

Department of Consumer & Business Services
Oregon Division of Financial Regulation
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Phone (503) 947-7983

STANDARDS FOR MONOLINE & PACKAGE PROPERTY FORMS, RATES, & RULES FILING

This checklist (product standards) has been provided as an aid to assist you in preparing your filing. This checklist includes relevant statutes, rules, bulletins, and other documented positions and is required by OAR 836-010-0011(2) & (3). **The standards are summaries and review of the entire statute or rule will be necessary.**

Please review each item, and mark “Yes”, “Confirm”, or the “N/A” box. “Not applicable” can only be used if the item does not apply to the coverage being filed. In some cases, to assist with our review, you may need to indicate the Page and Paragraph where the complying verbiage may be found. Compliance with these provisions must be certified by both the filer and an officer of the company signing the Certificate of Compliance form. Any line left blank may result in the delay or disapproval of the filing. Combination policies (e.g.: Homeowners, Farm owners, and Businessowners) require compliance with both the property 440-3618 and the liability 440-3610 product standards. **Complete and attach the appropriate checklist(s) in SERFF.**

IMPORTANT NOTE: Home Protection Insurance guidance has been moved to this checklist. Product standards checklist 440-3619 is obsolete.

- For TOIs not listed on the next page, see our Web site for instruction at: <http://dfr.oregon.gov/rates-forms/Pages/index.aspx>.
- For filing rating organization loss cost modification factors, see requirements under *Rating Organization Loss Cost* on our Web site.
- Filing of simple endorsements, title or declaration pages, or advertisements does not require a checklist of standards, see the Web site.

Market:	<input type="checkbox"/> Personal lines	<input type="checkbox"/> Commercial lines
TOI/Sub-TOI:	<input type="checkbox"/> 01.0002 Personal Property (Fire and Allied lines)	<input type="checkbox"/> 01.0001 Commercial Property (Fire and Allied lines)
	<input type="checkbox"/> 02.3002 Personal flood	<input type="checkbox"/> 02.3001 Commercial flood
	<input type="checkbox"/> 03.0000 Personal farmowners	<input type="checkbox"/> 12.0001 Commercial earthquake
	<input type="checkbox"/> 04.0000 Homeowner combinations	CMP Liability & Non Liability
	<input type="checkbox"/> 04.0001 Condominium homeowners	<input type="checkbox"/> 05.0000 CMP Combinations
	<input type="checkbox"/> 04.0002 Mobile homeowners	<input type="checkbox"/> 05.0001 Builders Risk
	<input type="checkbox"/> 04.0003 Owner occupied homeowners	<input type="checkbox"/> 05.0002 Businessowners
	<input type="checkbox"/> 04.0004 Tenant homeowners	<input type="checkbox"/> 05.0003 Commercial Package
	<input type="checkbox"/> 04.0005 Other homeowners (Identify):	<input type="checkbox"/> 05.0004 Manufacturers Output
	<input type="checkbox"/> 12.0002 Personal earthquake	<input type="checkbox"/> 05.0005 CMP E-Commerce
	<input type="checkbox"/> 30.0 Homeowner/auto combo (<i>include form 440-3615</i>)	<input type="checkbox"/> 05.0006 Commercial Farm & Ranch
	<input type="checkbox"/> 30.1 Dwelling Property/Personal Liability	<input type="checkbox"/> 05.0007 Other CMP
		CMP Non-Liability Only
		<input type="checkbox"/> 05.1000 CMP Combinations
		<input type="checkbox"/> 05.1001 Builders Risk
		<input type="checkbox"/> 05.1002 Businessowners
		<input type="checkbox"/> 05.1003 Commercial Package
		<input type="checkbox"/> 05.1004 Manufacturers Output
		<input type="checkbox"/> 05.1005 CMP E-Commerce
		<input type="checkbox"/> 05.1006 Commercial Farm & Ranch
		<input type="checkbox"/> 05.1007 Other CMP
		CMP Liability Only
		<input type="checkbox"/> 05.2000 CMP Combinations
		<input type="checkbox"/> 05.2002 Businessowners
		<input type="checkbox"/> 05.2003 Commercial Package
		<input type="checkbox"/> 05.2004 Manufacturers Output
		<input type="checkbox"/> 05.2005 CMP E-Commerce
		<input type="checkbox"/> 05.2006 Commercial Farm & Ranch
		<input type="checkbox"/> 05.2007 Other CMP

GENERAL REQUIREMENTS (FOR ALL FILINGS)

Category	Reference	Description	Answers Yes N/A
Requirements	ORS 742.003, OAR 836-010-0011 As required on SERFF or our Web site	<p>Filing requirements are located on SERFF or on our Web site at: http://dfr.oregon.gov/rates-forms/Pages/index.aspx.</p> <p>General Information Tab. A complete description/explanation of the filing has been included. Please note information included in the Filing Description may be edited by a Post Submission update. If a cover letter is attached under Supporting Documentation, a revised cover letter could be submitted if necessary.</p> <p>When filing endorsements only, please include the approved filing/tracking number for the approved base policy form. If the base form was originally filed before SERFF, please place the base policy form under the Supporting Documentation tab of the new filing submission.</p>	<p>Yes N/A <input type="checkbox"/> <input type="checkbox"/></p> <p>Yes N/A <input type="checkbox"/> <input type="checkbox"/></p>
FORM FILING REQUIREMENT	Verify Affiliation with Rating Organization OAR 836-010-0011	<p>Is the insurer a member or subscriber of a Rating Organization for this line of business?</p> <p>American Association of Insurance Services (AAIS)</p> <p>Insurance Services Office (ISO)</p> <p>Does the bureau (rating organization) have form filing authority for the named insurance company for this line of business?</p> <p>Provide under Supporting Documentation proof of affiliation for this line of business</p>	<p>Yes No N/A <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p>Yes No <input type="checkbox"/> <input type="checkbox"/></p> <p>Yes No <input type="checkbox"/> <input type="checkbox"/></p> <p>Yes No <input type="checkbox"/> <input type="checkbox"/></p> <p>Yes N/A <input type="checkbox"/> <input type="checkbox"/></p>

Category	Reference	Description	Answers Yes N/A
Requirements	ORS 742.003, OAR 836-010-0011	Form Schedule Tab: 1. Only the clean copy of the submitted form should be individually attached as a PDF under the Form Schedule. Comparison or red-lined copies must be placed under Supporting Documentation. 2. Only one PDF per Form Schedule Item. 3. The form number should appear exactly as shown on the PDF. 4. Any edition/revision date used in the form number must be included under the Form Number column. Do not use the Edition Date column as this creates duplicate information in the DFR database. 5. The Form Type column must be completed correctly. 6. When replacing a form, the filer must correctly fill out the Previous Filing # field under the Action Specific Data column with the Oregon 8-digit state filing (tracking) number, and when applicable, the SERFF tracking number. If the filing was submitted after September 2011, there will only be a SERFF tracking number. The form number of the previously approved form must be typed under the Replaced Form # field. Please be sure to type this form number (including the edition date) exactly the way it appeared when the replaced form was originally approved. Filers can reach out to our staff for assistance in locating the correct previous filing information.	Yes No <input type="checkbox"/> <input type="checkbox"/> Yes N/A <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"/>
	ORS 737.205, OAR 836-010-0011	Rate and Rule Tab: Rates and rules should be submitted under the Rate and Rule tab in SERFF. (Place the Actuarial Memorandum under the Supporting Documentation tab. See below.)	Yes No <input type="checkbox"/> <input type="checkbox"/>

Category	Reference	Description	Check Answers
Requirements	OAR 836-010-0011 As required on SERFF or our Web site	<p>Supporting Documentation tab: Other filing requirements as listed below, or other documentation used to assist us in our review, should be submitted under the Supporting Documentation tab under the correct heading.</p> <ol style="list-style-type: none"> If the General Information area on the first screen is not used, then a Cover letter or Filing Memorandum should be under the Supporting Documentation tab that explains the intent or purpose of the forms/rules/rates. A Third-party filer's letter of authorization if applicable. A signed Certificate of Compliance, form 440-3894. A comparison document (annotated, highlighted, red-lined, or side-by-side) must be provided for each previously approved form. An Actuarial Memorandum with an overview of the contents of the filing and the reasons and procedures used to support the rate change. If filing homeowners/auto combination, review and attach the standards for Motor Vehicle Forms 440-3615. Attach all applicable approved amendments that will bring the filed forms into compliance with Oregon law. For example: ISO form number IL 01 42 09 08 OREGON CHANGES DOMESTIC PARTNERSHIP. <p>State Specific Tab Please make sure to answer each question as it applies to the current filing.</p> <p>Companies and Contacts Please make sure the filer's information is up to date. Include a toll-free (if available) telephone number for the filer. Include the filer's email address.</p> <p>Filing Fees Oregon does not charge a filing fee per submission.</p>	<div>Yes N/A</div> <div><input type="checkbox"/> <input type="checkbox"/></div> <div><input type="checkbox"/> <input type="checkbox"/></div> <div><input type="checkbox"/> <input type="checkbox"/></div> <div><input type="checkbox"/> <input type="checkbox"/></div> <div><input type="checkbox"/> <input type="checkbox"/></div> <div><input type="checkbox"/> <input type="checkbox"/></div> <div><input type="checkbox"/> <input type="checkbox"/></div> <div><input type="checkbox"/> <input type="checkbox"/></div> <div>None</div>
	ORS 742.003(1), ORS 737.205	<p>Check all that are submitted in this filing for review:</p> <ol style="list-style-type: none"> New policy or program Endorsements Application form Rates and rules 	<div>Yes N/A</div> <div><input type="checkbox"/> <input type="checkbox"/></div> <div><input type="checkbox"/> <input type="checkbox"/></div> <div><input type="checkbox"/> <input type="checkbox"/></div> <div><input type="checkbox"/> <input type="checkbox"/></div>

Category	Reference	Description	Check answer or confirm
Marketing Plan	ORS 742.009	Every filing, including any new and innovative product, is expected to contain under the Supporting Documentation tab, a thorough explanation of the product purpose. That document should cover the targeted audience, and how the product will be marketed. Please explain any information obtained for underwriting, claim settlement, or other purposes. If the Application for Insurance has not yet been filed for our review, please include it under the Form Schedule tab.	Confirm <input type="checkbox"/>
Wildfire Risk	ORS 742.202, ORS 742.204, ORS 742.005	Oregon is a standard fire state and has taken a firm position against any restrictions or conditions on coverage of losses related to wildfire Basically, a fire is a fire, therefore, there can be no separate definitions, deductibles, restrictions, or exclusions related to wildfire. This filing guidance has been consistently applied for the past several years. <u>Hostile fire:</u> Hostile fire definitions cannot be used to exclude coverage for wildfire.	Confirm <input type="checkbox"/>
Requirements	ORS 742.003, ORS 737.205	No policy has been issued or will be issued upon the forms in this filing until approved. Rates may be used only after receipt by the Division.	Confirm <input type="checkbox"/>
Interline Forms	OAR 836-010-0011	A simple, generic, one-subject endorsement form that can be used on any P/C policy may be filed using "interline" coding. For example, a FRAUD WARNING, or DOMESTIC PARTNERSHIP endorsement. File these forms using either commercial interline or personal interline coding. Interline forms need only be filed once. Oregon does not require interline forms to be filed separately for each line of insurance, or each product they might be used with. A commercial endorsement form that specifies under the form title those lines of business it applies to, can be filed using CMP (commercial multi-peril) coding.	Yes <input type="checkbox"/> NA <input type="checkbox"/>
Insurable Interest	ORS 742.046(2)	When the original policy is delivered to an interested party other than the insured, a duplicate of the policy is delivered to those named in the policy.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.200	No policy that includes the peril of fire is issued on property for an amount that in combination with any existing insurance exceeds the fair value of the risk insured or of the interest of the insured in the real property.	Confirm <input type="checkbox"/>

Category	Reference	Description	Check answer or confirm
FORMS			
Policy Documentation	ORS 742.003 ORS 742.005(2) ORS 742.023	When variable Items within any property and casualty form are [bracketed] or otherwise marked to denote variability, either a Statement of Variability (SOV) or Explanation of Variables (EOV) is attached as a separate Schedule Item under the Supporting Documentation tab. The SOV/EOV provides the form number of the document it applies to. The SOV/EOV provides the options for each variable item (E.G. in or out, options, etc.). The SOV/EOV contains confirmation that any changes, or modification to the options, are limited to new issues of the contract and do not apply to in-force contracts. All variables affecting pricing of the product must be submitted as part of a form/rule/rate or rule/rate filing.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Access to courts	ORS 742.061	<u>Attorney fees:</u> If a claim settlement is not made within six months and action is brought to court, and the plaintiff's recovery exceeds the amount paid by the defendant, the court will set attorney fees to be paid as part of the costs of legal action and any appeal, unless the parties agree to binding arbitration.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Application	ORS 742.013, ORS 742.016, Bulletin INS 2010-3	If any material or information obtained through the application process will be used to deny a claim or cancel coverage, then the application needs to be filed for prior approval. This includes any supplemental application form being used. Insurers offering via the internet would need to file screen prints so we can determine if the questions are unfairly discriminatory or not, and to make sure any fraud warning used complies with Oregon laws. If the insurance policy contains fraud, concealment, and/or material misrepresentation verbiage – the application must also contain a compliant Oregon fraud warning. See insurance bulletin INS 2010-3 for guidance.	Confirm <input type="checkbox"/>
	ORS 746.661, Bulletin INS 2010-4	<u>Credit Scoring for Personal Lines:</u> If using credit history, the personal lines application may indicate that credit will be checked for new business. Once an account has been underwritten, that score may not be reviewed or changed unless the policyholder requests it. This can be done annually.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

Category	Reference	Description	Check answer or confirm
Additional Living Expenses	ORS 742.270, ORS 742.273, ORS 742.276, (HB 3272, 2021), SB 82 (2023) (Effective 1/1/2024)	<p><u>Homeowner Policies:</u></p> <p>For a declared emergency order, Oregon law requires an insurer that provides coverage for full replacement costs of damaged or destroyed property to allow insured not less than 12 months within which to repair, rebuild or replace damaged or lost property or, if damage or loss to property occurred in location subject to declaration of emergency and damage or loss is directly related to emergency <i>or was directly related to a fire that was subject of an order under ORS 476.510 to 476.610</i>, not less than 24 months (and in some cases, not less than 36 months). The Building limit and Other Structures limit can be combined when the Building limit alone is not enough to provide replacement.</p> <p><i>Wording in italics will be effective 1/1/2024</i></p>	<p>Page _____</p> <p>Paragraph _____</p> <p>if In the filed Forms</p> <p>N/A <input type="checkbox"/></p>
Alleged Acts	ORS 746.230, ORS 742.013, ORS 742.016, ORS 742.407	Insurers may use the words “allege,” “alleged,” and “alleging” in exclusionary language that denies coverage for certain types of claims the line of business is not intended to cover. These words are problematic in exclusionary language that denies certain types of acts. The insurer shall conduct a reasonable investigation when there are alleged acts, based on all available information.	<p>Page _____</p> <p>Paragraph _____</p>
Concurrent Exclusion Wording	ORS 742.005(2)(4)	Insurance policies need to be clear and unambiguous. If an uninsured event occurs at the same time as a covered event, the covered damages must be covered. Any policies written to deny coverage to insured portions of losses when they cannot be separated from uninsured portions of losses, will be disapproved as unjust, unfair, or inequitable.	<p>Page _____</p> <p>Paragraph _____</p>
Controlled Substances, Marijuana, or Cannabis	DFR 2021-4	Policy language must be clear and unambiguous and be based upon Oregon laws. Any exclusion for possession or use of a controlled substance must allow for the legal use or possession of a prescribed substance. Marijuana and cannabis products are legal both medicinally and recreationally under Oregon laws.	<p>Page _____</p> <p>Paragraph _____</p> <p>If In the filed forms</p> <p>N/A <input type="checkbox"/></p>
Criminal Act Exclusion	ORS 742.005 (2)	Contract language must be clear and unambiguous, and non-subjective in its application to a specific loss. There should be a connection to the coverage being provided under the policy.	<p>Yes <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>
Dishonest Act	ORS 742.005 (2)	Contract language must be clear and unambiguous, and non-subjective in its application to a specific loss. The insurer must be able to prove the claimant committed a dishonest act and that it was intended to cause a loss under the policy.	<p>Confirm <input type="checkbox"/></p>

Category	Reference	Description	Check answer or confirm
Intentional Act Exclusion	<p>ORS 742.005 (2)</p> <p>OAR 836-080-0900, 836-080-0905</p> <p>Bulletin DFR 2022-2</p>	<p>Intentional acts exclusions are allowable in policies, but should not encompass losses due to negligence or unintended acts or harm.</p> <p>OAR 836-080-0900</p> <p>Definitions</p> <p>As used in OAR 836-080-0900 to 836-080-0905:</p> <p>(1) "Covered loss" means any loss, damage, or injury that would be covered by a property and casualty personal lines policy unless arising out of an act or omission of a person insured under such policy.</p> <p>(2) "Innocent person" means, with respect to any covered loss, a person:</p> <p>(a) Who did not cause such covered loss;</p> <p>(b) Who did not materially contribute to such covered loss; and</p> <p>(c) Who did not know that such covered loss was reasonably likely to occur or undertook reasonable efforts to prevent or limit such covered loss.</p> <p>OAR 836-080-0905</p> <p>Language used for co-insureds on property and casualty personal lines policies</p> <p>No property and casualty personal lines policy may contain any provision or other language that would deny coverage to any innocent person insured under such policy for any covered loss arising out of any act or omission of any other person insured under such policy.</p> <p>Language conveying that an exclusion applies whether or not the insured had the requisite intent will also be disapproved. Currently approved exclusionary language without this type of expansive language may continue to be used. Unclear, ambiguous, vague or misleading policy exclusion language that would potentially exclude coverage for a policyholder over negligent acts or unintended acts, injuries, damages or harms will be disapproved, pursuant to ORS 742.005(2).</p>	<p>Page _____</p> <p>Paragraph _____</p> <p>If In the filed forms N/A <input type="checkbox"/></p>

Category	Reference	Description	Check answer or confirm
Appraisal	ORS 742.232 Molodyh vs Truck Insurance Exchange Bulletin DFR 2020-1	All policies that include the peril of fire contain a provision that if the insured and the insurance company do not agree on the actual cash value or the amount of loss, then, upon mutual agreement, each will select an appraiser and notify the other of the appraiser selected within 20 days of such disagreement. The appraisers shall follow the procedures in ORS 742.232. Each appraiser shall be paid by the party selecting the appraiser and the expenses of appraisal and umpire shall be paid by the parties equally. (See Oregon Supreme Court case law on Molodyh vs Truck Insurance Exchange 304 Or. 290, 744 P.2d 992 (1987)). The process shall take place at a mutually agreed upon location in Oregon, and according to Oregon laws.	Confirm <input type="checkbox"/>
Arbitration	Bulletin DFR 2020-1	<p>Voluntary arbitration is permitted by the Oregon Constitution and statutes. Please see additional details below:</p> <ul style="list-style-type: none"> • Either party may elect arbitration at the time of the dispute (after the claimant has exhausted all internal appeals if applicable); • There must be mutual agreement at the time of the dispute to use an arbitration process. Mandatory arbitration is not allowable; • Arbitration will take place in the insured's county or at another agreed upon location; • Arbitration will take place according to Oregon law. • The process may not restrict the injured party's access to other court proceedings; <p>Restricting participation in a class action suit is permissible.</p>	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Bankruptcy	ORS 742.031	The policy includes a bankruptcy provision similar to that in ORS 742.031.	Confirm <input type="checkbox"/>
Cancellation and non-renewal	ORS 742.005(2), ORS 742.023(1)(e) & (1)(f), ORS 742.224(1) & (3)	The policy clearly explains how any cancellation refunds will be calculated. Upon cancellation for any reason, the policyholder may be entitled to a refund. Refunds must be made within a reasonable time.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.224(1)	If a policy includes the peril of fire it contains a provision that the policy may be canceled at any time at the request of the insured. It also states that when the policy has been surrendered, the premium they have paid over and above the customary short rates or prorates will be refunded back to them. Refunds must be made within a reasonable time.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

Category	Reference	Description	Check answer or confirm
Cancellation and non-renewal (continued)	ORS 742.224(2), OAR 836-085-0010(2)	If the policy includes the peril of fire, then the policy is required to contain a 10 days written notice prior to cancellation for premium nonpayment and 30 days written notice for any other cancellation reason.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.702, ORS 742.706, OAR 836-085-0055, ORS 742.710 Exemption	If the policy includes commercial liability, then the policy is required to contain a 10 working days' notice prior to cancellation for non-payment of premium, and 30 days' notice prior to cancellation for any other permitted reason. A 45 day advance notice is required for nonrenewal. If a policy containing commercial liability is new and has been in effect less than 60 days, the insurer needs to give at least a 10-day advanced notice of cancellation.	Yes <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.706(1)	If an insurer offers to renew a commercial liability policy on terms less favorable or at higher rates, the new terms or rates may take effect on the renewal date with 45 days written notice. If the insurer does not provide such notice, the insured may cancel the renewal policy within 45 days of receipt. Earned premium for the period of time the renewal policy was in force shall be calculated pro rata at the lower of the current or previous year's rate. If the insured accepts the renewal, changes shall be effective immediately following the prior policy's expiration date.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 746.687(3)	If a homeowner's policy, the policy is required to contain a 10 days written notice prior to cancellation for premium nonpayment or fraud or material misrepresentation, and 30 days written notice for any other statutorily permitted cancellation reason. Nonrenewal requires a 30-day advance notice.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
		If there are any conflicts between cancellation requirements within a given policy, the insurer should use the greatest number of day's prior notice.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 746.687(4)	Homeowner policies: An insurer must provide an advance notice of non-renewal or renewal on altered terms. This notice should be sent no less than 30 days prior to the expiration of the policy period.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.260	Child care facility: An insurer offering homeowner or renter liability or fire insurance may not cancel or refuse to issue or renew a policy on a private home solely on the basis that the policyholder operates a child care facility if it is registered or certified pursuant to ORS 329A.030 and 392A.250 to 329A.450.	Confirm <input type="checkbox"/>

Category	Reference	Description	Check answer or confirm
Cancellation, Non-Renewal, or Increased Premium Relating to Wildfire Risk	SB 82 Enrolled (2023) (Effective 1/1/2024)	<p>Homeowner Policies: This notice must be filed for review and approval</p> <p><i>An insurer that cancels or decides not to renew a homeowner insurance policy for a property, or that increases a premium for a homeowner insurance policy for a property, for a reason that is not nonpayment of a premium and that is materially related to wildfire risk, shall send a notice of the cancellation, decision not to renew or premium increase to the insured that describes:</i></p> <p><i>(a) Any property-specific characteristics related to wildfire risk that resulted in the cancellation, decision not to renew or premium increase.</i></p> <p><i>(b) Wildfire risk mitigation actions the insured could undertake to improve the insurability of the property, if there are any.</i></p> <p><i>(c) If the insurer used wildfire risk scores or classifications to assess the property, the following information:</i></p> <p><i>(A) In plain language, a description of how wildfire risk scores and classifications are determined, including a description of any general variables the insurer considers.</i></p> <p><i>(B) The range of wildfire risk scores or classifications that could potentially be assigned to a property.</i></p> <p><i>(C) The relative position of the wildfire risk score or classification assigned to the property.</i></p> <p><i>(D) Impacts, if there are any, that wildfire risk mitigation actions could have on a wildfire risk score or classification assigned to the property.</i></p> <p><i>(d) General information about factors the insurer considers in order to classify, measure or otherwise determine the wildfire risk to a property.</i></p> <p><i>(e) Any other information specified by rule by the Department of Consumer and Business Services.</i></p> <p><i>(3) In addition to the requirements of subsection (2) of this section, a notice for a premium increase that is materially related to wildfire risk must describe:</i></p> <p><i>(a) What wildfire risk mitigation actions the insured could undertake, if any, that would result in a discount, incentive or other premium adjustment.</i></p> <p><i>(b) The amount of the potential discount, incentive or other premium adjustment</i></p> <p>Wording in italics will be effective 1/1/2024</p>	Confirm <input type="checkbox"/>

Category	Reference	Description	Check answer or confirm
Discrimination	ORS 746.015	A policy does not unfairly discriminate in insuring against risks of essentially the same degree of hazard, application of rates, dividends, or other benefits or terms and conditions of insurance policies.	Confirm <input type="checkbox"/>
	ORS 746.015(4)	A victim of domestic violence is not discriminated against in the availability of coverage, premiums, exclusions or limitation, or against agents submitting the business.	Confirm <input type="checkbox"/>
	ORS 106.300 thru ORS 106.340 OAR 836-081-0010 Bulletin 2008-2	If the policy extends coverage to a spouse, then a provision that recognizes a Domestic Partnership is included in the policy.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Exclusions	ORS 742.210, ORS 742.218	All policies that include the peril of fire contain a provision that excludes coverage for accounts, bills, currency, deeds, evidences of debt, money, or securities; nor unless the items are specified, bullion or manuscripts. Note: These may be added to the policy by endorsement or by inclusion in the basic form language.	Confirm <input type="checkbox"/>
	ORS 742.212	All policies that include the peril of fire shall contain a provision that excludes liability for loss by fire or other perils caused by: (a) enemy attack by armed forces; (b) invasion; (c) insurrection; (d) rebellion; (e) revolution; (f) civil war; (g) usurped power; (h) order of any civil authority except acts of destruction for the purpose of preventing the spread of fire, provided that such fire did not originate from any of the perils excluded.	Confirm <input type="checkbox"/>
	Terrorism position INS 2015-1 and E-notification	Loss due to terrorism may not be excluded in any personal insurance product. Commercial insurance is subject to the Federal Terrorism Risk Insurance Act and its re-authorizations. Beginning in 2002, Oregon has issued guidance on the subject of TRIA/TRIPRA, including an e-notify for the 2019 re-authorizations. Forms are required to be filed for prior approval. Policyholder Disclosure forms are also required to be filed for review and approval. Rules and rates (or loss costs) are required to be filed.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.206 and ORS 742.212	Any commercial policy that includes property coverage must use an approved Terrorism form and/or Disclosure that states loss due to fire is covered up to the limit provided in the policy. Oregon is a "standard fire state"; therefore, property loss due to terrorism cannot be excluded, limited, or restricted.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.212(i)	All policies that include the peril of fire contain a provision that excludes liability for neglect of the insured to use all reasonable means to save and preserve the property at and after a loss, or when the property is endangered by fire in neighboring premises.	Confirm <input type="checkbox"/>

Category	Reference	Description	Check answer or confirm
Exclusions (continued)	ORS 742.212(j), ORS 742.218	All policies that include the peril of fire contain a provision that excludes liability for loss by theft. Note: This coverage may be added to the policy by endorsement or by inclusion in the basic form language.	Confirm <input type="checkbox"/>
	ORS 742.260(2)	A homeowner or renter liability or fire insurance policy may not provide coverage for losses arising out of or in connection with child care provided by registered or certified child care facility. Coverage for losses arising out of or in connection with child care by a registered or certified child care facility may be provided only by a separate policy or indorsement for which premiums are assessed and paid.	Confirm <input type="checkbox"/>
	ORS 742.244	The policy may include a written statement that the policy does not cover loss or damage caused by nuclear reaction, nuclear radiation, or radioactive contamination, directly or indirectly resulting from an insured peril under the policy.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.005(2), ORS 742.023(1)(f)	The extent of any exclusion or limitation must be clearly described.	Confirm <input type="checkbox"/>
Fees and service charges	ORS 742.023, ORS 744.077, ORS 746.015, OAR 836-071-0269 – OAR 836-071-0277	All charges to the policy holder are included in filed rating plans and are listed on the declarations page. No unfiled charges may be added to the declarations page.	Confirm <input type="checkbox"/>
Fraud	ORS 742.013, ORS 742.016, Bulletin INS 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 must be 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 <input type="checkbox"/> N/A <input type="checkbox"/>

Category	Reference	Description	Check answer or confirm
Fraud	ORS 742.013, ORS 742.208, Bulletin INS 2010-3	<p>To deny or cancel coverage due to the insured's (or on behalf of the insured) misrepresentations, omissions, concealments of fact, or incorrect statements; the written application must be indorsed upon (or included by reference in the policy), or attached to the policy when issued.</p> <p>This includes any written or electronic Application form, supplemental application, and/or questionnaire. If other media is used to obtain information regarding the applicant that could be used to later cancel a policy or deny a claim, this must be disclosed to the applicant.</p> <p>The insurer must show the misrepresentations, omissions, concealments of fact, or incorrect statements are material. The insurer must also show they have relied upon them, and that they are either:</p> <ul style="list-style-type: none"> A. Fraudulent or; B. Material either to the acceptance of the risk or to the hazard assumed. <p>Insurers should review Bulletin 2010-3 and the Insurance Code to determine whether their statements comply.</p> <p>When the policy provides property coverage, the insurer may need to include the "willfully concealed" language found in ORS 742.208.</p>	<p>Yes N/A</p> <p><input type="checkbox"/> <input type="checkbox"/></p>
Home Protection Insurance	ORS 731.158(4), ORS 731.164(1)(a), ORS 742.280	<p><u>Home Protection Insurance</u> – A policy that includes home protection insurance coverage as described in ORS 731.158(4) and ORS 731.164(1)(a) complies with the requirements outlined in ORS 742.280:</p> <p>(1)(a), (b), (c) Policy structure; (d) (A) services to be performed; (d) (B) fees or deductible amounts; (d) (C) limitations, restrictions, or exclusions; (d) (D) a statement that services will be performed upon the insured's telephoned request, without the requirement of a paper claim form or service application; and (d) (E) claim services must begin within 48 hours after a request for services has been made.</p> <p>(2) A stand-alone Home Protection insurance policy shall be non-cancelable except for non-payment of premium, or fraud or material misrepresentation. A Home Protection policy is not renewable unless its terms provide otherwise.</p>	<p>Yes N/A</p> <p><input type="checkbox"/> <input type="checkbox"/></p>

Category	Reference	Description	Check answer or confirm
Legibility	ORS 742.005(2), ORS 742.023	The forms are clear and understandable in the presentation of premiums, labels, description of its 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.	Confirm <input type="checkbox"/>
Limits	ORS 742.214	All policies that include the peril of fire contain a provision that other insurance may be prohibited, or the amount of insurance limited, by attaching an endorsement to the policy.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.220	<u>Provision For Endorsing Policies:</u> All policies that include the peril of fire contain a provision that the application of insurance and the contribution to be made by the company in case of loss, or any other provision that is not inconsistent with the provisions of the policy may be added to the policy in writing. However, no provision may be waived unless the policy states the terms of this policy are subject to change.	Confirm <input type="checkbox"/>
	ORS 742.023	Limits of coverage are clearly described.	Confirm <input type="checkbox"/>
Loss Settlement	ORS 742.053 (2), ORS 742.230	Insurers must furnish a proof of loss form when requested in writing by a person claiming to have a loss under the policy. An insured must have at least 90 days from the date the form is received to complete the form and submit it to the insurer.	Confirm <input type="checkbox"/>
	ORS 742.023, ORS 742.234	Settlement provisions are clearly explained.	Confirm <input type="checkbox"/>
	ORS 742.228	The policy contains a provision that states: "The company shall not be liable for a greater proportion of any loss than the amount insured shall bear to the whole insurance covering that peril, whether collectible or not."	Confirm <input type="checkbox"/>
	ORS 742.234	All policies that include the peril of fire contain a provision that, at the option of the insurer, it may take all or any part of the property at the agreed or appraised value and also may repair, rebuild, or replace with other of like kind and quality the property destroyed or damaged within a reasonable time, on giving notice within 30 days after the required receipt of the proof of loss.	Confirm <input type="checkbox"/>
	ORS 742.230	All policies that include the peril of fire contain a provision that the insured shall give immediate written notice of any loss to protect the property from further damage, shall promptly separate damaged and undamaged personal property, put it in the best possible order, and furnish a complete inventory of the destroyed, damaged and undamaged property, showing in detail quantities, costs, actual cash value, and amount of loss claimed.	Confirm <input type="checkbox"/>

Category	Reference	Description	Check answer or confirm
Loss Settlement Continued	ORS 742.238	All policies that include the peril of fire contain a provision that the amount of loss is payable 60 days after proof of loss is received by the company and ascertainment of the loss is made either by agreement in writing or by the filing with the company of an award.	Confirm <input type="checkbox"/>
	ORS 742.236	All policies that include the peril of fire contain a provision that there can be no abandonment to the company of any property.	Confirm <input type="checkbox"/>
	HB 2982 (2023)	<u>Personal Insurance:</u> If an insured: <ul style="list-style-type: none"> Experiences a total loss of the contents of a residence; Resulting from a major disaster declared by the Governor; and They provide documentation that the residence was furnished, and the loss resulted from a major disaster in an area subject to a state of emergency declaration, and the loss was directly related to the state of emergency. Then the insurer shall: <ul style="list-style-type: none"> Offer a minimum of 70% or a larger percentage (agreed upon by the insured and insurer) of the coverage purchased for the contents, without requiring the insured to submit a written inventory of the loss. Pay for covered costs for debris removal not later than 60 days after receiving documentation showing the date and cost of removal (exception is if a governmental agency removes debris or is involved the insurer must pay within a reasonable time). Pay for any covered loss of trees, shrubs, or landscaping within 30 days after receiving documentation of the loss that shows the number, nature of trees/shrubs/landscaping damaged or destroyed (exception in the event of a coverage dispute, or if insurer and insured agree pay costs later). 	Confirm <input type="checkbox"/>
Misrepresentation /Misstatements	ORS 742.013, ORS 742.208	A provision in the policy, or the application, makes it clear that statements made by the insured, in the absence of fraud, are representations and not warranties.	Confirm <input type="checkbox"/>
Mortgagee/ Lien holder	ORS 742.226(1)	All policies that include the peril of fire contain a provision that if loss is payable to a designated mortgagee, the interest in this policy may be canceled by giving the mortgagee 10 days written notice of cancellation.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

Category	Reference	Description	Check answer or confirm
Mortgagee/ Lien holder (Continued)	ORS 742.226(2)	All policies that include the peril of fire contain a provision that if the insured fails to render proof of loss, the mortgagee, upon notice, shall render proof of loss within 60 days and shall be subject to the provisions relating to appraisal, time of payment, and bringing suit.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 742.226(2)	All policies that include the peril of fire contain a provision that if the insurance company claims that no liability existed as to the mortgagor or owner, it shall, to the extent of payment of loss to the mortgagee, be subrogated to all the mortgagee's rights of recovery, but without impairing mortgagee's right to sue or it may pay off the mortgage debt and require an assignment thereof and of the mortgage. Other provisions relating to the interests and obligations of such mortgagee may be added in writing.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Policy period	ORS 742.048, ORS 742.023(1)(d)	Coverage will commence at 12:01 a.m. at the insured's address on the date the policy takes effect. If the policy does not insure real property, use the insured's principal place of business within Oregon, or the insured's residence. The effective date and time shall not be prior to the time at which coverage commences. When parties agree, a binder may commence coverage at an hour different than 12:01 a.m. Any statement of time shall mean time according to the legal standard of time at the insured's primary location or residence premises. A full term of coverage would be 12:01 am on the effective date of the policy to 12:01 am on the expiration of the policy term. Use of a different expiration time could result in an unintentional lapse of coverage that might harm the insured. We recommend using a consistent start and end time.	Confirm <input type="checkbox"/>
Premium payment, refund, or retention	ORS 742.005(2), ORS 742.023, ORS 742.224	The policy clearly explains how any cancellation refunds will be calculated. Upon cancellation for any reason, the policyholder may be entitled to a refund. Refunds must be made within a reasonable time.	Confirm <input type="checkbox"/>
Primary coverage	ORS 742.023(1)(f), ORS 742.206	Terms used in describing the coverage are clearly defined. The policy describes the conditions and provisions pertaining to the coverage, amount, terms, exceptions, limitations, and exclusions.	Confirm <input type="checkbox"/>
	ORS 742.218	All policies that include the peril of fire contain a provision that any other peril to be insured against or covered by the policy is endorsed in writing, or included in the basic policy language.	Confirm <input type="checkbox"/>

Category	Reference	Description	Check answer or confirm
Policy documentation	ORS 742.206	The policy includes a statement of acceptance subject to the provisions and stipulations under the policy and any agreements.	Confirm <input type="checkbox"/>
	ORS 742.206	The policy contains a statement that the assignment shall not be valid except with the written consent of the company.	Confirm <input type="checkbox"/>
	ORS 742.222	All policies that include the peril of fire contain a provision that no waiver of any provision is valid unless in writing.	Confirm <input type="checkbox"/>
Rebates	ORS 746.035, ORS 746.045 ORS 746.045 (3)	Are inducements or rebates specified in the policy? If "yes," explain in the cover letter and identify the location in the policy and rating plan. ORS 746.045(3) allows an exception if the total value does not exceed \$100 per person/per year.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Promotional Offers	ORS 746.015, ORS 746.045 ORS 746.045 (3)	<u>Promotional Offers:</u> Any promotional offer or item disclosed in the policy should be specifically identified including what it is and the benefit to the policyholder. Any promotional offer or item that is not related to the risk assumed by the insurer is offered to everyone in a non-discriminatory manner. It is not necessary to file if the value of the gift does not exceed \$100 per person/per year.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Requirements	ORS 742.240	<u>Suit on Policy</u> Any policy that includes the peril of fire, informs the insured they must have complied with all the requirements of the policy in order to bring suit against the company. The policy must also contain a provision that law suits must be brought within 24 months after loss. It is acceptable to use 2 years rather than 24 months in the contract forms.	Confirm <input type="checkbox"/>
Subrogation	ORS 742.242	All policies that include the peril of fire contain a provision that the company may require from the insured an assignment of all right of recovery against any party for loss to the extent that payment is made.	Confirm <input type="checkbox"/>
Suspension	ORS 742.216	<u>Conditions suspending insurance:</u> A policy including the peril of fire shall contain a provision as follows: "unless otherwise provided in writing added hereto this company shall not be liable for loss occurring: (1) During the period that the hazard is increased by any means within the control or knowledge of the insured; or (2) During the period that a described building, whether intended for occupancy by owner or tenant, is vacated or unoccupied beyond a period of 60 consecutive days; or (3) As a result of explosion or riot, unless fire ensues, and in that event for loss by fire only."	Confirm <input type="checkbox"/>

Category	Reference	Description	Check answer or confirm
Mass Marketing Plans	OAR 836-042-0320	If an insurer is accepting personal insurance premium payments from an approved association or master policy holder for individual policies, 10 days notice is provided for cancellation or non renewal due to non payment of premium. Coverage for a former member remains in force for 60 days after termination with timely payment of premium. Mass marketing of personal lines insurance is covered in OAR 836-042-300 through 836-042-0322.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

RATE, RULE, RATING PLAN, CLASSIFICATION, AND TERRITORY FILING REQUIREMENTS			
Category	Reference	Description	Check answer
Requirements	ORS 737.205	Copies of rates, rating plans and rating systems are included in the filing.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
		Other documents required to be submitted with personal lines filings: (examples and forms on our Web site)	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
		A tier rating system summary, if tiers are part of the rating system.	<input type="checkbox"/> <input type="checkbox"/>
		A histogram.	<input type="checkbox"/> <input type="checkbox"/>
		A full copy of the underwriting guidelines, if insurer home owner underwriting eligibility guidelines changed.	<input type="checkbox"/> <input type="checkbox"/>
Credit report scoring	ORS 746.661, Bulletin INS 2010-4	Copies of rates, rating plans, and rating systems are included in the filing with revisions indicated when filing a change.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
		Effective date is not earlier than the date the filing is received by the Division of Financial Regulation.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
		Credit Scoring for Personal Lines – Credit history may be used as a factor in underwriting and rating new business. Once an account has been underwritten and rated, that score may not be reviewed or changed unless the policyholder requests it. The updated credit history may be used only when it results in a lower premium.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Schedule rating	ORS 737.205	Schedule rating plan identifies the credit or debit modification criteria and the maximum and minimum plan modification. Rating plans must be filed prior to use.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Discrimination	ORS 746.015, OAR 836-081-0010	Rates, rating plans, and rating systems do not discriminate unfairly in the availability of insurance and the application of rates.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

Category	Reference	Description	Check answer or confirm
Wildfire Risk	ORS 737.310 (17) SB 82 Enrolled (2023) (Effective 1/1/2024)	<u>Homeowner Policies:</u> <i>Reflect in the insurer's underwriting guidelines and rating plans how the insurer addresses or considers wildfire risk mitigation actions including defensible space, home hardening, certification as a wildfire prepared home by the Insurance Institute for Business and Home Safety and community mitigation efforts such as Firewise USA site designation or similar program established by the State Fire Marshall.</i> <i>An insurance company may not use a map published by an Oregon State agency that identifies areas of wildfire risk or exposure as a basis for:</i> <i>(1) Canceling or declining to renew a homeowner insurance policy; or</i> <i>(2) Increasing a premium for a homeowner insurance policy</i>	Confirm <input type="checkbox"/> Confirm <input type="checkbox"/>
Wording in italics will be effective 1/1/2024			

Ratemaking generally				
Category	Reference	Description	Yes	N/A
Credibility	ORS 737.310, OAR 836-010-0021	1. Provide all data used and judgments made. 2. Provide description of methodology used.	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Fees and service charges	ORS 737.310, OAR 836-010-0021	Provide cost-accounting justification on initial filing or subsequent changes.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
Loss valuation	ORS 737.310, OAR 836-010-0021	Premiums: 1. Earned premium and earned premium at present rates for each coverage or combined coverages using the extension of exposures or on level factors. 2. A rate level history. 3. Adjustment for inflation. 4. State whether data is on a basic or total-limits basis.	Yes <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	N/A <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
		Loss data: For each coverage and year used in calculating the rate level, state whether data is on a basic or total-limits basis.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>

Category	Reference	Description	Check answer or confirm	
Loss valuation	ORS 737.310, OAR 836-010-0021	1. Each year and coverage includes: Earned exposures. Incurred losses. Loss development factors. Description of the methodology used to derive the loss development factors. Unallocated loss adjustment expense. Allocated loss adjustment expenses. Ultimate incurred losses and loss adjustment expenses. Trend factors. Trended ultimate incurred losses and loss adjustment expense.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 737.310, OAR 836-010-0021	2. If losses are separated into catastrophic and non-catastrophic, a description of the method used to separate losses.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
Risk classification	ORS 737.310, OAR 836-010-0021	For each rating variable, territory, and tier levels provide the following information:		
		1. Earned premium, earned exposures, incurred loss, and number of claims.	<input type="checkbox"/>	<input type="checkbox"/>
		2. Methodology and judgments used to arrive at the differentials.	<input type="checkbox"/>	<input type="checkbox"/>
		3. Adjustments to ensure homogeneity of rating group characteristics.	<input type="checkbox"/>	<input type="checkbox"/>
		3. All data used and judgments made.	<input type="checkbox"/>	<input type="checkbox"/>
		4. Description of the methodology used.	<input type="checkbox"/>	<input type="checkbox"/>
Investment income	ORS 737.310, OAR 836-010-0021	1. Cash flow method <i>or</i>	<input type="checkbox"/>	<input type="checkbox"/>
		2. Alternative method showing amount of investment income earned on loss, LAE, and unearned premium reserve to earned premium.	<input type="checkbox"/>	<input type="checkbox"/>
Trending	ORS 737.310, OAR 836-010-0021	1. Provide all internal loss-trend data or external fast-track-loss-trend data used.	<input type="checkbox"/>	<input type="checkbox"/>
		2. Separate determinations of loss severity and frequency trends.	<input type="checkbox"/>	<input type="checkbox"/>
		3. Calculation of annual trend factors including statistical results.	<input type="checkbox"/>	<input type="checkbox"/>
		4. All data used and judgments made.	<input type="checkbox"/>	<input type="checkbox"/>
		5. Description of methodology used.	<input type="checkbox"/>	<input type="checkbox"/>
Underwriting profit & contingencies	ORS 737.310, OAR 836-010-0021	1. Oregon data for commission and brokerage.	<input type="checkbox"/>	<input type="checkbox"/>
		2. Countrywide data for general and other acquisition expenses as reported in the <i>Insurance Expense Exhibit</i> .	<input type="checkbox"/>	<input type="checkbox"/>
		3. Oregon data for taxes, licenses, and fees.	<input type="checkbox"/>	<input type="checkbox"/>
		4. Expense trend.	<input type="checkbox"/>	<input type="checkbox"/>
		5. Historic experience.	<input type="checkbox"/>	<input type="checkbox"/>