

Chapter 746

Trade Practices

746.005

NOTES OF DECISIONS

This section is not to be construed to change the usual course of business nor to limit the term "payment" to those transactions wherein money itself changes hands by actual manual delivery. *Union States Life Ins. Co. v. Bernert*, (1939) 161 Or 44, 87 P2d 774.

An insurance agent who attacked the rate and dealings of a fraternal society was not guilty of twisting in violation of this section. *Woolley v. Hiner*, (1940) 164 Or 161, 100 P2d 608.

FURTHER CITATIONS: *Transnational Ins. Co. v. Rosenlund*, (1966) 261 F Supp 12.

746.015

NOTES OF DECISIONS

Under a former similar statute, payment of premiums due on a life policy by the insured's assignment of indebtedness due him from insurer's general agent and acceptance thereof by the insurer was not unlawful discrimination. *Union States Life Ins. Co. v. Bernert*, (1939) 161 Or 44, 87 P2d 774.

746.045

NOTES OF DECISIONS

1. Under former similar statute

The only rate that could be legally charged was that set forth in the schedule. *Ocean Acc. & Guar. Corp. v. Albina Marine Iron Works*, (1927) 122 Or 615, 260 P 229.

A stock company operating on a participation basis was not precluded by a former similar section from returning to its policyholders a portion of its unabsorbed premiums. *General Ins. Co. v. Earle*, (1937) 156 Or 40, 65 P2d 1414.

One of the purposes of the statute was to promote competition in the lowering of rates. *Id.*

ATTY. GEN. OPINIONS: Allowance of a portion of premium on bond upon the premium for next year as rebate,

1924-26, p 248; validity of contract wherein the agent offers a rebate of commission, 1936-38, p 183; life insurance protection for investors in mutual fund, 1956-58, p 147; participation by insurance agent in advertising schemes as violation of statute, 1958-60, p 313; application to policy issued with purchase of gas, 1960-62, p 377; rebate by auctioning a policy, 1964-66, p 64; benefit derived by insured's from insurers advertising scheme, 1964-66, p 177.

746.075

ATTY. GEN. OPINIONS: Misrepresenting policy, 1962-64, p 427.

746.110

CASE CITATIONS: *Wright v. Bateson*, (1971) 5 Or App 628, 485 P2d 641, Sup Ct review denied.

ATTY. GEN. OPINIONS: Misrepresenting policy, 1962-64, p 427.

746.160

CASE CITATIONS: *United States v. South-Eastern Underwriters Assn.*, (1944) 322 US 533, 64 S Ct 1162, 88 L Ed 1440, rehearing denied, 323 US 811, 65 S Ct 26, 89 L Ed 646; *Transnational Ins. Co. v. Rosenlund*, (1966) 261 F Supp 12.

ATTY. GEN. OPINIONS: Discrimination against company manager or agent not affiliated with fire insurance exchange, 1922-24, p 37; legality of stipulation in mortgage requiring insurance with specified company, 1926-28, p 411; insurance companies entering agreements discriminating against other agents, 1934-36, pp 75, 113.

746.320

CASE CITATIONS: *Travelers Ins. Co. v. Cimarron Ins. Co.*, (1961) 196 F Supp 681.