

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA

FILED

OCT 22 2007

**INSURANCE COMMISSIONER
OKLAHOMA**

IN RE: EXEMPTION OF CERTAIN)
PROPERTY AND CASUALTY)
FORM FILINGS)

Case No.: 07- 1190-PMT

TO: ALL PROPERTY AND CASUALTY INSURERS LICENSED IN THE STATE
OF OKLAHOMA
ALL ADVISORY ORGANIZATIONS LICENSED IN THE STATE OF
OKLAHOMA

JURISDICTION

A. Kim Holland is the Insurance Commissioner of the State of Oklahoma and as such is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, OKLA. STAT. TIT. 36, §§ 101-7004.

B. That pursuant to 36 O.S. §3610, the Insurance Commissioner may, by order, exempt from the requirements of this section for so long as she deems proper any insurance document or form or type thereof as specified in such order, to which, in her discretion this section may not practicably be applied, or the filing and approval of which are, in her opinion, not desirable or necessary for the protection of the public.

FINDINGS OF FACT

A. The Oklahoma Insurance Commissioner finds that it is proper to exempt certain property and casualty policy forms from the prior approval process.

B. That some insurers willingly expend efforts on the front end of the filing preparation procedure to ensure the accuracy of compliance and completeness of form filings prior to submission

of a filing to the Oklahoma Insurance Department and those filings that comply with the terms of this order should be exempt from the prior approval requirements of 36 O.S. § 3610.

C. That it is necessary to create a procedure that encourages the efficiency of the filing process by allowing the exemption of certain filings from the prior approval requirement of 36 O.S. § 3610, yet does not compromise the protection of insurance purchasers within the State of Oklahoma.

AMENDED ORDER

WHEREFORE, the Commissioner will exempt certain forms from prior approval under the following circumstances:

SECTION 1. Scope of Order

A. This Order applies to all forms of casualty insurance, to all forms of property insurance, to all forms of marine and inland marine insurance, to all forms of vehicle insurance and to any combination of any of the foregoing, on risks or operations located in this state.

B. This Order shall not apply to:

1. Reinsurance.
2. Accident and health insurance;
3. Life insurance;
4. Ocean marine and foreign trade insurances.
5. Title insurance.
6. Surety Bonds.

C. This Order supercedes Order number 04-1714-PRJ (signed and filed on November 18th, 2004) with regard to filings made on and after December 1, 2007.

D. Each insurer or advisory organization has the discretion to make filings pursuant to this Order or to make filings pursuant to the prior approval statutory procedure. Filings submitted under the prior approval statutory procedure must **not** include the Certificate of Compliance form.

Any form filing submitted with the Certificate of Compliance form is presumed to be filed pursuant to the terms of this Order.

SECTION 2. Certification

An insurer or advisory organization submitting a policy form, endorsement, and any other contract language filing pursuant to this Order must certify that the filing complies with the Oklahoma laws, Oklahoma Administrative Rules, Oklahoma Orders and Oklahoma Insurance Bulletins set forth in the Oklahoma Checklists and that the filing is complete as outlined in Section 4 of this Order. An officer of the company or advisory organization must sign the certification form, which is incorporated in this Order.

SECTION 3. Policy Form Filings

A. Every insurer or advisory organization shall file with the Commissioner, every policy form, endorsement, and other contract language, and every modification of any of the foregoing which it proposes to use.

B. In filings made pursuant to this Order, every insurer or advisory organization shall file policy forms, endorsements and other contract language thirty (30) business days before the effective date.

C. The Commissioner shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of this Order.

D. A filing that does not include all of the information required in Section 4, is incomplete. Such a filing does not comply with the terms of this Order and is subject to 36 O.S. § 3610.

E. When a filing that includes all of the information specified in Section 4, but is not

accompanied by the information upon which the insurer or advisory group supports the filing, the commissioner may require the insurer or advisory organization to furnish the information upon which it supports the filing.

F. When the filing includes a form that does not comply with the Oklahoma laws, Oklahoma Administrative Rules, Oklahoma Orders and Oklahoma Insurance Bulletins set forth in the Oklahoma Checklists, the filing will be disapproved pursuant to 36 O.S. 3611.A.1.

G. A filing and any supporting information shall be open to public inspection upon receipt of the filing.

SECTION 4. Contents of a Policy Form Filing

To be certified as complete the policy forms, endorsements and other contract language filings **must** include the following documentation if applicable:

- (1) Completed Property & Casualty Transmittal Document, PC TD-1
- (2) Completed Form Filing Transmittal, PC FFS-1
- (3) Filing memorandum (Include on Pg 2 of PC TD-1)
- (4) Name of filing entity and mailing address (Include on Pg 1 of PC TD-1)
- (5) Index of forms (Include on form PC FFS-1)
- (6) Complete description and full explanation of the changes made by the filing including: reasoning therefore; illustrative examples, including “John Doe” specimen form; and a comparison of currently approved and proposed materials. Policy forms, endorsements and other contract language that are replacing currently approved documents must include a side by side comparison of each proposed change.
- (7) Concise statement to identify the form to be replaced by the filing including the Oklahoma Filing Number. (Include on PC FFS-1)
- (8) If a form is being withdrawn or amended due to court decisions in any jurisdiction, the legal citation, and if from another jurisdiction, a copy of such decision or opinion with its filing.
- (9) If a form filing is due to a federal law or regulation of a federal agency, the filing entity shall furnish the legal citation and a copy of the pertinent provisions.
- (10) Appropriate filing fees.
- (11) Policy forms, endorsements and other contract language that are identical to another insurers’ filing in this state shall contain the referenced insurers’ Oklahoma Filing Number and date of final Department action.

SECTION 5. Misrepresentation of the Certification Process

A. Any insurer or advisory organization that falsely certifies a filing is complete pursuant to this Order may be subject to appropriate corrective action including but not limited to the inability to submit filings for consideration pursuant to this Order.

B. The following form shall be submitted with each filing:

Oklahoma Certificate of Compliance

I, the undersigned authorized officer, a duly authorized officer of Company, certify that this filing is complete and complies with the Oklahoma laws, Oklahoma Administrative Rules, Oklahoma Insurance Bulletins, Oklahoma Orders and applicable filing requirements and product standards as set forth in the checklists to the best of my knowledge and belief. I understand that the Oklahoma Insurance Department will rely on this certificate and should it be determined that this filing is materially false or misleading, appropriate corrective action will be taken as authorized by the Order.

Name of Company

Company's filing number

Signature of authorized officer and title

Print name of authorized officer and title

Phone number of authorized officer

Date

Address of Company

City, State, Zip Code

IT IS SO ORDERED.

WITNESS My Hand and Official Seal this 22 day of October, 2007.



A handwritten signature in black ink, appearing to read "Kim Holland", is written over a horizontal line. The signature is fluid and cursive.

**KIM HOLLAND
INSURANCE COMMISSIONER
STATE OF OKLAHOMA**