

Department of Consumer & Business Services
Oregon Division of Financial Regulation– 5

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Readability Certification

Flesch Methodology
and
Certification by an Officer of the Company

I, _____, am the _____ for the
_____ [title of officer]

_____ I certify that the forms in this filing have been tested and
[name of company]
meet the minimum required reading ease score.

- Each form has a score of _____, or
 The combination of forms has a score of _____.

A score below 40 requires an attached explanation in accordance with ORS 743.107.

Readability Requirements

- (1) The policy text achieves a minimum of 40 on the Flesch reading ease test using the methodology below.
- (2) The policy is presented, except for specification pages, schedules, and tables, in not less than 10-point type with one-point leaded. Except for Individual Health which requires 12-point (see ORS 743.405(5)(a) below).
- (3) The style, arrangement, and overall appearance of the policy gives no undue prominence to any portion of the text of the policy or to any endorsements or riders.
- (4) The policy contains a table of contents or an index of principal sections of the policy, if the policy has more than 3,000 words printed on three or fewer pages or if the policy has more than three pages regardless of the number of words.

ORS 743.106(2)

To demonstrate compliance with this statute, a Flesch reading-ease test score is calculated as follows:

- (a) For policy forms containing 10,000 words or fewer, the entire form shall be analyzed. For policy forms containing more than 10,000 words, two 200-word samples per page may be analyzed instead of the entire form. The samples shall be separated by at least 20 printed lines.
- (b) The number of words and sentences in the text shall be counted and the total number of words divided by the total number of sentences. The figure obtained shall be multiplied by a factor of 1.015.

- (c) The total number of syllables in the text shall be counted and divided by the total number of words. The figure obtained shall be multiplied by a factor of 84.6.
- (d) The sum of the figures computed under paragraphs (b) and (c) of this subsection subtracted from 206.835 equals the Flesch reading ease test score for the policy form.
- (e) For purposes of paragraphs (b) and (c) of this subsection, the following procedures shall be used:
 - (A) A contraction, hyphenated word, or numbers and letters, when separated by spaces, shall be counted as one word.
 - (B) A unit of words ending with a period, semicolon, or colon shall be counted as a sentence.
 - (C) A "syllable" means a unit of spoken language consisting of one or more letters of a word as divided by an accepted dictionary. If the dictionary shows two or more equally acceptable pronunciations of a word, the pronunciation containing fewer syllables may be used.
- (f) As used in this section, "text" includes all written matter except the following:
 - (A) The name and address of the insurer; the name, number, or title of the policy; the table of contents or index; captions and sub-captions; specification pages; schedules or tables; and
 - (B) Policy language drafted to conform to the requirements of any state or federal law, regulation or agency interpretation; policy language required by any collectively bargained agreement; medical terminology; and words that are defined in the policy. However, the insurer shall identify the language or terminology excepted by this subparagraph and shall certify in writing that the language or terminology is entitled to be excepted by this subparagraph.

ORS 743.106(5)

At the option of the insurer, riders, endorsements, applications and other forms made a part of the policy may be scored as separate forms or as part of the policy with which they may be used.

ORS 743.405(5)

- (a) Except as provided in ORS 743.498, the style, arrangement and overall appearance of the policy may not give undue prominence to any portion of the text, and every printed portion of the text of the policy and of any indorsements or attached papers shall be plainly printed in light faced type of a style in general use, the size of which shall be uniform and not less than 12-point type.
- (b) As used in this subsection, "text" includes all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and captions and subcaptions.

(signature of the officer)

(date)