

Enrolled
Senate Bill 1012

Sponsored by COMMITTEE ON LABOR, CONSUMER AND BUSINESS
AFFAIRS (at the request of the Department of Commerce - Insurance
Commissioner)

CHAPTER

AN ACT

Relating to insurance; amending ORS 746.015.

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

Section 1. ORS 746.015 is amended to read:

746.015. (1) No person shall make or permit any unfair discrimination between individuals of the same class and equal expectation of life, or between risks of essentially the same degree of hazard, in the availability of insurance, in the application of rates for insurance [*policies*], in the dividends or other benefits payable [*thereunder*] under insurance policies, or in any other terms or conditions [*thereof*] of insurance policies.

(2) If the commissioner has reason to believe that an insurer in the application of its underwriting standards or rates is not complying with the requirements of this section, he shall, unless he has reason to believe the noncompliance is wilful, give notice in writing to the insurer stating in what manner such noncompliance is alleged to exist and specifying a reasonable time, not less than 10 days after the date of mailing, in which the noncompliance may be corrected.

(3) (a) If the commissioner has reason to believe that noncompliance by an insurer with the requirements of this section is wilful, or if, within the period prescribed by the commissioner in the notice required by subsection (2) of this section, the insurer does not make the changes necessary to correct the noncompliance specified by the commissioner or establish to the satisfaction of the commissioner that such specified noncompliance does not exist, the commissioner may hold a hearing in connection therewith. Not less than 10 days before the date of such hearing the commissioner shall mail to the insurer written notice of the hearing, specifying the matters to be considered.

(b) If, after the hearing, the commissioner finds that the insurer's application of its underwriting standards or rates violates the requirements of this section, he may issue an order specifying in what respects such violation exists and stating when, within a reasonable period of time, further such application shall

be prohibited. If he finds that the violation was wilful, he may suspend or revoke the certificate of authority of the insurer.

Chapter

, Oregon Laws 1977

ENROLLED

Senate Bill 1012

Passed by Senate
~~Repassed by Senate~~

May 17, 1977

.....
Secretary of Senate

.....
President of Senate

Passed by House
~~Repassed by House~~

June 10, 1977

.....
Speaker of House

Received by Executive Department:

..... M., 1977.

Approved: , 1977.

.....
Governor

Filed in Office of Secretary of State:

..... M., 1977.

.....
Secretary of State

~~A-Engrossed~~

Senate Bill 1012

Ordered by the Senate May 12
(Including Amendments by Senate May 12)

Sponsored by COMMITTEE ON LABOR, CONSUMER AND BUSINESS
AFFAIRS (at the request of the Department of Commerce - Insurance
Commissioner)

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.

Prohibits unfair discrimination by insurers between risks of essentially same degree of hazard in availability of insurance. [*Permits Insurance Commissioner to require filing by insurers of underwriting standards and rate differential supporting data.*] Prescribes procedures for notice and hearing to determine facts relating to compliance. Permits Insurance Commissioner, when noncompliance persists or is wilful, to prohibit further [*use*] **application** of underwriting standard or rate or to suspend or revoke insurer's certificate of authority.

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1977 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION

1. Measure Number SB 1012	2. Status A-Engrossed including Senate Amendments of May 12, 1977	3. Fiscal Impact Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4. Subject Unfair discrimination by insurers		
5. Government Unit or Program Affected Department of Commerce		
6. Budget and Management Analyst Date	7. Legislative Fiscal Analyst Duane Wolfe	Date 5-12-77
8. Fiscal Analysis		

The Department of Commerce expects the proposed legislation to have no significant impact on its revenues or expenditures.

HOUSE COMMITTEE REPORT

Salem, Oregon June 7, 1977

Mr. Speaker:

Your Committee on Business and Consumer Affairs to whom was referred SB 1012-A having had the same under consideration, respectfully reports it back with the recommendation that it:

- ☒ Do pass. ☐ Do pass with _____ House amendments () and be printed engrossed.
- ☐ Be adopted. ☐ Be adopted with _____ House amendments () and be printed engrossed.
- ☐ Be referred to: () Ways and Means by prior reference.
- () _____.

FOR INFORMATION ONLY-NOT PART OF COMMITTEE REPORT

Voting no: _____

Voting aye: Achilles, Fawbush, Kerans, Morris, Shaw, Vian, GrannellExcused: Klein, Markham

2 copies if no amendments
Submit: 4 copies if amendments
5 copies if to be printed engrossed

Retain: 1 copy for committee files

Bill Grannell Chairman
Rep. Shaw will lead
floor discussion on this measure.

OREGON STATE SENATE

59th Legislative Assembly

MEASURE INTENT STATEMENT

Measure: SB 1012

Committee: Labor, Consumer and Business Affairs

Hearing Dates: April 27, 1977

Statement Prepared By: Rich Carlson, Committee Administrator

Problem addressed.

This bill addresses the problem of insurers unfairly discriminating between individuals where the risks have essentially the same degree of hazard. It would appear the availability of insurance is affected by unfair discrimination practices.

Function and purpose of measure as reported out.

1) This bill would prohibit such unfair discrimination by insurers.

2) It permits the Insurance Commissioner to require insurers to file their underwriting standards and supporting data for rate differentials.

3) Where the commissioner has reason to believe there is wilful non-disclosure of such data, and if after notice of noncompliance, the specified changes are not made, the commissioner may order a hearing.

4) If, after a hearing, the commissioner finds the insurer in violation of underwriting standards or rates, he may prohibit the use of those standards or rates effective a certain date.

5) In cases of wilful violation, the commissioner may suspend or
Major issues discussed. revoke the insurer's certificate of authority.

Magnitude of the problem in this state.

Effect of committee amendments.

Requires that the commissioner have reason to believe an insurer is not complying with the section in the application of its underwriting standards or rates in order to give notice of noncompliance.

1977 Regular Legislative Session
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8. Fiscal Analysis		

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A-Engrossed

Senate Bill 1012

Ordered by the Senate May 12
(Including Amendments by Senate May 12)

Sponsored by COMMITTEE ON LABOR, CONSUMER AND BUSINESS
AFFAIRS (at the request of the Department of Commerce - Insurance
Commissioner)

SUMMARY

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A BILL FOR AN ACT

Relating to insurance; amending ORS 746.015.

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

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746.015. (1) No person shall make or permit any unfair discrimination between individuals of the same class and equal expectation of life, or between risks of essentially the same degree of hazard, in the availability of insurance, in the application of rates for insurance [*policies*], in the dividends or other benefits payable [*thereunder*] under insurance policies, or in any other terms or conditions [*thereof*] of insurance policies.

(2) If the commissioner has reason to believe that an insurer in the application of its underwriting standards or rates is not complying with the requirements of this section, he shall, unless he has reason to believe the noncompliance is wilful, give notice in writing to the insurer stating in what manner such noncompliance is alleged to exist and specifying a reasonable time, not less than 10 days after the date of mailing, in which the noncompliance may be corrected.

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~~(2) This section does not apply to rates that are governed by ORS chapter 737. In the case of other rates, this section does not prohibit rate differentials that are based on reasonable supporting data.~~

~~(2)~~
~~(b) The commissioner may require the filing by an insurer of its underwriting standards and rate differential supporting data. If the commissioner has reason to believe that the standards or rates do not comply with the requirements of this section, he shall, unless he has reason to believe the noncompliance is wilful, give notice in writing to the insurer stating in what manner such noncompliance is alleged to exist and specifying a reasonable time, not less than 10 days after the date of mailing, in which the noncompliance may be corrected.~~

~~(3)~~
~~(a) If the commissioner has reason to believe that noncompliance by an insurer with the requirements of this section is wilful, or if, within the period prescribed by the commissioner in the notice required by subsection (3) of this section, the insurer does not make the changes necessary to correct the noncompliance specified by the commissioner or establish to the satisfaction of the commissioner that such specified noncompliance does not exist, the commissioner may hold a hearing in connection therewith. Not less than 10 days before the date of such hearing the commissioner shall mail to the insurer written notice of the hearing, specifying the matters to be considered.~~

~~(b) If, after the hearing, the commissioner finds that any underwriting standard or rate violates the requirements of this section, he may issue an order specifying in what respects such violation exists and stating when, within a reasonable period of time, the further use of such underwriting standard or rate by the insurer for policies of insurance issued thereafter shall be prohibited. If~~

SENATE AMENDMENTS TO SENATE BILL 1012

By COMMITTEE ON LABOR, CONSUMER AND BUSINESS AFFAIRS

May 12

- 1 On page 2 of the printed bill, in line 7, after "hazard" insert a comma.
 - 2 Delete lines 11 through 13.
 - 3 In line 14, delete "(3)" and insert "(2)" and delete the rest of the line.
 - 4 In line 15, delete "ing standards and rate differential supporting data."
 - 5 In line 16, delete the first "the" and insert "an insurer in the application of its
 - 6 underwriting" and in the same line delete "do not comply" and insert "is not
 - 7 complying".
 - 8 In line 22, delete "(4)" and insert "(3)".
 - 9 In line 24, delete "(3)" and insert "(2)".
 - 10 In line 31, delete "any" and insert "the insurer's application of its".
 - 11 In line 32, delete "standard or rate" and insert "standards or rates".
 - 12 In line 34, delete "the" and in the same line after "further" delete the rest of the
 - 13 line.
 - 14 In line 35, delete "by the insurer for policies of insurance issued thereafter" and
 - 15 insert "such application".
-

SENATE COMMITTEE REPORT

Salem, Oregon May 11, 1977

Mr. President:

Your Committee on Labor, Consumer and Business Affairs to whom was referred

SB 1012, having had the same under consideration respectfully report it back

with the recommendation:

_____ Do Pass: (Be adopted:)

(Be adopted)

XXX Do pass with amendments:

(Be adopted)

_____ Do pass with amendments to the
_____ engrossed measure.

_____ That the measure be printed engrossed and
rereferred to committee for further con-
sideration.

_____ Without recommendation as to passage but
with the recommenadtion that it be referred
to another committee as the President may
direct. (SR 9.01 (2))

(Be adopted)

_____ Do pass with amendments to resolve con-
flicts. (SR 9.35)

(Other) _____

_____ That _____ be substituted therefor
and be rereferred to Committee on

_____ Without recommendation. (SR 9.20)

(adopt)

_____ Do not pass. (SR 9.25)

_____ (Minority Report) (SR 9.15)

Senator

Senator

NOT CONCURRING (SR 9.15 (2)) Senator(s) M. Roberts and Hannon excused

ANNOUNCING POTENTIAL CONFLICT OF INTEREST. Senator(s) _____

_____ Referred to Committee on Ways and Means
in accordance with prior reference.

Dick Groener
(Chairman)
Sen. Dick Groener

Submit:

2 copies if no amdts.

5 copies if amdts.

TSC:

Sen. Groener

will lead floor discussion.

AMENDMENTS TO SENATE BILL 1012
Submitted by the Insurance Commissioner

On page 2 of the printed bill, in line 7, ~~insert a comma~~
after "hazard". *insert a comma*

Delete lines 11 through 13.

In line 14, delete "(3)" and insert "(2)" and delete the rest of the line.

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In line 34, delete "the" and in the same line ~~delete "use of such underwriting standard or rate"~~
after further delete the rest of the line

In line 35, delete "by the insurer for policies of insurance issued thereafter" and insert "such application".

OREGON STATE SENATE

59th Legislative Assembly

MEASURE INTENT STATEMENT

Measure: SB 1012

Committee: Labor, Consumer and Business Affairs

Hearing Dates: April 27, 1977

Statement Prepared By: Rich Carlson, Committee Administrator

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File

Legislative Fiscal Office
Preliminary Fiscal Impact Assessment

Bill Number 1012

The Legislative Fiscal Office has reviewed this proposed legislation and determined that it:



Has no fiscal impact.



Has a fiscal impact and a statement of the impact is now being prepared by this office.

Date 3/15

Analyst Wolfe

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LC 2477

2/22/77

(30)

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suspend or revoke the certificate of authority of the insurer.

SENATE BILL BACK

✓ CROSS OUT INAPPLICABLE WORDS ✓

BILL ~~RESOLUTION~~ } NUMBER 1012
~~MEMORIAL~~

Title:

Relating to insurance; amending ORS 746.015.

Sponsored by

Committee on: **Labor, Consumer and Business Affairs**

At the request of:

At **Department of Commerce - Insurance Commissioner**

All agencies, organizations and persons that have formally requested the measure are named herein in accordance with ORS 171.127.

[Signature]
CHIEF SPONSOR

Dick Groener

SPONSORS Senate			SPONSORS House			SPONSORS House		
	Principal	Additional		Principal	Additional		Principal	Additional
Atiyeh			Achilles			Lombard		
Boe			Blumenauer			Magruder		
Brown, W.			Brogioitti			Markham		
Browne, E.			Bugas			Marsh		
Burbidge			Burrows			Martin		
Carson			Byers			Marx		
Cook			Cherry			Monroe		
Fadeley			Chrest			Morris		
Groener			Davis			Myers		
Hallock			Dereli			Otto		
Hanlon			Duff			Priestley		
Hannon			Fadeley			Ragsdale		
Heard			Fawbush			Richards		
Isham			Frohnmayr			Riebel		
Jernstedt			Gardner			Rieke		
Kafoury, S.			Gilmour			Rijken		
McCoy			Grannell			Rogers		
Meeker			Gustafson			Rutherford		
Potts			Hanneman			Shaw		
Powell			Johnson, C.			Simpson		
Ripper			Johnson, S.			Starr		
Roberts, B.			Jones			Stevenson		
Roberts, F.			Kafoury			Sumner		
Roberts, M.			Katz			Van Vliet		
Smith			Kerans			Vian		
Thorne			Kinsey			Whallon		
Trow			Klein			Whiting		
Whipple			Kulongoski			Wilhelms		
Wingard			Lang			Wolfer		
Wyers			Lindquist			Yih		