbitration proceeding do not exceed \$100. Costs as used in this provision does not include attorney fees or expenses incurred in the production of evidence or witnesses or the making of transcripts of the proceedings. The person and the insurer each agree to consider themselves bound and to be bound by any award made by the arbitrators.	Yes <input type="checkbox"/> No <input type="checkbox"/>
Action against insurer	ORS 742.504(6)	Any legal action instituted by the insured is required to be forwarded immediately to the insurer by the insured or legal representative of the insured.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.504(8)	The policy provides a statement that no action is against the insurer unless, as a condition precedent, the insured or the legal representative of the insured has fully complied with all the terms of the policy.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

Excess coverage	ORS 742.504(9)(a) & (b)	<p><u>Vehicle not owned by insured</u> - Bodily injury coverage to an insured while occupying a vehicle not owned by a named insured, applies only as excess insurance over any other insurance available to such occupant that is similar to this coverage, and the amount is applied only to the applicable limit of liability of this coverage that exceeds the sum of the applicable limits of liability of all other insurance.</p> <p>(b) If an insured is an insured under other primary or excess insurance available to the insured that is similar to this coverage, then the insured's damages are deemed not to exceed the higher of the applicable limits of liability of this insurance or the additional primary or excess insurance available to the insured, and the insurer is not liable under this coverage for a greater proportion of the insured's damages than the applicable limit of liability of this coverage bears to the sum of the applicable limits of liability of this insurance and other primary or excess insurance available to the insured.</p>	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.504(9)(c)	<p><u>Public vehicle</u> - With respect to bodily injury to an insured while occupying any motor vehicle used as a public or delivery conveyance, the insurance under this coverage applies only as excess insurance over any other, similar coverage, and this insurance is then applied only in the amount by which the applicable limit of liability of this coverage exceeds the sum of the applicable limits of liability of all such other insurance.</p>	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Exclusions	ORS 742.504(2)(e)	<p>The policy excludes from the "uninsured vehicle" category the following:</p> <p>(A) An insured vehicle.</p> <p>(B) Except as provided in paragraph (j)(E) a vehicle owned or operated by a self-insurer, within the meaning of any motor-vehicle-financial-responsibility law, motor-carrier law or any similar law. Paragraph (j) (E) States that a vehicle owned or operated by a self insurer is an uninsured vehicle if (i) it is not in compliance with ORS 806.130 or if it provides recovery to an insured in an amount that is less than the limits for uninsured motorist coverage of the insured.</p> <p>(C) A vehicle owned by the United States of America, Canada, a state* a political subdivision of any such government*, or an agency of any such organization*</p> <p>*NOTE: HB2908 (2007) requires an insurer to apply its' uninsured coverage benefits to vehicles owned by Oregon public bodies if the insured carries higher limits than the Oregon Tort Claims Act for public bodies (outlined in ORS 30.270 requires. A vehicle owned by an Oregon public body is thus treated like an uninsured/underinsured vehicle even though the vehicle is not included in the definition of uninsured vehicle in ORS 742.504.</p> <p>(D) A land motor vehicle or trailer operated on rails or crawler treads or while used as a residence or premises and not as a vehicle.</p> <p>(E) A farm-type tractor or equipment designed for use principally off public roads, except while actually upon public roads.</p> <p>(F) A vehicle owned by or furnished for the regular or frequent use of the insured or any member of the household of the insured.</p>	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

Exclusions continued	ORS 742.504(4)(a)	The policy contains a statement that the coverage does not apply to bodily injury of an insured when the insured or the legal representative, without the written consent of the insurer, makes a settlement with or prosecutes to judgment any action against any person or organization who may be legally liable.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.504(4)(b)	The policy contains a statement that the coverage does not apply to bodily injury to an insured while occupying a vehicle (other than an insured vehicle) owned by, or furnished for the regular use of, the named insured or any relative resident in the same household, or through being struck by such a vehicle.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.504(4)(c)	The policy contains a statement that the coverage does not apply to the benefit of any workers' compensation carrier, any person or organization qualifying as a self-insurer under any workers' compensation or disability benefits law, or any similar law, or the State Accident Insurance Fund Corporation.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
Limits	ORS 742.502(2)(a)	The uninsured-motorist coverage contains the same limits as for bodily injury liability coverage unless a named insured elects lower limits in writing. Lower limits are not lower than amounts prescribed to meet requirements of ORS 806.070 for bodily injury or death.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.504(1)(a) & (b)	<u>Minimum limits</u> - The policy provides for the payment of all sums legally entitled to recover for bodily injury sustained by the insured and caused by accident by an uninsured vehicle. Disagreement about damages may be settled in arbitration as provided under the policy.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
		The policy provides that no judgment against any person or organization alleged to be legally responsible for bodily injury, except for proceedings instituted against the insurer as provided in the policy, is conclusive, as between the insured and the insurer, on the issues of liability of such person or organization or of the amount of damages to which the insured is legally entitled.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.502(3)	<u>Larger limits</u> - If uninsured motorist coverage larger than the amounts required by ORS 806.070 is offered: a) Underinsurance coverage shall be included for damages or death caused by accident and arising out of the ownership, maintenance, or use of a motor vehicle with liability insurance that provides recovery in an amount that is less than the insured's uninsured motorist coverage. b) Underinsurance benefits shall be equal to uninsured-motorist-coverage benefits less the amount recovered from other automobile liability insurance policies.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>

Limits (continued)	ORS 742.504(4)(d)	The policy contains a statement that the coverage does not apply with respect to underinsured motorist benefits unless: (A) The limits of liability under any bodily injury liability bonds or policies applicable at the time of the accident regarding the injured person have been exhausted by payment of judgments or settlements to the injured person or other injured persons. (B) The described limits have been offered in settlement, the insurer has refused consent to settlement, and the insured protects the insurer's right of subrogation to the claim against the tortfeasor. (C) The insured gives credit to the insurer for the unrealized portion of the described liability limits as if the full limits had been received if less than the described limits have been offered in settlement, and the insurer has consented to settlement. (D) The insured gives credit to the insurer for the unrealized portion of the described liability limits as if the full limits had been received if less than the described limits have been offered in settlement and, if the insurer has refused consent to settlement, the insured protects the insurer's right of subrogation to the claim against the tortfeasor.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.504(7)(a)	<u>Limits per accident</u> - The policy contains a provision stating that the limit on liability stated in the declarations for "each person" is the limit of the insurer's liability for all damages because of bodily injury for that person per accident, and the limit stated for "each accident" is the total limit of the insurer's liability for all damages because of bodily injury sustained by two or more persons as the result of any one accident.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.504(7)(b)	<u>Liability limits</u> - The policy contains a provision stating that any payment made under this coverage to or for an insured reduces the amount the insured may be entitled to recover from any person who is insured under the bodily injury liability coverage of this policy.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.504(7)(c) see case: <i>Bergmann v. Hutton and Farmers Ins. Of Oregon</i> , 337 Or 596(2004)	The policy contains a provision that any damage amount payable under the terms of this coverage because of bodily injury sustained in an accident by a person who is an insured under this coverage is reduced by: (A) All sums paid on account of such bodily injury by or on behalf of the owner or operator or any other person or organization jointly or severally liable, together with such owner or operator, for such bodily injury, including all sums paid under the bodily injury liability coverage of the policy; and (B) The amount paid and the present value of all amounts payable on account of such bodily injury under any workers' compensation law, disability benefits law or any similar law	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 742.504(7)(d)	The policy contains a provision that any amount payable under the terms of this coverage because of bodily injury sustained in an accident by a person who is an insured under this coverage is reduced by the credit given to the insurer, pursuant to ORS 742.504(4)(d)(C) or (D).	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>

Limits (continued)	ORS 742.504(7)(e)	The policy contains a provision that the amount payable is not reduced by the amount of liability proceeds offered, as described in ORS 742.504(4)(d)(B) or (D) and has not been paid to the injured person. If liability proceeds have been offered and not paid, the amount payable is included in the amount of liability limits offered but not accepted due to the insurer's refusal to consent. The insured shall cooperate so as to permit the insurer to proceed by subrogation or assignment to prosecute the claim against the uninsured motorist.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Loss settlement	ORS 742.504(5)	The policy describes the following claims procedures: (a) As soon as practicable, the insured or other person making claim must give the insurer written proof of claim and submit to examinations under oath as may reasonably be required. Proof of claim is made on forms furnished by the insurer unless the insurer fails to furnish forms within 15 days after receiving notice of claim. (b) Upon reasonable request of and at the expense of the insurer, the injured person must submit to physical examinations by physicians selected by the insurer and give authorization to the insurer to obtain medical reports and copies of records.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.504(2)(f) and (g)	When a "hit-and-run" or "phantom" vehicle is involved, the accident must be reported within 72 hours to a police or equivalent department as listed in the statute and within 30 days to the insurer.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.504(9)(b)	With respect to bodily injury to an insured while occupying or through being struck by an uninsured vehicle, if the insured has other, similar coverage, then the damages are deemed not to exceed the higher of the applicable limits of liability of this insurance or such other insurance, and the insurer is not liable under this coverage for a greater proportion of the damages than the pro-rata portion of this coverage.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 743.052(5)	<u>Recovery proceeds</u> - The policy defines the "amount recovered from other automobile liability insurance policies" to mean the proceeds of liability insurance recovered by or on behalf of the injured party. Proceeds include reimbursement to injured party's insurer, medical providers, and attorney fees but does not include any proceeds of that liability policy received by other injured persons.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Primary Coverage	ORS 742.502(2)(a)	Uninsured motorist coverage in amounts larger than those required by ORS 806.070 includes underinsurance coverage for damages or accidental death equal to uninsured motorist coverage benefits, less the amount recovered from other automobile liability policies, and when the coverage amount is less than the insured's uninsured motorist coverage.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.506	The policy contains a provision that expressly allocates responsibility between insurers, or self-insurers, without repugnancy.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Policy Territory	ORS 742.504	Uninsured Motorist policy territory is within the United States of America, its Territories or possessions or Canada.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>