

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 421**

1 On page 3 of the printed bill, delete lines 29 through 36 and insert:

2 “(1)(a) As used in this subsection, ‘total amount of the recovery’ means
3 the amount that a person injured in a motor vehicle accident recovers from:

4 “(A) Underinsured motorist benefits described in ORS 742.502 (2);

5 “(B) Liability insurance coverage the injured person receives from other
6 parties involved in the motor vehicle accident;

7 “(C) Personal injury protection benefits or health insurance benefits; and

8 “(D) Any other payment by or on behalf of the party that caused the
9 motor vehicle accident.

10 “(b) An insurer may not receive a reimbursement or subrogation for per-
11 sonal injury protection benefits or health benefits the insurer provided to a
12 person injured in a motor vehicle accident from any recovery the injured
13 person obtains in an action for damages except to the extent that:

14 “(A) The injured person first receives full compensation for the injured
15 person’s injuries; and

16 “(B) The reimbursement or subrogation is paid only from the total amount
17 of the recovery in excess of the amount that fully compensates for the in-
18 jured person’s injuries.”.

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