

STANDARDS FOR MOTOR VEHICLE FORMS

This checklist (product standards) has been provided as an aid to assist you in preparing your filing. Please complete this checklist and attach it to the Supporting Documentation tab where indicated. ORS 731.296, OAR 836-010-0011 (2) & (3).

This checklist includes relevant statutes, rules, bulletins, and other documented positions to enforce ORS 731.016. **The standards are summaries. Review of the entire statute or rule may be necessary.** After diligent consideration has been given to each item, mark “Yes”, “Confirm”, or the “N/A” box, or provide the page and paragraph where the information may be found. If a state specific amendatory endorsement is being used, note the form number under the page and paragraph area. “Not applicable” can only be used if the item does not apply to the coverage being filed. Any line left blank may result in the delay or disapproval of the filing.

The checklist is NOT APPLICABLE to the following:

- For TOIs not listed, see our Web site for specific standards at: <http://dfr.oregon.gov/rates-forms/pc/Pages/pc.aspx>.
- Adopting bureau forms; see requirements under *Bureau Form Adoption* on our Web site.
- Adopting rating organization loss costs or rules; see requirements under *Rating Organization Loss Cost* on our website.
- Motor-vehicle applications and supplemental applications filed separately from the policy; see filing requirements on our website.
- Mechanical breakdown, GAP, Collateral Protection, Residual Value, and Vehicle Rental Company filings; see standards on our website.

IMPORTANT: Substantial changes to UM/UIM laws as the result of SB 411 are effective January 1, 2016. Are forms compliant with the Oregon Legislative Changes to ORS 742.502 and 742.504? Yes No N/A. Not applicable may only be marked if forms included in this filing are not affected by SB 411. SB 411 changes ORS 742.524 (1) (a). See the section on APIP.

Market:	Personal lines	Commercial lines	
TOI (type of insurance):	<input type="checkbox"/> 19.0 Personal Auto	<input type="checkbox"/> 20.0 Commercial Auto	
Sub-TOI code:	<input type="checkbox"/> 19.0001 Private Passenger Auto	<input type="checkbox"/> 20.0001 Business Auto	
	<input type="checkbox"/> 19.0002 Motorcycle	<input type="checkbox"/> 20.0002 Garage	
	<input type="checkbox"/> 19.0003 Recreational Vehicles	<input type="checkbox"/> 20.0003 Other _____	
	<input type="checkbox"/> 19.0004 Other _____	<input type="checkbox"/> 20.0004 Truckers	
Type of filing:	<input type="checkbox"/> Standard market	<input type="checkbox"/> Antique/classic	<input type="checkbox"/> Non-owner
	<input type="checkbox"/> Non-standard market	<input type="checkbox"/> Named driver exclusion (Requirements listed under limits.)	

GENERAL REQUIREMENTS FOR ALL FILINGS			
Review requirement	Reference	Description of review standards requirements	Check answer
Requirements	OAR 836-010-0011 As required on SERFF or our website	<p>Filing requirements are located on SERFF or on our website at: http://dfr.oregon.gov/rates-forms/pc/Pages/pc.aspx.</p> <p>The correct information must be attached to the appropriate schedule items in order for your filing to be considered complete.</p> <p>The clean copy of the form submitted for approval form must be attached under the Form Schedule tab as a separate Schedule Item. The form number should appear exactly as shown on the PDF document. Any edition/revision date used in the form number must be included under the Form Number column. It is not necessary to use the Edition Date column. However, if you prefer to use the Edition Date column, please do not include the edition date in the Form Number column.</p> <p>The Form Type column and the Action Specific Data column must be completed correctly by providing the Oregon assigned filing number of the previous filing, and the correct form number with the edition date of the form being replaced.</p> <p>If a form will be used with multiple programs or products, provide an explanation of the different programs under the General Filing Description in SERFF, or in a cover letter.</p> <p>Forms of a generic nature that will be used with all lines of insurance, and all products, may be filed using "interline" coding. An example of an "interline" form is a FRAUD WARNING STATEMENT being filed as a simple endorsement for use on any personal insurance policy, or any commercial insurance policy.</p> <ol style="list-style-type: none"> 1. A complete explanation of the purpose of the filing is provided under the General Information tab, or via a Cover letter or Filing Memorandum attached under the Supporting Documentation tab. 2. A third party filers' letter of authorization is attached if applicable. 3. The signed Certificate of Compliance, form 440-3894 is attached to the Supporting Documentation tab. 4. For form submissions, a comparison document (annotated, highlighted, red-lined, or side-by-side) has been provided for each previously approved form. Attach the document/s under the Supporting Documentation tab. 5. The rates and/or rules are attached to the Rate Schedule tab. An actuarial memorandum that provides an overview of the contents of the filing, and the reasons and procedures used to support the rate change has been attached to the Supporting Documentation tab. 	<p>Yes N/A</p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/></p>

Review requirement	Reference	Description of review standards requirements	Check answer
Requirements, continued	OAR 836-010-0011 As required on SERFF or our website	(continued from previous page) 6. The forms being filed for approval are attached to the Form Schedule tab. 7. Attach to the Supporting Documentation tab, those approved amendatory endorsements which bring the forms into compliance with Oregon statutes. For example: Domestic Partnerships, Fraud, Appraisal or Arbitration, Cancellation and Non-renewal, Proof of Loss, and Suit.	Yes N/A <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	ORS 742.468	Exemptions from these standards: (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 and may not be used as evidence of motor vehicle financial responsibility. Refer to form 440-3610, the appropriate product standards for these lines. (1) Comprehensive general liability. (2) Excess liability. (3) Umbrella liability.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
	ORS 742.003(1)	Included in this filing for our review: 1. New policy or program. 2. Endorsements amending an existing program that include additional coverages in these standards need only attach the checklist pages addressing that area. 3. Notice of claim requirements (ORS 746.280/.290) issued with liability policies. 4. Application and Supplemental Application forms. 5. Insurance identification card. 6. Statement Electing Lower Limits (OAR 836-054-0000 exhibit).	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"/>
Discrimination	ORS 106.300 thru ORS 106.340, Bulletin INS 2008-2, OAR 836-081-0010	A provision that recognizes a domestic partnership is included in the policy. Terms and provisions in the Insurance Code and in rules adopted under the Code that refer to or indicate the marital relationship, its dissolution and dependents in a marital relationship will apply in the same manner to domestic partnerships, to their dissolution and to dependents in the partnership.	Yes <input type="checkbox"/>
	ORS 746.015, OAR 836-081-0010(1)(m)	A motor vehicle insurance applicant may not be denied coverage solely due to the absence of insurance unless the lack is in violation of law.	Confirm <input type="checkbox"/>
Requirements	ORS 742.003	No policy has been issued or will be issued using the forms in this filing until the filing is approved.	Confirm <input type="checkbox"/>

Other related forms			
Review requirement	Reference	Description of review standards requirements	Check answer
Cancellation/ Non-renewal	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"/>
Requirements	ORS 742.447, ORS 806.011	Insurance Card - A card or other evidence of insurance is issued for each covered vehicle. The insurance card, policy or binder must contain information on the vehicle being used, insurance company name, policy number and policy expiration date. See the following URL for more information: http://www.oregon.gov/ODOT/DMV/pages/driverid/insuranceproof.aspx	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Requirements	ORS 746.290	Notice of Claim - Motor vehicle liability policies are accompanied by an approved notice of the claim rights and responsibilities of the insured, and a notice that a particular repair shop cannot be required as a condition for recovery. The form is included in the Form Schedule tab for our review and approval. (1) An adjuster establishing loss under a motor vehicle liability insurance policy shall advise the insured of the provisions of ORS 746.280. (2) Every motor vehicle liability insurance policy issued in this state after December 31, 1977, and any extension or renewal after that date of a policy issued before that date shall be accompanied by a statement in clear and conspicuous language approved by the director of: (a) The rights and responsibilities of the insured when a claim is submitted; and (b) The provisions of ORS 746.280. [1977 c.785 §4] ORS 746.280 Designation of particular motor vehicle repair shop by insurer prohibited; notice; limitation of costs. (1) An insurer may not require that a particular person make the repairs to the insured's motor vehicle as a condition for recovery by the insured under a motor vehicle liability insurance policy. (2) Prior to providing a recommendation that a particular person make repairs to the insured's motor vehicle, the person adjusting the claim on behalf of the insurer shall inform the insured of the rights conferred by subsection (1) of this section, in a statement substantially similar to the following: OREGON LAW PROHIBITS US FROM REQUIRING YOU TO GET REPAIRS TO YOUR VEHICLE AT A PARTICULAR MOTOR VEHICLE REPAIR SHOP. YOU HAVE THE RIGHT TO SELECT THE MOTOR VEHICLE REPAIR SHOP OF YOUR CHOICE.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Requirements, continued	ORS 746.290	<p>(3) If an insured elects to have the motor vehicle repaired at a motor vehicle repair shop other than a shop recommended by the insurer, the insurer may not limit the cost of repairs necessary to return the motor vehicle to a pre-loss condition relative to safety, function and appearance other than as stated in the policy or as otherwise allowed by law.</p> <p>(4) If an insured accepts the insurer's recommendation, the insurer shall provide, electronically or in printed form, a statement to the insured within three business days after the date of acceptance in substantially the following form: _____ WE HAVE RECOMMENDED A MOTOR VEHICLE REPAIR SHOP. IF YOU AGREE TO USE OUR RECOMMENDED REPAIR SHOP, YOUR VEHICLE WILL RECEIVE REPAIRS RETURNING IT TO A PRELOSS CONDITION RELATIVE TO SAFETY, FUNCTION AND APPEARANCE AT NO ADDITIONAL COST TO YOU OTHER THAN AS STATED IN THE INSURANCE POLICY OR AS OTHERWISE ALLOWED BY LAW.</p>	
Uninsured/ underinsured motorist	ORS 742.502(2)(b)(c), OAR 836-054-0000	<p>Statement Electing Lower Limits - The company meets one of the following to satisfy the approval requirement:</p> <p>A Selection Form effective Prior to 1/1/2016 may use the existing Exhibit 1. A Selection Form effective 1/1/2016 or later will use Exhibit 1 (9.2015) which is also posted on the DCBS, Rates and Forms website.</p> <p>Approval option 1 – Use the selection Exhibit provided for OAR 836-054-0000 as found on the DCBS, Rates and Forms website.</p> <p>Approval option 2 - The statement used is in substantial compliance and includes the following:</p> <p>(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.</p> <p>(b) A brief summary, not part of the insurance contract, of uninsured- and underinsured-motorist coverages.</p> <p>(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.</p> <p>(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.</p>	<p>Yes <input type="checkbox"/> N/A <input type="checkbox"/></p> <p>Check option <input type="checkbox"/></p> <p><input type="checkbox"/></p>

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Uninsured/underinsured motorist, continued	ORS 742.502(2)(b)(c), OAR 836-054-0000	(e) Signed, dated, and submitted within 60 days from the time insured elects lower limits. Approval option 3 - The statement is included in this filing for prior approval, or has been previously approved and complies with ORS 742.502 (2)(b)	Check option <input type="checkbox"/>
Application form			
Applications	ORS 742.458(1), Bulletin INS 2010-3	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. If fraud language is included in the policy, a fraud warning must be included in the application.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
	ORS 742.562, ORS 742.564	Cancellation - The application does not state coverage will be considered "null and void." It may state that coverage may be canceled or a claim denied. 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' advance notice of cancellation is given accompanied by the reason.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
	ORS 746.265(2)(a)	Conviction for violations - The application asks for convictions of violations, not just violations. The application should not use non-specific terminology, such as; tickets, citations, occurrences, incidents, etc.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
	ORS 746.661, ORS 746.662, ORS 746.663, OAR 836-080-0425 thru OAR 836-080-0440	Credit Scoring for Personal Lines - Credit history may be used as a factor in underwriting and rating new business. The Use of Personal Information Disclosure portion of a personal lines application may indicate that credit will be checked for new business. Once an account has been underwritten and rated that score may not be reviewed or changed unless the policyholder requests it. The renewal score may only be changed if it results in a lower rate/premium.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
	ORS 746.260, ORS 746.265(2)(a) & 3	Personal Auto Driving Record - The application does not ask for convictions or accidents beyond three years immediately preceding the application for new or renewal coverage unless the information will be used to provide a discount. The application should not use non-specific terminology, such as; tickets, citations, occurrences, incidents, etc.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
	ORS 802.200(9), ORS 802.202, ORS 825.410, ORS 746.265	Commercial Auto/Garage Driving Record - The insurer may ask for information regarding accidents and convictions for violations as outlined in ORS 802.200 (9). The application should not use non-specific terminology, such as; tickets, citations, occurrences, incidents, etc.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
	ORS 746.265(2)(c), ORS 809.280 (7) or (9)	Non-driving Offense Prohibited - The application does not ask for records of convictions or driver-license suspensions that are non-driving offenses.	Yes N/A <input type="checkbox"/> <input type="checkbox"/>

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Applications, continued	ORS 742.450(6), OAR 836-058-0010	<u>Named Drivers Exclusion</u> –A named insured cannot be an excluded driver. Any excluded driver must be named on an approved Named Driver Exclusion endorsement that is signed by all named insureds on the policy. The driver exclusion may NOT apply to uninsured motorist, underinsured motorist, or automobile personal injury protection.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.013, ORS 742.456, ORS 742.458, ORS 742.562(1)(b), ORS 742.564, Bulletin INS 2010-3	<u>Fraud warning</u> - If the policy has fraud, concealment, misrepresentation language, then the application is required to include a fraud warning. If one is included, it is general in nature and does not state that the applicant is “guilty” of fraud, but that he or she “may be” guilty of fraud. Fraud or misstatement warnings that mention criminal or civil penalties must avoid definite statements of the criminal nature of an act, guilt, or possible penalties. A warning that specifies that knowingly providing false information “may be” a crime, which “may be” grounds for criminal or civil penalties is appropriate. A motor vehicle fraud or misstatement warning cannot mention voiding or rescission of a policy as possible consequences of an omission, concealment, misstatement or misrepresentation. Insurers should review Bulletin INS 2010-3 and the Insurance Code to determine whether their statements comply. The liability of an insurer with respect to the motor vehicle liability insurance policy required by ORS 806.060, 806.240 or 806.270 shall become absolute whenever injury or damage covered by the policy occurs. The policy may not be canceled or annulled as to such liability by any agreement between the insurer and the insured after the occurrence of the injury or damage. A bound application is the equivalent to a policy.	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			
Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Legibility of forms	ORS 742.005(2)	The forms are clear and understandable in the presentation of premiums, labels, descriptions of content, title, headings, backing, and other indications (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 742.023, ORS 742.450(1)	Every policy shall contain the following: <ul style="list-style-type: none"> • The name of the underwriting insurer, • The name and address of the named insured(s), • The coverage afforded by the policy, • The premium charged, • The policy period, • The coverage 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 ORS 742.504(2), ORS 742.508, ORS 742.510, ORS 742.520, ORS 742.560 to ORS 742.562	Definitions - the policy includes, either in general section or the applicable section of the policy, statutory or substantially equivalent definitions for the following: Uninsured and Underinsured Motorist - ORS 742.500 and ORS 742.504(2) Uninsured Motorist Property damage - ORS 742.508, ORS 742.510 Automobile Personal Injury Protection - 742.520(1) Cancellation and nonrenewal - ORS 742.560 to ORS 742.562	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Requirements Not Part of a Listed Category	ORS 742.585 thru ORS 742.600	Personal Vehicle Sharing Program: If the company excludes a personal automobile from coverage when it is being used in a Personal Vehicle Sharing Program as authorized by HB 3149 (2011), the policy or endorsement language needs to mirror the bill. The bill prohibits insurers from cancelling a policy or re-classifying vehicle use from a private passenger motor vehicle to a commercial use vehicle because of the vehicle’s use in a Personal Vehicle Sharing Program.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Requirements Not Part of a Listed Category, continued	ORS 742.585 thru ORS 742.600	<p>Personal vehicle sharing means the use of a private passenger motor vehicle by persons other than the vehicle's registered owner, in connection with a personal vehicle sharing program. Personal vehicle sharing program means a legal entity qualified to do business in this state engaged in the business of facilitating the sharing of private passenger motor vehicles for non-commercial use by individuals within this state.</p> <p>Coverage exclusions: For bodily injury, property damage, medical payments, automobile personal injury protection, uninsured/underinsured motorist bodily injury, uninsured motorists property damage, comprehensive, and collision coverages arising out of a lease, maintenance or use, loading or unloading of a covered auto when the covered auto is used in a personal vehicle sharing program.</p> <p>The company may also exclude legal liability to defend or indemnify the insured, for any loss or injury that occurs during any time period while a covered auto is under the operation and/or control of any person or organization using the insured's vehicle in a personal vehicle sharing program.</p>	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.005(2)	<p>RIDESHARING GUIDANCE (TNC): If an automobile form addresses both Personal Vehicle Sharing and Commercial Ridesharing (TNC) exposures, the Division expects personal vehicle sharing to follow Oregon laws and be addressed separately from ride sharing. All definitions, provisions, exclusions, limitations or conditions must be clearly outlined.</p>	Confirm <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.005, ORS 746.240	<p>Newly Acquired Vehicle - The policy provides the insured at least 14 days to report a newly acquired vehicle for liability coverage, APIP, and UM/UIM coverage. The policy also provides at least 4 days to report a newly acquired vehicle for physical damage coverage.</p>	
Policy documentation	ORS 806.080, ORS 806.270, ORS 806.075, ORS 742.450	<p>Minimum requirements - 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:</p> <ol style="list-style-type: none"> (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. 	Confirm <input type="checkbox"/>

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Policy documentation, continued	ORS 806.080, ORS 806.270, ORS 806.075, ORS 742.450	Minimum requirements - (continued) (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 APIP.	Confirm <input type="checkbox"/>
	ORS 742.046(2)	Delivery of policy to lien holder - Delivery of a duplicate policy to lien holder – When a vendor, mortgagee, or pledgee of any motor vehicle requires a duplicate policy, a duplicate copy of the policy shall be delivered that provides the name and address of the insurer, insurance classification of the vehicle, type of coverage, limits of liability, premium for the respective coverage, and duration of the policy, or memorandum thereof containing the same such information. If the policy does not provide coverage of legal liability for injury to persons or damage to the property of third parties, a statement of such fact shall be printed, written, or stamped conspicuously on the face of such duplicate policy or memorandum.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	OAR 836-062-0005 & OAR 836-062-0010	Physical damage only policies notice requirement - The face page of a physical damage policy includes the required disclosure or a notice which is substantially the same as outlined in the rule.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Policy period	ORS 742.048	Effective date and time - 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 or after the effective date of the policy; during the policy period.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Titles & headings	ORS 742.005(2)	Each form filed is clearly titled. Headings for benefits include references to any limitations and restrictions in the provision.	Confirm <input type="checkbox"/>
Access to courts	ORS 742.061	Attorney fees - 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.	
Cancellation & nonrenewal	ORS 742.562(1)	Grounds for cancellation - The policy provides that notice of cancellation is limited to one or more of the following reasons: (a) Nonpayment of premium. (b) Fraud or material misrepresentation affecting the policy or in the presentation of a claim, or a violation of any of the terms or conditions of the policy. (continued next page)	

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Cancellation & nonrenewal, continued	ORS 742.562(1) ORS 742.702	<p>Grounds for cancellation – (continued)</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> <p>For commercial auto which is included in a package with commercial general liability the general liability cancellation statute 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.</p>	
	ORS 742.023(1)(e) & (f)	The policy clearly defines the cancellation refund method.	
	ORS 742.564(1)	Notice - 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.	
	ORS 742.566(1), ORS 742.706, OAR 836-085-0025	<p>Renewal and nonrenewal - 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.</p> <p>For commercial auto, when the coverage for auto is 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, 45 days written notice.</p>	
	ORS 742.566	Termination - 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, ORS 742.708, 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"/>

Review requirement	Reference	Description of review standards requirements	Check answer
Fees, service charges, taxes	ORS 731.808, OAR 836-071-0269	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"/>
Requirements Not Part of a Listed Category	ORS 746.035, ORS 746.045	Promotional Offers: Any promotional offer or item disclosed in the policy needs to be specifically identified including what it is and the benefit to the policyholder. Vague language that does not specify the benefit or item offered is not acceptable. Any promotional offer or item that is not related to the risk assumed by the insurer is offered to everyone in a non discriminatory manner.	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 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	Named Person Excluded from Excess Limits – 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. See exception in ORS 742.450 (8).	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Exclusions	ORS 742.450(2)(a),(6) & (7)(a)(b), OAR 836-058-0010, OAR 836-058-0020	Named Driver Exclusions Specific Exclusions are allowed only as stated in ORS 742.450(6), (7)(a) & (b) and in OAR 836-058-0010 Exclusions apply to liability coverage as described in ORS 806.070/075 & ORS 806.080. The exclusion form does not apply to UM/UIM or APIP. The excluded driver may be restricted to financial responsibility limits only for UM/UIM and APIP. Physical damage coverage (comprehensive and collision) may be excluded.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.450, ORS 742.502, ORS 742.520, OAR 836-058-0010	The policy may exclude by name any person other than a named insured for any of the following reasons when an endorsement has been signed by 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): <ul style="list-style-type: none"> • A person may be excluded because of the driving record of the person. • A person may be excluded because the excluded person's risk category would cause premiums to create a financial hardship to the named insured. • A person may be excluded due to a suspended license as outlined in ORS 809.409. • A person may be excluded due to a medical suspension under ORS 809.419(3). 	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Fraud	ORS 742.013	<p>A motor vehicle fraud or misstatement clause cannot mention voiding or rescission of a policy as possible consequences of an omission, concealment, misstatement or misrepresentation. Insurers should review Bulletin INS 2010-3 and the Insurance Code to determine whether their statements comply.</p> <p>The liability of an insurer with respect to the motor vehicle liability insurance policy required by ORS 806.060, 806.240 or 806.270 shall become absolute whenever injury or damage covered by the policy occurs. The policy may not be canceled or annulled as to such liability by any agreement between the insurer and the insured after the occurrence of the injury or damage.</p>	
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)	<p>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.</p> <p><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.</p> <p>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.</p>	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.450(5)	<p>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.</p>	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.450(8)	<p>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.</p>	
Loss settlement	ORS 746.280	<p><u>Designation of repair shop prohibited</u> - Coverage is not dependent on a particular person or shop making the repairs.</p>	Confirm <input type="checkbox"/>
	ORS 742.053	<p>Proof of Loss Forms - Policy states that proof of loss forms are available from an insurer upon request by an insured.</p>	

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Participating plans	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 payment refund, retention	ORS 742.023(1)(f)	Refunds - 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, ORS 746.045	Inducements or rebates are specified in the policy. If the answer is "yes", 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 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)	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 may require 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"/>
	ORS 742.462	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 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"/>

Automobile Personal injury protection (APIP)			
Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Arbitration	ORS 742.520(6), ORS 742.521, 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. The arbitration shall take place under the arbitration laws of the state of Oregon or, if the parties agree, according to any other procedure. "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.	Yes <input type="checkbox"/> N/A <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.	
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).	

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Loss settlement, continued	ORS 742.520(2)	<u>Injury or death</u> - Benefits apply to a person's injury or death resulting: (continued) (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.	
	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 2 years 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.	
	ORS 742.542	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)	Allowable deductible - 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)	Benefit reduction - 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	Notice of denial of benefits – 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)	Required notice - 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"/>

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Primary coverage	ORS 742.520(1)	<p>Persons insured - The motor vehicle liability policy provides personal injury protection benefits to the following:</p> <ul style="list-style-type: none"> (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 partner's 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"/>
	ORS 742.526(1)	<p>Primary nature of benefits:</p> <ul style="list-style-type: none"> (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. (b) Passengers injured while occupying the insured motor vehicle are primary. (c) The insured and members of family residing in the same household, injured as pedestrians, are primary. (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. (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. 	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Subrogation	ORS 742.538	<p>Rights of insurer - 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>	
	ORS 742.538, OAR 836-080-0240(10)	<p>Recovery calculation:</p> <ul style="list-style-type: none"> (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. (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. 	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Subrogation, continued	ORS 742.536(2), (3)(a) & (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.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Requirements Not Part of a Listed Category	ORS 744.850 thru ORS 744.992, ORS 742.502, ORS 742.524, ORS 806.070, Division position [1992]	APIP on Rental or Leased Vehicles - Insurance written on leased and rental vehicles must provide bodily injury, property damage, uninsured motorists, underinsured motorists, and automobile personal injury protection coverage that is no less than the Oregon Financial Responsibility limits stated in ORS 806.070 for BI and PD, ORS 742.502 for UM/UIM, and ORS 742.524 for APIP.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Physical damage			
Appraisal	ORS 742.005, ORS 742.466 <i>Molodyh v. Truck Insurance Exchange</i>	Appraisal to Determine Value of Motor Vehicles – Appraisal should contain one of the following: (1) mutual agreement of the parties at the time of the dispute, with the resulting decision binding on the parties; or (2) the process is mandatory but the resulting decision is not binding. The insurer shall reimburse the insured for the reasonable appraisal costs if the final appraisal decision under the policy provision is greater than the amount of the insurer’s last offer prior to the incurrence of the appraisal costs. 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. In a total loss situation, the appraisal must be performed by a certified appraiser.	
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)	Diminution of value 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"/>

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Uninsured and underinsured motorist			
Policy documentation Policy documentation	ORS 742.500	<p>Definitions:</p> <p>(1) "Bodily injury" has the meaning given that term in ORS 742.504.</p> <p>(2) "Insured" has the meaning given that term in ORS 742.504.</p> <p>(3)(a) "Motor vehicle" means every self-propelled device in, upon or by which any person or property is or may be transported or drawn upon a public highway.</p> <p>(b) "Motor vehicle" does not include:</p> <p>(A) A device used exclusively on stationary rails or tracks;</p> <p>(B) Motor trucks, as defined in ORS 801.355, that have a registration weight, as defined in ORS 803.430, of more than 8,000 pounds, if the insured has employees that operate the trucks and a workers' compensation law, a disability benefits law or a similar law covers the employees; or</p> <p>(C) Farm-type tractors or self-propelled equipment designed for use principally off public highways.</p> <p>(4) "Sums that the insured or the heirs or legal representative of the insured is legally entitled to recover as damages" has the meaning given that term in ORS 742.504.</p> <p>(5) "Uninsured motorist coverage" means coverage within the terms and conditions specified in ORS 742.504 that insures the insured or the heirs or legal representative of the insured for all sums that the insured or the heirs or legal representative is legally entitled to recover as damages for bodily injury or death that is caused by accident and that arises from owning, maintaining or using an uninsured vehicle in amounts or limits not less than the amounts or limits prescribed for bodily injury or death under ORS 806.070.</p> <p>(6) "Uninsured vehicle" has the meaning given that term in ORS 742.504.</p>	Confirm <input type="checkbox"/>
	ORS 742.502, ORS 742.504	Only a motor vehicle policy may be used to meet financial responsibility limits. A bond is not considered to be motor vehicle liability insurance.	Confirm <input type="checkbox"/>

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Policy documentation, continued	ORS 742.502(2)(b)	<p>(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.</p> <p>(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.</p> <p>(e) Signed, dated, and submitted within 60 days from the time insured elects lower limits.</p> <p><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).</p>	Choose one of the following. <input type="checkbox"/>
	ORS 742.502(3)	<p>Larger limits: (3) Offers of uninsured motorist coverage must include underinsurance coverage for bodily injury or death that is caused by accident and that arises out of owning, maintaining or using a motor vehicle with motor vehicle liability insurance that provides recovery in an amount that is less than the sums that the insured or the heirs or legal representative of the insured is legally entitled to recover as damages for bodily injury or death that is caused by accident and that arises out of owning, maintaining or using an uninsured vehicle. Underinsurance coverage must be equal to the sums that the insured or the heirs or legal representative of the insured is legally entitled to recover as damages for bodily injury or death that is caused by accident and that arises from owning, maintaining or using an uninsured vehicle up to the limits of the uninsured motorist coverage.</p>	Yes <input type="checkbox"/>
	ORS 742.502(5)	(5) Uninsured motorist coverage and underinsurance coverage must provide coverage for bodily injury or death if the amount of liability insurance recovered is less than the sums that the insured or the heirs or legal representative of the insured is legally entitled to recover as damages for bodily injury or death that is caused by accident and that arises out of owning, maintaining or using an uninsured vehicle.	Yes <input type="checkbox"/>
	ORS 742.502(6)	<p>Self Insurer: (6) Uninsured motorist coverage and underinsurance coverage must provide coverage for bodily injury or death if the amount recovered from a self-insurer is less than the sums that the insured or the heirs or legal representative of the insured is legally entitled to recover as damages for bodily injury or death that is caused by accident and that arises out of owning, maintaining or using an uninsured vehicle.</p>	Yes <input type="checkbox"/>

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Loss Settlement	ORS 742.502(7)	<p><u>Recovery Proceeds - Public Body:</u> (7) As used in this section and except as otherwise provided in this subsection, “amount recovered from other motor vehicle liability insurance policies” means the proceeds of liability insurance or the proceeds received from a public body under ORS 30.260 to 30.300 that are recovered by or on behalf of the injured party. Proceeds recovered on behalf of the injured party include proceeds the injured party’s insurer receives as reimbursement for personal injury protection benefits the insurer provides to the injured person, proceeds the medical providers of the injured person receive and proceeds received as attorney fees on the claim of the injured person. If applicable liability insurance policy limits are exhausted upon payment, settlement or judgment by division among two or more injured persons, “amount recovered from other motor vehicle liability insurance policies” means the proceeds that are recovered by or on behalf of the injured person but does not include any proceeds of the liability policy that other injured persons receive.</p>	Yes <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"/>
Limits	ORS 742.504(1)(a) & (1)(b)	<p>(1)(a) Notwithstanding ORS 30.260 to 30.300, the insurer will pay all sums that the insured or the heirs or legal representative of the insured is legally entitled to recover as damages from the owner or operator of an uninsured vehicle because of bodily injury sustained by the insured caused by accident and arising out of the ownership, maintenance or use of the uninsured vehicle. Determination as to whether the insured, the insured’s heirs or the insured’s legal representative is legally entitled to recover such damages, and if so, the amount thereof, shall be made by agreement between the insured and the insurer, or, in the event of disagreement, may be determined by arbitration as provided in subsection (10) of this section.</p> <p>(1)(b) 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 this policy, shall be conclusive, as between the insured and the insurer, on the issues of liability of the person or organization or of the amount of damages to which the insured is legally entitled.</p>	Confirm <input type="checkbox"/>

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Exclusions	ORS 742.504(2)	<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 (ii) that 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* *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>	<p>Yes N/A</p> <p><input type="checkbox"/> <input type="checkbox"/></p>
Loss settlement	ORS 742.504(2)	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.	
Exclusions	ORS 742.504(4)(a)	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.	
	ORS 742.504(4)(b)	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.	

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Exclusions, continued	ORS 742.504(4)(c)	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.	
Limits	ORS 742.504(4)(d)	The coverage does not apply with respect to underinsured motorist benefits unless: (A) The limits of liability under any bodily injury liability 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.	
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.	Confirm <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"/>
Primary coverage	ORS 742.504(6)	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"/>

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Limits	ORS 742.504(7)	<p>(7)(a) The limit of liability stated in the declarations as applicable to “each person” is the limit of the insurer’s liability for all damages because of bodily injury sustained by one person as the result of any one accident and, subject to the above provision respecting each person, the limit of liability stated in the declarations as applicable to “each accident” is the total limit of the company’s liability for all damages because of bodily injury sustained by two or more persons as the result of any one accident.</p> <p>(b) 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 shall be reduced by the amount paid and the present value of all amounts payable on account of the bodily injury under any workers’ compensation law, disability benefits law or any similar law.</p> <p>(c) 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 shall be reduced by the credit given to the insurer pursuant to subsection (4)(d)(C) or (D) of this section.</p> <p>(d) The amount payable under the terms of this coverage may not be reduced by the amount of liability proceeds offered, described in subsection (4)(d)(B) or (D) of this section, that has not been paid to the injured person. If liability proceeds have been offered and not paid, the amount payable under the terms of the coverage shall include 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.</p>	Yes N/A <input type="checkbox"/> <input type="checkbox"/>
Action against insurer	ORS 742.504(8)	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 N/A <input type="checkbox"/> <input type="checkbox"/>

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Excess	ORS 742.504(9)	<p>(9)(a) With respect to bodily injury to an insured:</p> <p>(A) While occupying a vehicle owned by a named insured under this coverage, the insurance under this coverage is primary.</p> <p>(B) While occupying a vehicle not owned by a named insured under this coverage, the insurance under this coverage shall apply only as excess insurance over any primary insurance available to the occupant that is similar to this coverage, and this excess insurance coverage shall then apply only to the sums that the insured or the heirs or legal representative of the insured is legally entitled to recover as damages for bodily injury or death that is caused by accident and that arises out of owning, maintaining or using an uninsured vehicle.</p> <p>(b) With respect to bodily injury to an insured while occupying any motor vehicle used as a public or livery conveyance, the insurance under this coverage shall apply only as excess insurance over any other insurance available to the insured that is similar to this coverage, and this excess insurance coverage shall then apply only to the amount by which the applicable limit of liability of this coverage exceeds the sum of the applicable limits of liability of all other insurance.</p>	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Arbitration	ORS 742.504(10)	<p>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 take place under the arbitration laws of the state of Oregon or, if the parties agree, according to any other procedure. 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.</p> <p>The person and the insurer each agree to consider themselves bound and to be bound by any award made by the arbitrators.</p>	Confirm <input type="checkbox"/>
Primary Coverage	ORS 742.506	Notwithstanding the contrary provisions of any policy, the provisions of ORS 742.504 (9) shall control allocation of responsibility between insurers, except that if all policies potentially involved expressly allocate responsibility between insurers, or self-insurers, without repugnancy, then the terms of the policies shall control.	Confirm <input type="checkbox"/>

Review requirement	Reference	Description of review standards requirements	Check answer or enter page & paragraph
Uninsured/underinsured motorist	ORS 742.510	<p><u>UM/UIM Property damage</u></p> <p>(1) Every insurer issuing motor vehicle liability insurance policies for delivery in this state on private passenger motor vehicles as defined in 742.508(3) or a self propelled motor home shall offer coverage for property damage to a vehicle of the insured caused by an uninsured vehicle. Coverage offered under this section shall be at least the amount prescribed to meet the requirements of ORS 806.070 for insurance for injury to or destruction of the property of others in any one accident.</p> <p>(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.</p> <p>(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.</p>	<p>Yes N/A</p> <p><input type="checkbox"/> <input type="checkbox"/></p>