

Department of Consumer & Business Services

**Oregon Insurance Division – 5**

350 Winter St. NE, Rm. 440

Salem, Oregon 97301-3883

Phone (503) 947-7983

**STANDARDS FOR MOTOR VEHICLE APPLICATION FILING**

This checklist must be submitted with your filing in compliance with OAR 836-010-0011(2) to facilitate the review of your forms. It will help insurers make a complete filing for motor vehicle application forms. The checklist includes relevant statutes, rules and bulletins. Referring to the entire statute or rule may be necessary for accurate certification of compliance. Check each item to confirm that diligent consideration has been given to each item, and sign the certificate of compliance form.

**TOI (type of insurance code):**       19.0 Personal Auto                                       20.0 Commercial Auto

*Instructions: By each statement, check the box to verify compliance.*

Review Requirement	Reference	Description of Review Standards Requirements	Yes	No
<b>GENERAL REQUIREMENTS</b>				
Filing submission	OAR 836-010-0011 As required on SERFF or our Web site	Required forms are located on SERFF or on our Web site at: <a href="http://insurance.oregon.gov/docs/serff/filing_requirements.html">http://insurance.oregon.gov/docs/serff/filing_requirements.html</a> . These requirements must be submitted for your filing to be accepted as complete: 1. Transmittal form.(paper filings only) 2. Filing Description in SERFF or on Transmittal form (Cover Letter) 3. Third-party filer’s letter of authorization. 4. Certificate of compliance form. 5. Product standards (this document). 6. Forms filed for approval. 7. For mail filings, two self-addressed stamped envelopes, one large enough for the Division to return the approved forms.	Yes	No
Review		Filing new application. Replacing previously approved application form.		

**FORMS**

Approval	ORS 742.458(1)	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.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
Cancellation	ORS 742.562 and 742.564	The application does not state coverage will be considered “null and void.” It may state the coverage may be canceled or a claim may be denied.	<input type="checkbox"/>	<input type="checkbox"/>
Conviction for violations	ORS 746.265(2)(a)	The application asks for convictions of violations and not violations.	<input type="checkbox"/>	<input type="checkbox"/>
Driving record	ORS 746.260 & 746.265(3)	The application does not ask for convictions or accidents beyond three years immediately preceding the application for new or renewal coverage unless the question is specifically asked to qualify the applicant for a discount.	<input type="checkbox"/>	<input type="checkbox"/>
Non-driving offense prohibited	ORS 746.265(2)(c)	The application does not ask for records of violations or driver-license suspensions that are non-driving offenses.	<input type="checkbox"/>	<input type="checkbox"/>
Privacy	ORS 746.620 and 746.630	Disclosure authorization is provided on the application and includes the duration of validity. If authorization and disclosures are secured on another form, state in the cover letter how they are provided.	<input type="checkbox"/>	<input type="checkbox"/>
Named drivers excluded	ORS 742.450(6), OAR 836-058-0010 & OAR 836-085-0115	<u>Named drivers excluded</u> A person identified as an excluded driver is not the named insured. Exclusions stated on the application correspond with those in the policy and comply with the requirements listed for forms under “Exclusions and Limits”.	<input type="checkbox"/>	<input type="checkbox"/>
Fraud warning	Bulletin 98-5	<u>Fraud warning</u> - The application is not 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.)	<input type="checkbox"/>	<input type="checkbox"/>
Warranties	ORS 742.013	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.	<input type="checkbox"/>	<input type="checkbox"/>