

D R A F T

SUMMARY

Specifies requirements for persons to intervene in contested case proceedings conducted by Department of Consumer and Business Services on rate filings. Permits department to issue protective order to protect from disclosure trade secrets or other confidential information protected by state or federal law.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Department of Consumer and Business Services' review of a
3 rate filing; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2013 Act is added to and made a part**
6 **of the Insurance Code.**

7 **SECTION 2. (1) Any person may petition to intervene in a contested**
8 **case proceeding conducted by the Department of Consumer and Busi-**
9 **ness Services on a rate filed under ORS 743.018. The department shall**
10 **grant the petition if:**

11 **(a)(A) The person has an interest that may be affected by the out-**
12 **come of the proceeding; or**

13 **(B) The person seeks to represent a public interest that may be af-**
14 **ected by the outcome of the proceeding and is qualified to represent**
15 **that interest;**

16 **(b) The interest or public interest will not be adequately represented**
17 **by the other parties to the proceeding;**

18 **(c) The participation by the petitioner will not unreasonably delay**

1 or unreasonably broaden the issues to be considered in the proceeding;

2 (d) The petitioner has the knowledge or expertise to assist the de-
3 partment in determining whether to approve the rate filing; and

4 (e) The petitioner enters into the agreement described in subsection
5 (4) of this section.

6 (2) The department shall prescribe by rule the form of the petition
7 to intervene under subsection (1) of this section and the submission
8 requirements including, but not limited to, all of the following:

9 (a) The petitioner must serve the petition on the insurer that sub-
10 mitted the rate filing that is under review.

11 (b) The insurer may object to the petition to intervene by filing
12 objections with the department no later than 10 days after the service
13 of the petition on the insurer and must serve a true copy of the ob-
14 jections on the petitioner.

15 (c) The petitioner shall be afforded an opportunity to respond to
16 objections filed by an insurer no later than seven days after service
17 of the objections on the petitioner.

18 (3) The Director of the Department of Consumer and Business Ser-
19 vices or the director's designee may issue a protective order, upon the
20 request of the insurer and for good cause shown, to restrict in any
21 manner and to any extent the disclosure to the public of information
22 in a contested case proceeding on a rate filed under ORS 743.018 if the
23 information is a protected trade secret or is otherwise protected from
24 disclosure by state or federal law.

25 (4) A petitioner must enter into a written agreement with the de-
26 partment stipulating that the petitioner will:

27 (a) Comply with any protective order issued under subsection (3)
28 of this section;

29 (b) Not use or disclose information obtained through the proceeding
30 for any purpose other than to participate in the proceeding unless the
31 insurer consents, in writing, to the use of the information for another

1 **purpose; and**

2 **(c) Take all reasonable steps to keep secure and not disclose any**
3 **confidential information obtained through the proceeding.**

4 **(5) Upon a finding that an intervenor has failed to comply with the**
5 **terms of the agreement described in subsection (4) of this section the**
6 **director or the director's designee may:**

7 **(a) Remove an intervenor from the proceeding;**

8 **(b) Prohibit the intervenor from participating in any future pro-**
9 **ceedings; or**

10 **(c) Impose penalties under ORS 731.988.**

11 **SECTION 3. This 2013 Act being necessary for the immediate pres-**
12 **ervation of the public peace, health and safety, an emergency is de-**
13 **clared to exist, and this 2013 Act takes effect on its passage.**

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