

Enrolled
House Bill 2250

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Consumer and Business Services)

CHAPTER

AN ACT

Relating to surcharge on workers' compensation rating plan for assigned risk pool; amending ORS 737.322.

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

SECTION 1. ORS 737.322 is amended to read:

737.322. Notwithstanding any other provision of this chapter:

[(1) The Director of the Department of Consumer and Business Services shall not approve any workers' compensation rate filing for an assigned risk pool that provides for any surcharge. As used in this subsection, a "surcharge" does not include a modification pursuant to an experience rating plan approved by the director.]

[(2)] (1) The Director of the Department of Consumer and Business Services shall adopt rules providing for approval of workers' compensation rating plans that include provisions allowing for reasonable retroactive application of experience rating modification factors. Nothing in this subsection affects retrospective rating plans.

[(3)] (2) If the director disapproves a workers' compensation rate or rating plan and the insurer or rating organization requests a hearing before the director, the burden of proof is upon the insurer or rating organization to prove that the filing meets the requirements of this chapter.

[(4)] (3) If the director holds a hearing on an order disapproving a workers' compensation rate, rating plan or rating system, the insurer or rating or advisory organization filing or using the rate, rating plan or rating system shall pay to the director the just and legitimate costs of the hearing, including actual necessary expenses.

Passed by House March 14, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate May 15, 2007

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President of Senate

Received by Governor:

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Approved:

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State