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**DIVISION 10**  
**GENERAL PROVISIONS**  
**Rates and Forms**

836-010-0000 (Amended)  
Statutory Authority and Implementation

(1) OAR 836-010-0000, 836-010-0011 and 836-010-0021 are adopted under the authority of ORS 731.244 and 731.296, to aid in giving effect to provisions of ORS Chapters 737, 742 and 743 relating to the filing of rates and policy forms with the Director. The requirements of OAR 836-010-0000, 836-010-0011 and 836-010-0021 are in addition to any other requirements established by statute or by rule or bulletin of the Department.

(2) OAR 836-010-0000, 836-010-0011, and 836-010-0021 apply to all filings submitted or resubmitted to the Director on or after May 1, 2002.

*[(3) OAR 836-010-0012 applies to all filings submitted or resubmitted to the Director on or after April 1, 2010.]*

Stat. Auth.: ORS 731.244 & [2007 OL Ch. 544 § 1 (HB 2224, 2007)]

Stats. Implemented: ORS 731.296, 737.205, 737.207, 742.001, 743.015, 743.018 [& 2007 OL Ch. 544 § 1 (HB 2224, 2007)]

Hist.: ID 9-1994, f. 7-1-94, cert. ef. 7-15-94; ID 20-1997(Temp), f. 12-29-97, cert. ef. 12-30-97 thru 6-11-98; ID 11-1998, f. & cert. ef. 8-10-98; ID 11-2002(Temp), f. & cert. ef. 4-18-02 thru 10-11-02; ID 20-2002, f. 10-11-02, cert. ef. 10-12-02; ID 8-2010, f. 3-31-10, cert. ef. 4-1-10

836-010-0011 (Amended)  
Filing, Review of Rates and Forms

(1) Except as provided in this section, this rule applies to filings of all insurers, including health care service contractors as defined in ORS 750.005, multiple employer welfare arrangements as governed by 750.301 to 750.431 and fraternal benefit societies as governed by ORS Chapter 748. This rule does not apply to:

(a) Purchasing group insurance filings.

(b) Negotiated forms as described in ORS 742.003, but only if each of the negotiated forms is issued only to one policyholder, the insurer has determined that the forms comply with benefits and coverages mandated by statute and the forms have a company-assigned form number.

(c) **Rates and** forms approved by the Interstate Insurance Product Regulation Commission [*and identified by the Director of the Department of Consumer and Business Services in OAR 836-010-0012*].

(2) An insurer must follow the applicable standards set forth on the Oregon Insurance Division's website, [<http://www.oregoninsurance.org/doc/rateform.htm>]

[www.insurance.oregon.gov/insurer/rates\\_forms/rateform.html](http://www.insurance.oregon.gov/insurer/rates_forms/rateform.html) , when making rate and form filings, except that if the insurer files electronically on SERFF (System for Electronic Rates and Forms Filing), the insurer must comply with the Oregon standards set forth in SERFF.

(3) An insurer must submit a completed certificate of compliance as provided in this section with each filing of a new or revised rate and each filing of a new or amended form. The insurer must use the certificate of compliance in **Exhibit 1** to this rule. The certificate of compliance must

1 certify compliance with the applicable filing requirements and product standards set forth on the  
2 Oregon Insurance Division's website,  
3 [[http://www.oregoninsurance.org/docs/serff/filing\\_requirements.htm](http://www.oregoninsurance.org/docs/serff/filing_requirements.htm)]  
4 [www.insurance.oregon.gov/docs/serff/filing\\_requirements.html](http://www.insurance.oregon.gov/docs/serff/filing_requirements.html), or on the SERFF system for  
5 Oregon, if filed electronically. The certificate must be accompanied by the applicable product  
6 standards form. A certificate of compliance must be completed and signed by:  
7 (a) An officer of the insurer who is authorized by the insurer to do so; and  
8 (b) Signed by the filer who is specifically designated by the insurer to prepare and make the  
9 filing.  
10 (4) An insurer filing changes to a form or forms that were previously approved must highlight or  
11 otherwise visually call attention to the changes in new or revised forms and must submit a letter  
12 explaining the changes.  
13 (5) A filing received for prior approval by the Department that does not contain a certificate of  
14 compliance and does not comply with the standards referenced in this rule is incomplete and will  
15 be returned to the insurer as disapproved.

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17 [ED. NOTE: Exhibits referenced are available from the agency.]

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19 Stat. Auth.: ORS 731.244, 731.296 [*& 2007 OL Ch. 544 § 1 (HB 2224, 2007)*]  
20 Stats. Implemented: ORS 731.296, 737.205, 737.207, 742.001, 743.015 & 743.018 & [*2007 OL*  
21 *Ch. 544 § 1 (HB 2224, 2007)*] **Chapter 520, Oregon Laws 2011 (Enrolled House Bill 2095)**  
22 Hist.: ID 9-1994, f. 7-1-94, cert. ef. 7-15-94; ID 11-1996, f. 6-28-96, cert. ef. 7-1-96; ID 20-  
23 1997(Temp), f. 12-29-97, cert. ef. 12-30-97 thru 6-11-98; ID 11-1998, f. & cert. ef. 8-10-98;  
24 Administrative correction 6-25-99; ID 6-2000, f. & cert. ef. 7-19-00; ID 3-2001, f. 3-19-01, cert.  
25 ef. 5-1-01; ID 11-2002(Temp), f. & cert. ef. 4-18-02 thru 10-11-02; ID 20-2002, f. 10-11-02,  
26 cert. ef. 10-12-02; ID 8-2010, f. 3-31-10, cert. ef. 4-1-10

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28 [*836-010-0012 (Repealed)*]

29 *Forms Approved by Interstate Insurance Product Regulation Commission*

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31 *[(1) The director finds that for the forms listed in section (2) of this rule, the approval process of*  
32 *the Interstate Insurance Product Regulation Commission, when taken as a whole, gives Oregon*  
33 *policyholders substantially the same protection as or better protections than the approval*  
34 *process available under the laws of this state, when considered in light of:*

35 *[(a) The product standards and review procedures the commission uses;*

36 *[(b) The nature of the insurance product reviewed; and*

37 *[(c) The consumer needs that the insurance product serves.*

38 *[(2) The following forms approved by the Interstate Insurance Product Regulation Commission*  
39 *need not be reviewed prior to approval, but must comply with filing directions established by the*  
40 *Department:*

41 *[(a) Individual Flexible Premium Adjustable Life Insurance Policy.*

42 *[(b) Waiver of Monthly Deduction Benefit Rider.*

43 *[(c) Waiver of Premium Benefit Rider.*

44 *[(d) Waiver of Premium Benefit for Child Insurance in the Event of Payor's Total Disability or*  
45 *Death Rider.*

46 *[(e) Individual Life Insurance Application.*

1 *[(f) Individual Life Application Change Form.*  
2 *[(g) Forms Used to Exclude Policy Coverage Based on the Underwriting Process*  
3 *[(3) Nothing in this section affects the director’s authority to withdraw approval of any policy*  
4 *form under ORS 742.007 or to regulate the marketing and use of any approved policy form*  
5 *under the laws of this state.*  
6 *[(4) This rule applies to insurance policy forms filed with the Director of the Department of*  
7 *Consumer and Business Services on or after April 1, 2010.]*  
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9 *[Stat. Auth.: ORS 731.244 & 2007 OL Ch. 544 ; 1 (HB 2224, 2007)]*  
10 *[Stats. Implemented: 2007 OL Ch. 544 ; 1 (HB 2224, 2007)]*  
11 *[Hist.: ID 8-2010, f. 3-31-10, cert. ef. 4-1-10]*  
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