

# B-Engrossed House Bill 2982

Ordered by the Senate April 28  
Including House Amendments dated March 27 and Senate Amendments  
dated April 28

Sponsored by Representatives MARSH, REYNOLDS, Senators GOLDEN, GIROD; Representatives ANDERSEN, DEXTER, GOMBERG, GRAYBER, HELM, HUDSON, NELSON, PHAM K, SOSA, Senators CAMPOS, JAMA, MEEK (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires insurer to offer 70 percent of coverage insured previously purchased for contents of residence to insured **who holds policy of personal insurance** without requiring inventory of loss if total loss of contents occurs as result of major disaster. Requires insurer to notify insured that additional benefits may be available if insured submits inventory. Requires insurer to disclose [*methodology for depreciating covered property*] **information about how insurer determines depreciated value of contents of insured property, if insurer provides depreciated value**, and to make certain payments within specified time limits.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to paying insurance claims for losses from major disasters; creating new provisions;  
3 amending ORS 742.053; and prescribing an effective date.

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

5 **SECTION 1.** ORS 742.053 is amended to read:

6 742.053. [(1) *An insurer shall furnish, upon written request of any person claiming to have a loss*  
7 *under an insurance policy issued by such insurer, forms of proof of loss for completion by such person,*  
8 *but such insurer shall not, by reason of the requirement so to furnish forms, have any responsibility*  
9 *for or with reference to the completion of such proof or the manner of any such completion or attempted*  
10 *completion.*]

11 [(2) *With respect to fire insurance, an insured shall have 90 days after receipt of proof of loss forms*  
12 *to furnish proof of loss, notwithstanding anything more restrictive contained in the policy.*]

13 (1) **An insurer, in response to a written request, shall provide forms for proving a loss**  
14 **for which a person makes a claim under an insurance policy the insurer issues. The re-**  
15 **quirement to provide forms under this subsection does not impose responsibility upon the**  
16 **insurer for the person's proof of loss, attempt to prove the loss or manner of proving the**  
17 **loss.**

18 (2) **If the insurance policy is fire insurance, notwithstanding any more restrictive re-**  
19 **quirement in the insurance policy, an insured must provide proof of loss within 90 days after**  
20 **receiving a form described in subsection (1) of this section.**

21 (3)(a) **As used in this subsection, "major disaster" means a state of emergency the Gov-**  
22 **ernor declares under ORS 401.165 that involves or threatens to involve widespread loss of life,**  
23 **injury to persons or property, human suffering or financial loss.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 (b) Notwithstanding subsection (2) of this section and ORS 742.230, if an insured who  
2 holds a policy of personal insurance, as defined in ORS 746.600 (33)(b) and (c), experiences a  
3 total loss of the contents of a residence as a result of a major disaster and provides in doc-  
4 umentation that the Director of the Department of Consumer and Business Services speci-  
5 fies by rule that the residence was furnished, that the loss occurred as a result of a major  
6 disaster in a location that was subject to a declaration of a state of emergency under ORS  
7 401.165 and that the loss is directly related to the emergency that was the subject of the  
8 declaration, the insurer shall:

9 (A) Offer the insured a minimum of 70 percent, or a larger percentage upon which the  
10 insurer and insured agree, of the coverage the insured purchased previously for the contents  
11 of the residence without requiring the insured to submit a written inventory of the loss;

12 (B) Notify the insured that:

13 (i) Accepting the offer described in subparagraph (A) of this paragraph does not change  
14 the benefits available under the insurance policy; and

15 (ii) The insured may obtain more benefits by submitting a complete inventory of the loss;

16 (C) Disclose information about how the insurer determines the depreciated value of the  
17 contents of the insured property, if the insurer provides a depreciated value;

18 (D) Pay for any covered costs associated with removing debris not later than 60 days  
19 after receiving an invoice, receipt or other documentation that shows the date and cost of  
20 the removal, except that if a governmental agency removes the debris or is involved in re-  
21 moving the debris, the insurer may pay within a reasonable time; and

22 (E) Pay for any covered loss of trees, shrubs or landscaping within 30 days after receiving  
23 documentation of the loss, such as documentation from a reputable landscaping contractor,  
24 that shows the number and nature of the trees, shrubs or landscaping that was damaged or  
25 destroyed, unless:

26 (i) The insurer disputes the coverage; or

27 (ii) The insurer and insured agree that the insurer will pay the costs later in the claims  
28 process.

29 (c) If an insured submits an inventory of a loss described in paragraph (b) of this sub-  
30 section with an amount that exceeds the amount the insurer offered under paragraph (b)(A)  
31 of this subsection, the insurer shall:

32 (A) Request any other information the insurer requires concerning the inventory not  
33 later than 30 days after receiving the inventory; and

34 (B) Pay within 30 days after receiving the inventory for any items the coverage, cost or  
35 condition of which the insurer does not dispute.

36 (4) The Director of the Department of Consumer and Business Services may adopt rules  
37 to carry out the purposes set forth in this section.

38 **SECTION 2.** The amendments to ORS 742.053 by section 1 of this 2023 Act apply to in-  
39 surance policies that an insurer issues on or after the operative date specified in section 3  
40 of this 2023 Act.

41 **SECTION 3.** (1) The amendments to ORS 742.053 by section 1 of this 2023 Act become  
42 operative on January 1, 2024.

43 (2) The Director of the Department of Consumer and Business Services may adopt rules  
44 and take any other action before the operative date specified in subsection (1) of this section  
45 that is necessary to enable the director, on and after the operative date specified in sub-

1 section (1) of this section, to undertake and exercise all of the duties, functions and powers  
2 conferred on the director by the amendments to ORS 742.053 by section 1 of this 2023 Act.

3 **SECTION 4.** This 2023 Act takes effect on the 91st day after the date on which the 2023  
4 regular session of the Eighty-second Legislative Assembly adjourns sine die.

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