

(Unruh). However, Nationwide Mutual did not obtain a statement signed by Sturdavant that the policy would not provide the coverage required by ORS 742.450(2)(a) when the motor vehicle was driven by Unruh.

Use of Driving Record Information More Than Three Years Old

On or about March 1, 1999, Nationwide Mutual refused to provide an automobile insurance policy premium quotation to Marc M. Cannon (Cannon) of Portland, Oregon because Cannon had been convicted of driving under the influence of intoxicants in April 1995 which was almost four years before.

Ultimate Facts

Nationwide Mutual did not obtain a statement signed by the named insured that an automobile insurance policy would not provide certain coverage when the insured motor vehicle was driven by a named excluded person.

Nationwide Mutual considered information that would be contained in the nonemployment driving record of an applicant or insured about an accident or conviction that occurred more than three years before, in determining whether to issue or renew an insurance policy or the rates therefor.

Conclusions

Nationwide Mutual violated ORS 742.450(5) and 746.260.

Action

Nationwide Mutual shall pay a civil penalty of \$10,000 pursuant to ORS 731.988 on or before the date of the Final Order.

Dated March 1, 2000.

/s/ Galen R. Barnes
Galen R. Barnes
President
Nationwide Mutual Insurance Company

FINAL ORDER

The Director adopts, and incorporates herein by this reference, the Facts, Ultimate Facts, Conclusions and Action in the above Stipulation as the Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order, respectively, of this Final Order.

Dated March 14, 2000.

/s/ Deborah Lincoln
Deborah Lincoln
Acting Director
Department of Consumer and Business Services

CERTIFICATE OF SERVICE

I certify that on March 14, 2000 I served the above Stipulation and Final Order by mailing a copy thereof in a sealed envelope, with first class postage prepaid, to the party named therein.

/s/ Mitchel D. Curzon
Mitchel D. Curzon
Administrative Law Specialist
Insurance Division