

**Oregon Rules of Civil Procedure  
Legislative Amendments 1979-2023**

**ORCP 36**

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Lewis & Clark Law School | Oregon Council on Court Procedures

## Rule 36 – General Provisions Regarding Discovery

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§	Latest Amendment
A	Unamended
B	Or. Laws 1979 c.294 § 23
C	Unamended

[Originally “Rule 36. General Provisions Governing Discovery” (CCP 12/2/1978)]

### Or. Laws 1979 c.284 § 23

Amends Rule 36(B)

- A. [Unamended]
- B. [Unamended]
  - 1. [Unamended]
  - 2. **Insurance agreements or policies.**
    - a. ~~A party may obtain discovery of the existence and limits of liability of any insurance agreement under which any person or entity carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment. The policy need not be provided unless a person or entity carrying on an insurance business has formally or informally raised any question regarding the existence of coverage for the claims being asserted in the action. In such case, the party seeking discovery shall be informed of any prior question regarding the existence of coverage at the time discovery of the existence and limits of the insurance agreement is sought. If any question of the existence of coverage later arises, the party discovered against has the duty to inform the party who sought discovery immediately of the question regarding the existence of coverage. The party seeking discovery shall be informed of the basis for contesting coverage and upon request shall be furnished a copy of the insurance agreement or policy. A party, upon the request of an adverse party, shall disclose the existence and contents of any insurance agreement or policy under which a person transacting insurance may be able to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.~~
      - b. The obligation to disclose under this subsection shall be performed as soon as practicable following the filing of the complaint and the request to disclose. The court may supervise the exercise of disclosure to the extent necessary to insure that it proceeds properly and expeditiously. However, the court may limit the extent of disclosure under this subsection as provided in section C. of this rule.
      - c. [b] Information concerning the insurance agreement or policy is not by reason of disclosure admissible in evidence at trial. For purposes of this subsection, an application for insurance shall not be treated as part of an insurance agreement or policy.
      - d. As used in this subsection, “disclose” means to afford the adverse party an opportunity to inspect or copy the insurance agreement or policy.
  - 3. [Unamended]
  - 4. ~~Expert witnesses.~~ [Rule 36(B)(4) deleted in full]
- C. [Unamended]

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H.B. 3131

Or. Laws 1979 c.284 § 23

**A-Engrossed Bill**

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

**Governor signed Enrolled Bill**

6/26/79