

Senate Bill 684

Sponsored by COMMITTEE ON GENERAL GOVERNMENT, CONSUMER AND SMALL BUSINESS PROTECTION

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**.

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 rate filing; and declar-
3 ing 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 of the Insurance Code.**

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

9 (a)(A) The person has an interest that may be affected by the outcome of the proceeding;
10 or

11 (B) The person seeks to represent a public interest that may be affected by the outcome
12 of the proceeding and is qualified to represent that interest;

13 (b) The interest or public interest will not be adequately represented by the other parties
14 to the proceeding;

15 (c) The participation by the petitioner will not unreasonably delay or unreasonably
16 broaden the issues to be considered in the proceeding;

17 (d) The petitioner has the knowledge or expertise to assist the department in determining
18 whether to approve the rate filing; and

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

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

23 (a) The petitioner must serve the petition on the insurer that submitted the rate filing
24 that is under review.

25 (b) The insurer may object to the petition to intervene by filing objections with the de-
26 partment no later than 10 days after the service of the petition on the insurer and must
27 serve a true copy of the objections on the petitioner.

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

30 (3) The Director of the Department of Consumer and Business Services or the director's

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.

1 **designee may issue a protective order, upon the request of the insurer and for good cause**
2 **shown, to restrict in any manner and to any extent the disclosure to the public of informa-**
3 **tion in a contested case proceeding on a rate filed under ORS 743.018 if the information is a**
4 **protected trade secret or is otherwise protected from disclosure by state or federal law.**

5 **(4) A petitioner must enter into a written agreement with the department stipulating**
6 **that the petitioner will:**

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

8 **(b) Not use or disclose information obtained through the proceeding for any purpose**
9 **other than to participate in the proceeding unless the insurer consents, in writing, to the**
10 **use of the information for another purpose; and**

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

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

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

16 **(b) Prohibit the intervenor from participating in any future proceedings; or**

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

18 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**
19 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
20 **on its passage.**

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