

A-Engrossed
Senate Bill 781

Ordered by the Senate April 20
Including Senate Amendments dated April 20

Sponsored by COMMITTEE ON VETERANS AND EMERGENCY PREPAREDNESS

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.

[Permits Director of Department of Consumer and Business Services to exempt] **Exempts** association with membership composed of current or former members of Armed Forces of United States from operation of Insurance Code and *[to require]* **requires** association to submit certain information to Director of Department of Consumer and Business Services.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to exemptions from the operation of the Insurance Code for certain associations; amending
3 ORS 748.601; and declaring an emergency.

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

5 **SECTION 1.** ORS 748.601 is amended to read:

6 748.601. (1) Except as provided in subsection (2) of this section, *[nothing contained in]* this
7 chapter *[shall be so construed as to]* **does not** affect or apply to:

8 (a) Grand or subordinate lodges of orders, societies or associations *[doing]* **that do** business in
9 this state **and** that provide benefits exclusively through local or subordinate lodges;

10 (b) Orders, societies or associations that admit to membership only persons **that are** engaged
11 in one or more crafts or hazardous occupations, in the same or similar lines of business, insuring
12 only *[their own]* **the members of the orders, societies or associations** and *[their]* **the families of**
13 **the members**, and *[the ladies']* **any societies [or ladies' auxiliaries] that are auxiliary** to *[such]* **the**
14 orders, societies or associations;

15 (c) Domestic societies that limit *[their]* membership to employees of a particular city or town,
16 designated firm, business house or corporation **and** that provide for a death benefit of not more than
17 \$400 or disability benefits of not more than \$350 to any person in any one year, *[or both]; [or]*

18 (d) Domestic societies or associations *[of]* **with** a purely religious, charitable or benevolent *[de-*
19 *scription,]* **purpose** that provide for a death benefit of not more than \$400 or for disability benefits
20 of not more than \$350 to any one person in any one year, *[or both.]; or*

21 (e) **An association, including but not limited to a fraternal benefit society, that was or-**
22 **ganized before 1880, the members of which are or were members of the Armed Forces of the**
23 **United States, and that has as a principal purpose providing insurance and other benefits to**
24 **the association's members and the dependents and beneficiaries of the association's mem-**
25 **bers.**

26 (2)(a) *[No]* **A** society or association described in subsection (1)(c) or (d) of this section that

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 provides for death or disability benefits for which benefit certificates are issued **is not exempt from**
 2 **and shall comply with the provisions of this chapter.**[, *and no*]

3 **(b) A** society or association [*included*] **described** in subsection (1)(d) of this section that has
 4 more than 1,000 members[, *shall be exempted*] **is not exempt from and shall comply with** the pro-
 5 visions of this chapter. [*Any society or association described in this subsection shall comply with all*
 6 *requirements of this chapter.*]

7 **(3) [No] Except for an order, society or association that is described in subsection (1)(b)**
 8 **of this section, an** order, society or association that, by the provisions of this section, is exempt
 9 from the requirements of this chapter[, *except an order, society or association described in subsection*
 10 *(1)(b) of this section, shall*] **may not** give or allow, or promise to give or allow, to any person any
 11 compensation for procuring new members.

12 **(4)** Every society that provides for benefits in case of death or disability [*resulting*] **that results**
 13 solely from accident, and that does not obligate [*itself*] **the society** to pay natural death or sick
 14 benefits, [*shall have*] **has** all of the privileges and [*be*] **is** subject to all the applicable provisions and
 15 regulations of this chapter, except that the provisions relating to medical examination, valuations
 16 of benefit certificates and incontestability[, *shall*] **do** not apply to the society.

17 **(5)** The Director of the Department of Consumer and Business Services may require from any
 18 society or association, by examination or otherwise, any information [*enabling the commissioner*]
 19 **that enables the director** to determine whether the society or association is exempt from the
 20 provisions of this chapter.

21 **(6) An association that is exempt under subsection (1)(e) of this section shall prove to the**
 22 **director's satisfaction that the association is exempt from federal taxation under section**
 23 **501(c) of the Internal Revenue Code. An association that is exempt under subsection (1)(e)**
 24 **of this section is subject to the following provisions:**

25 **(a) On or before June 1 of each calendar year, the association shall file with the director**
 26 **a true and complete statement of the association's financial condition, transactions and**
 27 **business affairs for the preceding calendar year that is audited by an independent certified**
 28 **public accountant and accompanied by an actuarial opinion, as provided in ORS 733.304. For**
 29 **purposes of this paragraph, the director accepts and approves the statement and the opinion**
 30 **unless the director issues an order to disapprove the statement or opinion within 30 days**
 31 **after the association submits the statement and opinion.**

32 **(b) The director may require the association to file a financial statement each quarter**
 33 **or at other intervals the director specifies in response to factors or trends that affect**
 34 **insurers that transact a particular class or classes of insurance or because of changes in the**
 35 **management or financial condition of the association.**

36 **(c) The director may order the association to increase the association's capital or surplus**
 37 **to amounts the director deems sufficient to meet the association's liabilities, if the director**
 38 **has reason to believe that the association does not have sufficient capital or surplus based**
 39 **on eligible assets in accordance with ORS chapter 733. The director may order an association**
 40 **to cease and desist from assuming any additional liabilities in this state until the association**
 41 **complies with the director's order to increase the association's capital or surplus.**

42 **(d) The association shall include with each life insurance policy or annuity that the as-**
 43 **sociation issues a notice in bold type or otherwise clear and conspicuous writing a notice that**
 44 **reads:**

1
2
3
4
5
6
7
8
9
10
11
12
13
14

This policy is issued by an association that does not have a certificate of authority from the insurance division of the Department of Consumer and Business Services. If the association that issued this policy becomes insolvent, members or claimants under this policy are not eligible for insurance guaranty fund protection under Oregon law (ORS 734.550).

[(6)] (7) Societies [exempted] and associations that are exempt under the provisions of this section are also exempt from all other provisions of the insurance laws of this state, except as provided in ORS 731.042.

SECTION 2. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.
