

Department of Consumer & Business Services

Oregon Insurance Division – 5

350 Winter St. NE, Rm. 440

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STANDARDS FOR VEHICLE RENTAL COMPANY AUTO INSURANCE

This checklist must be submitted with your filing in compliance with OAR 836-010-0011(2) It will help insurers make a complete filing. The checklist includes relevant statutes, rules and bulletins. The standards, in some cases, are summaries. Review of the entire statute or rule may be necessary. By each statement, on the line provided, identify the page and paragraph in the form that satisfies this requirement or check the box to verify compliance. Not including required information or policy provision may result in disapproval of the filing. If the statement is not included and is not required to be included, an “N/A” may be indicated. *(If submitting your filing electronically, bookmark the provision in the policy, rules, or exhibits that satisfies the requirement.)*

Market: Personal lines
TOI (type of insurance) code : 33.0001 Other Personal Lines

This Checklist is NOT APPLICABLE to the following:

For TOIs not listed, see our Web site for instructions at: oregoninsurance.org/docs/serff/filing_requirements.htm.

Filing of simple endorsements, title or declaration pages, or advertisements; see Web site for requirements.

Types of coverage:		
<input type="checkbox"/> Personal accident	<input type="checkbox"/> Liability insurance	<input type="checkbox"/> Personal effects
<input type="checkbox"/> Roadside assistance	<input type="checkbox"/> Emergency sickness	

Review requirement	Reference	Description of review standards requirements	Location of standard in filing (or check the box)	
GENERAL REQUIREMENTS (FOR ALL FILINGS)				
Filing submission	OAR 836-010-0011 As required on SERFF or our Web site	Required forms are located on SERFF or on our Web site at: oregoninsurance.org/docs/serff/filing_requirements.htm . These must be submitted for your filing to be accepted as complete: 1. Transmittal form. 2. Cover letter & explanatory memorandum (See transmittal form for instructions.) 3. Third-party filer's letter of authorization. 4. Certificate of compliance form. 5. Product standards (this document). 6. Forms filed for approval. 7. For mail filings, two self-addressed stamped envelopes, one in which the division can return approved forms.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
Review	ORS 742.003(1)	Included in this filing for review: 1. New policy or program. 2. Endorsements amending an existing program that include additional coverages in these standards. 3. Summary of coverage. 4. Syllabus of employee training program.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
Applicability	ORS 742.048(2)	No policy has been issued or will be issued upon the forms in this filing until approved.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	ORS 737.205(1)	Requested effective date cannot be earlier than the date the filing is received by the Insurance Division.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
	OAR 836-030-0060	Agents are not allowed to charge a service fee.	Yes <input type="checkbox"/>	N/A <input type="checkbox"/>
FORMS				
Policy documentation	ORS 742.023	Description of the conditions and provision pertaining to each coverage.		
	ORS 744.850(2)	Rental agreement - a written agreement of the terms and conditions governing use of a vehicle provided by a rental company for rent.		

	ORS 744.850(3)	Rental company - a person or entity providing motor vehicles to the public under a rental agreement for a period of 90 days or less.	
	ORS 744.850(4)	Renter - a person obtaining the use of a vehicle from a rental company for a period of 90 days or less.	
	ORS 744.850(5)	Vehicle - an automobile, van, minivan, sports-utility vehicle, cargo van, pickup truck or truck with a gross vehicle weight of less than 26,000 pounds that does not require a commercial driver license to operate.	
Legibility of forms	ORS 742.005(2)	The forms are clear and understandable in the presentation of premiums, labels, descriptions of 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.	Yes <input type="checkbox"/> No <input type="checkbox"/>
Policy period	ORS 742.048 and 742.504(3)	<u>Effective date and time</u> - Policy states that coverage commences at 12:01 a.m. and the date. It includes a statement that coverage applies only to accidents that occur on and after the effective date of the policy; during the policy period; and within the United States of America, its territories or possessions, or Canada.	
Arbitration	ORS 36.600-36.740	Voluntary arbitration is permitted by the Oregon Constitution and statutes after all internal appeals have been exhausted and can be binding upon consent of the covered insured. <i>(If the policy provides for arbitration when claim settlement cannot be reached, the enrollee may elect arbitration by mutual agreement at the time of the dispute. Arbitration takes place under the laws of Oregon or another agreed-upon procedure. Arbitration must be held in the insured's county and state.)</i>	
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, should the plaintiff's recovery exceed the amount of payment made 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.	
Bankruptcy	ORS 742.031	The policy includes a bankruptcy provision similar to that in ORS 742.031.	

Excess coverage	ORS 742.509	This coverage applies only as excess over any other insurance available to such occupant which is similar to this coverage.	
Fees, service charges, taxes	OAR 836-030-0050 and ORS 731.808	All charges to the policyholder are listed on the declarations page. Field add-ons are not permitted.	
Loss settlement	ORS 742.504(5)	The policy describes the following claims procedures. (a) As soon as practicable, the insured or other person making claim must give the insurer written proof of claim and submit to examinations under oath as may reasonably be required. Proof of claim is made on forms furnished by the insurer unless the insurer fails to furnish forms within 15 days after receiving notice of claim. (b) Upon reasonable request of and at the expense of the insurer, the injured person must submit to physical examinations by physicians selected by the insurer and give authorization to the insurer to obtain medical reports and copies of records.	
	ORS 742.504(2)(f) and (g)	When a “hit-and-run” or “phantom” vehicle is involved, the accident must be reported within 72 hours to a police department, or equivalent, as listed in the statute, and within 30 days to the insurer.	
	ORS 742.504(6)	Any legal action instituted by the insured is required to be immediately forwarded to the insurer by the insured or the legal representative of the insured.	
	ORS 742.053	Policy states that proof of loss forms are available from an insurer upon request by an insured.	
Limits	ORS 742.023 & 742.005(2)	Policy clearly identifies and describes limits on the coverage.	
Other insurance	ORS 744.854(1)	<u>Accident and health insurance</u> -- The policy may provide personal accident insurance covering the risks of travel, including accident and health that provides coverage to renters and other occupants of the rental vehicle for accidental death or dismemberment and reimbursement for medical expenses resulting from an accident that occurs during the rental period.	

	ORS 743.053	Benefits in case of death or dismemberment by accident shall not require that the death or dismemberment occur less than 180 days after the date of the accident in order for benefits to be paid under the policy.	
Primary coverage	ORS 744.854(4)(2)	The policy provides liability coverage to renters and other authorized drivers for liability arising from the operation of the rental vehicle.	
	ORS 742.450(4) and 806.070	The policy provides at least the amounts necessary to cover the minimum required payments to qualify for use for financial responsibility under ORS 806.060, and include coverage for uninsured and underinsured motorists.	
	ORS 744.854(3)	The policy may provide personal effects coverage to renters and other vehicle occupants for loss of and damage to personal effects during the rental period.	
	ORS 744.854(4)	The policy may provide for roadside assistance and emergency sickness insurance.	
Rebates	ORS 746.035 & 746.045	Inducements or rebates specified in the policy. (If answer is other than "N/A," details must be included in the rates and rules filing.)	
Titles & headings	ORS 742.005(2)	Each form filed identifies the insurer and is clearly titled. Headings for benefits include references to any limitations and restrictions in the provision.	
RATE, RULE, RATING PLAN, CLASSIFICATION, AND TERRITORY FILING REQUIREMENTS			
Filing submission	ORS 737.205	Include an overview of the contents of the filing, and the procedures used to derive the rate	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
	ORS 737.205	Copies of rates, rating plans, and rating systems must be filed.	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"/>
Rebates	ORS 746.035 and 746.045	Inducements or rebates are not specified in the policy. (If answer is "yes," explain in the cover letter.)	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Loss valuation	ORS 737.310 and OAR 836-010-0021	Premium data	
		Loss and LAE data	
		Expected loss ratio	

Investment income	ORS 737.310 and OAR 836-010-0021	1. Cash flow method OR 2. Alternative method showing amount of investment income earned on loss, LAE, and unearned premium reserve to earned premium.	
Underwriting profit & contingencies	ORS 737.310 and OAR 836-010-0021	1. Provide Oregon data for commission and brokerage.	
		2. Provide countrywide data for general and other acquisition expenses as reported in the <i>Insurance Expense Exhibit</i> .	
		3. Provide Oregon data for taxes, licenses, and fees.	
Fees, service charges, taxes	ORS 737.310 and OAR 836-010-0021	Cost-accounting justification on initial filings and subsequent changes.	