

Department of Consumer & Business Services
Oregon Insurance Division - 5
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STANDARDS FOR TRIP TRAVEL FORMS, RATES, AND RULES

This checklist (product standards) has been provided as an aid to assist you in preparing your filing. It does not need to be included with a paper submission, nor does it need to be attached in SERFF under the Supporting Documentation tab. However, the reviewer may request the completed checklist (product standards) at any time during their review. ORS 731.296, OAR 836-010-0011 (2) & (3).

This checklist includes relevant statutes, rules, bulletins, and other documented positions to enforce ORS 731.016. **The standards are summaries. Review of the entire statute or rule will be necessary.** After diligent consideration has been given to each item, mark either the "Yes" or the "N/A" box when applicable. Compliance with these provisions must be certified by both the filer and an officer of the company signing the Certificate of Compliance form. These signatures certify the forms being submitted meet the requirements of our checklist and statutes. "Not applicable" can be used only if the item does not apply to the coverage being filed. If the reviewer requests the checklist (product standard), any line left blank may result in the delay or disapproval of the filing.

NOTE: If filing travel health as a blanket coverage, use filing requirements under Group Health/Blanket. Under a blanket filing, each travel agency, tour agency, or other vacation organizer is reviewed on a case-by-case basis to determine if it qualifies as a discretionary group under ORS 743.534(9). The coverage is issued to the travel entity which pays the premium, and coverage automatically insures all travelers for the classes identified in the policy. The benefits must meet the requirements under the blanket health standards, and transacting requires a full health license.

This checklist is NOT APPLICABLE to the following:

For TOIs not listed, see our Web site for instruction: www.orgoninsurance.org/docs/serff/filing_requirements.htm.

Filing of simple endorsements and title or declaration pages do not require a checklist of standards; see the Web site.

TOI: 09.0 Personal Inland Marine
 H19I.000 Travel health only

Sub-TOI: 09.0009 Travel Coverage

Type of coverage: Trip cancellation Trip interruption Baggage Health
 Rental Car Physical Damage Other (identify): _____

Type of combined policies in this filing: (See filing requirements for combining policies in a package.)

Trip cancellation and/or trip interruption and/or baggage Baggage and travel health

GENERAL REQUIREMENTS			
Answer	Category	Reference	Description
<p>Yes N/A</p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p><input type="checkbox"/> <input type="checkbox"/></p>	Requirements	<p>OAR 836-010-0011</p> <p>As required on SERFF or our Web site</p>	<p>Required filing requirements are located on SERFF or on our Web site at: www.insurance.oregon.gov/docs/serff/filing_requirements.html.</p> <p>If filing via SERFF, the proper information must be attached to the correct schedule items in order for your forms filing to be considered complete.</p> <p>The clean copy of the submitted form must be attached under the Form Schedule tab. Each form filed for approval must be attached to a separate Schedule Item under this tab. The form number should appear exactly as shown on the PDF document. Any edition/revision date used in the form number must be included under the Form Number column. It is not necessary to use the Edition Date column. The Form Type column and the Action Specific Data column must be completed correctly by providing the Oregon Filing Number of the previous filing, and the correct form number with the edition date of the form being replaced. Please do not file the same form for approval more than once. If the same policy form will be used for multiple product offerings, it need only be filed once. Provide an explanation of the different programs under the General Filing Description in SERFF, or in a cover letter.</p> <p>Forms of a generic nature that will be used on different lines of insurance may be filed using "interline" coding. Use the General Filing Description or a cover letter to note all of the lines or programs it will apply to. For example, a FRAUD WARNING STATEMENT filed as a simple endorsement that could be attached to all personal lines or all commercial lines policies, need only be sent once; thereby avoiding duplicates of the same form being assigned to more than one analyst.</p> <p>If submitting a paper filing, please see #9 below.</p> <ol style="list-style-type: none"> 1. Transmittal form. (Required when submitting a paper filing only.) 2. Filing Description under the General Information tab or a Cover letter or Filing Memorandum under the Supporting Documentation tab that explains the intent or purpose of the forms/rules/rates.

Answer		Category	Reference	Description
Yes	N/A	Requirements	OAR 836-010-0011 As required on SERFF or our Web site	3. Third-party filer's letter of authorization if applicable. 4. Signed Certificate of Compliance, form 440-3894. 5. For form submissions, a comparison document (annotated, highlighted, red-lined, or side-by-side) must be provided for each previously approved form. Submit document/s under the Supporting Documentation tab. 6. Rates, rules, and actuarial memorandum with an overview of the contents of the filing and the reasons and procedures used to support the rate change. 7. Forms being filed for approval are attached to the Forms Schedule tab. 8. Attach to the Supporting Documentation tab, those previously approved Oregon Amendatory Endorsements that bring the submitted forms into compliance with Oregon statutes. 9. When submitting a paper filing, send two complete sets of the entire filing. Include a self-addressed, stamped envelope that is large enough to return the second copy of the filing. NOTE: This checklist does not need to be submitted with the filings. However, it may be requested by the reviewer. Please use this document as a tool to help you comply with our requirements.
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			

Policy requirements				
Answer		Category	Reference	Description
		Policy Documentation	ORS 731.158 ORS 742.041(7)	Some coverage's may be filed in one policy. The coverage's can be combined in two ways: (1) ORS 731.158 allows damage to property to be included as a casualty coverage allowing baggage, trip cancellation, and trip interruption to be filed in one policy. The policy may include rental vehicle physical damage. (2) ORS 742.041(7) permits a blanket insurance policy to include baggage and travel ticket health, but does not permit the addition of casualty in the form of trip cancellation or trip interruption.

Answer	Category	Reference	Description
	Policy Documentation	ORS 742.041(8)	Combinations of coverage may be packaged together with a common application and declarations page that identifies the coverages separately.
	Group policies prohibited	ORS 737.600 ORS 731.146 OAR 836-071-0108(3)	Group policies are not permitted for trip travel coverage's as defined in rule. Out-of-state issues are not authorized for casualty or property under ORS 731.146(2). A trust or an association does not qualify as an authorized group policyholder under ORS 743.524 and 743.526 and 737.600(3)(d). Coverage elected by the traveler must be written as an individual policy.
Licensing requirements			
Yes <input type="checkbox"/>	Travel ticket health	ORS 731.158 OAR 836-071-0108(3)	If the policy includes personal accident insurance, the insurer must hold a Certificate of Authority for health or casualty.
Yes <input type="checkbox"/>	Policy Period	OAR 836-071-0108(3) (c)	Policy provides for personal accident insurance covering the risk of travel for a specified one-way trip or round trip.
Yes <input type="checkbox"/>	Baggage, trip cancellation, trip interruption, rental car damage	OAR 836-071-0108(3)	If the policy includes baggage insurance or trip cancellation or trip interruption insurance, the insurer must hold a Casualty Certificate of Authority.
Yes <input type="checkbox"/>	License	OAR 836-071-0108(3) (a)(b)	Each full-time salaried employee and owner of a licensed travel agency that participates in the marketing of travel-related insurance is individually licensed with the specific subclass or is licensed as a health and/or casualty producer.
Yes N/A <input type="checkbox"/> <input type="checkbox"/>	Reporting requirements	OAR 836-071-0295	The licensed travel agency notifies the Insurance Division of each licensed employee authorized to represent the licensed travel agency to sell the plan being filed.
Yes N/A <input type="checkbox"/> <input type="checkbox"/>		OAR 836-071-0108(3)	Any person, entity or employee, those that that qualify for a limited license (eg: managing agency, intermediary, part-time or commissioned employees of a licensed travel agency), must hold the applicable health and/or casualty producers license.
	Third party administrator prohibited	ORS 744.702	When the coverage includes baggage, trip cancellation or trip interruption, the administrator/producer must hold a casualty license. The package cannot be administered under a TPA license.

GENERAL FORM REQUIREMENTS			
Advertising or Marketing			
Answer	Requirement	Reference	Comment
	Marketing	ORS 742.009(1)	Advertising, marketing, or combined application/Certificate of Insurance documents, shall be filed and meet all Oregon requirements.
Application			
Yes <input type="checkbox"/>	Selection	ORS 746.100	Selection of coverage and duration of coverage is clearly disclosed.
Yes N/A <input type="checkbox"/> <input type="checkbox"/>	Fraud warning	Bulletin 2010-3	If the policy has fraud, concealment, misrepresentation language, then the application is 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. Fraud or misstatement warnings that mention criminal or civil penalties must avoid definite statements of the criminal nature of an act, guilt, or possible penalties. A warning that specifies that knowingly providing false information “may be” a crime, which “may be” grounds for criminal or civil penalties is appropriate.
Yes N/A <input type="checkbox"/> <input type="checkbox"/>		ORS 742.013 ORS 742.208 Bulletin 2010-3	<p>Fraud or misstatement warnings that mention denial of recovery as a possible consequence of an omission, concealment, misstatement or misrepresentation must disclose that in order to deny a claim on this basis, the insurer must demonstrate that the misinformation was material to the content of the contract, that the insurer relied upon this information, and that the misinformation was either provided fraudulently or was material to the risk or hazard assumed by the insurer. (ORS 742.013)</p> <p>Fraud or misstatement warnings that mention cancellation, voiding, or rescission of a policy as possible consequences of an omission, concealment, misstatement or misrepresentation must disclose the line-specific statutory limits to these remedies. Insurers should review Bulletin 2010-3 and the Insurance Code to determine whether their statements comply.</p> <p>See line-specific fraud verbiage for property in ORS 742.208.</p>

Declaration or schedule page			
Answer	Requirement	Reference	Comment
Yes <input type="checkbox"/>	Legibility of Forms	ORS 742.005(2) ORS 742.023	The forms are clear and understandable in the presentation of premiums, labels, and the description of contents, title, headings, backing, and other indication (including restrictions) in the provisions. The information is clear and understandable to the consumer and is not unintelligible, uncertain, ambiguous, abstruse, or likely to mislead.
Yes <input type="checkbox"/>			Define the terms of coverage.
Yes <input type="checkbox"/>			Describes the conditions and provisions pertaining to the coverage.
Yes <input type="checkbox"/>			Any limits on coverage are described.
Yes <input type="checkbox"/>	Examination of Contract	ORS 743.492	The coverage provides for at least 10 days' free look with a right to rescind the policy.
Yes <input type="checkbox"/>	Premiums	ORS 742.023	For each coverage provided, premiums are disclosed separately.
Form Requirements			
Yes N/A <input type="checkbox"/> <input type="checkbox"/>	Arbitration	ORS 36.600 - ORS 36.740	Voluntary arbitration is permitted by the Oregon Constitution and statutes after all internal appeals have been exhausted and can be binding upon consent of the covered insured. <i>(If the policy provides for arbitration when claim settlement cannot be reached, the enrollee may elect arbitration by mutual agreement at the time of the dispute. Arbitration takes place under the laws of Oregon or another agreed-upon procedure. Arbitration must be held in the insured's county and state.)</i>
Yes <input type="checkbox"/>	Claims	ORS 743.426	The policy states that the insurer will furnish a claim form within 15 days after notice of claim or will accept the filing of proof-of-loss covering the occurrence, character, and extent of loss.
Yes <input type="checkbox"/>	Proof of loss	ORS 743.429	Proof of loss must be furnished within 90 days or as soon as reasonably possible. Limitation may be included that the claim must be filed within one year except in the absence of legal capacity.

TRAVEL TICKET HEALTH			
Requirements			
Answer	Requirement	Reference	Comment
Yes N/A <input type="checkbox"/> <input type="checkbox"/>	Description	ORS 742.023	Description of the conditions and provisions pertaining to the personal accident coverage.
Yes N/A <input type="checkbox"/> <input type="checkbox"/>	Policy Documentation	ORS 743.053	Benefits in case of death or dismemberment by accident shall not require that the death or dismemberment occur less than 180 days after the date of the accident in order for benefits to be paid under the policy.
Yes N/A <input type="checkbox"/> <input type="checkbox"/>	Limitations	ORS 742.005 ORS 742.023	Pre-existing condition exclusions for late enrollment must be a recognized period to discourage anti-selection.
Yes N/A <input type="checkbox"/> <input type="checkbox"/>		ORS 743.766(2)	Exclusions for being intoxicated are determined by the legal level of intoxication.

BAGGAGE INSURANCE			
Requirements			
Yes <input type="checkbox"/>	Description and Limitations	ORS 742.023	Description of the conditions and provisions pertaining to the coverage, and description of any limitations or exclusions are clearly defined.

TRIP CANCELLATION AND TRIP INTERRUPTION			
Requirements			
Yes <input type="checkbox"/>	Descriptions and Limitations	ORS 742.023	The conditions and provisions that pertain to each coverage are described in the policy.
Yes N/A <input type="checkbox"/> <input type="checkbox"/>		OAR 836-071-0108	The policy provides for the reimbursement of trip travel expense resulting from some emergency in connection with or interruption of travel.
Yes N/A <input type="checkbox"/> <input type="checkbox"/>			The policy clearly defines what an emergency is, and what an emergency is not.
Yes N/A <input type="checkbox"/> <input type="checkbox"/>			Policy provides for the reimbursement of trip travel expense.

Rate and Rule Requirements		
Answer	Reference	Comment
Yes No <input type="checkbox"/> <input type="checkbox"/>	ORS 737.205	Copies of rates, rating plans and rating systems must be filed.
Yes No <input type="checkbox"/> <input type="checkbox"/>	ORS 737.205(1)	Requested effective date is not earlier than the date the filing is received by the Insurance Division.
Yes No <input type="checkbox"/> <input type="checkbox"/>	ORS 746.035 and ORS 746.045	Inducements are specified in the policy and are not rebates.

For each coverage, provide the following information separately.

Page or exhibit	Requirement	Comment
Method of ratemaking – ORS 737.310		
	Premium	Provide premium data by coverage
	Loss data	Provide loss and LAE data by coverage
		Provide information on the expected loss ratio
	Profit and Contingency	Provide the description
	Underwriting expenses provision	1. Provide Oregon data for commission and brokerage.
		2. Provide countrywide data for general and other acquisition expenses
		3. Provide Oregon data for taxes, licenses, and fees.