

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)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Allows imposition of surcharge on workers' compensation rating plan for assigned risk pool.

A BILL FOR AN ACT

1
2 Relating to surcharge on workers' compensation rating plan for assigned risk pool; amending ORS
3 737.322.

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

5 **SECTION 1.** ORS 737.322 is amended to read:

6 737.322. Notwithstanding any other provision of this chapter:

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

11 **[(2)] (1)** The Director **of the Department of Consumer and Business Services** shall adopt
12 rules providing for approval of workers' compensation rating plans that include provisions allowing
13 for reasonable retroactive application of experience rating modification factors. Nothing in this
14 subsection affects retrospective rating plans.

15 **[(3)] (2)** If the director disapproves a workers' compensation rate or rating plan and the insurer
16 or rating organization requests a hearing before the director, the burden of proof is upon the insurer
17 or rating organization to prove that the filing meets the requirements of this chapter.

18 **[(4)] (3)** If the director holds a hearing on an order disapproving a workers' compensation rate,
19 rating plan or rating system, the insurer or rating or advisory organization filing or using the rate,
20 rating plan or rating system shall pay to the director the just and legitimate costs of the hearing,
21 including actual necessary expenses.
22

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.