

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

RULEMAKING ACTION:

Proposed PERMANENT Rules

RULES:

Subchapter 1.	General Provisions
365:1-1-4.1	Fees [AMENDED]
Subchapter 7.	Hearings
365:1-7-9	Hearing Procedure – Emergency Actions [AMENDED]
Subchapter 9.	Description of Forms and Instructions
365:1-9-5	Surplus Lines Forms [AMENDED]

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1, 348.1, 1107, and 75 O.S. § 314.1.

ANALYSIS:

The amendment to Section 365:1-1-4.1 changes the authority for the Insurance Commissioner to collect fees and licenses from the State Board of Property and Casualty Rates to the Rate and Form Compliance Division of the Insurance Department.

The amendment to Section 365:1-7-9 clarifies the number of days for requesting a hearing in emergency actions. The amendment specifies that within ten business days, the Insurance Department must conduct a hearing in emergency actions if the affected individual requests such a hearing.

The amendment to Section 365:1-9-5 removes the requirement that surplus lines brokers file affidavits in duplicate and requires surplus lines to file an affidavit in one-part instead.

SUBCHAPTER 1. GENERAL PROVISIONS

365:1-1-4.1. Fees

The Oklahoma Insurance Department is required and provided for by the following laws to collect certain fees as follows:

- (1) **36 O.S. §311.1.** Provides a late fee required with annual statements filed after the first day of March.
- (2) **36 O.S. §321.** Provides for the following fees:
 - (A) Copies 40¢ per page.
 - (B) Appointing Commissioner as agent for service of process.
 - (C) Licensure and reporting requirements for company licensing, mergers and acquisitions.
 - (D) Life, Accident and Health policy filings.
 - (E) Amendments to by-laws and articles.
 - (F) Retaliatory fees.

- (3) **36 O.S. §348.1.** Authorizes the Commissioner to collect fees and licenses for the ~~State Board for Property and Casualty Rates~~ Rate and Form Compliance Division of the Insurance Department.
- (4) **36 O.S. §621.** Summons process fees.
- (5) **36 O.S. §628.** Life, Accident and Health policy filings retaliatory fee.
- (6) **36 O.S. §635.** Initial application fee and annual renewal for Multiple Employer Welfare Arrangements (MEWAs).
- (7) **36 O.S. §1115.** Surplus lines taxes.
- (8) **36 O.S. § 1435.23(A)(4)(c).** Crop hail licensure fees.
- (9) **36 O.S. § 1435.23 and § 1435.29.** Fees and licenses for insurance agents, surplus lines insurance brokers, and limited insurance representatives. Also includes annual fee for agents continuing education providers.
- (10) **36 O.S. §1450.** TPA license fee.
- (11) **36 O.S. §1464.** Broker license fee
- (12) **36 O.S. §1661.** Holding company registration fee.
- (13) **36 O.S. §2126.1.** Solicitation and trade fee.
- (14) **36 O.S. §2731.** Fraternal license and appointment.
- (15) **36 O.S. §3105.** Motor club license and appointment.
- (16) **36 O.S. §6124.** Provides for initial fee and renewal fee for prepaid funeral benefits organizations.
- (17) **36 O.S. §6130, §1659.** Fines and \$5 service charges.
- (18) **36 O.S. §6144.** Prepaid Dental Company License
- (19) **36 O.S. §6212.** Adjuster's exams, license and manuals fees.
- (20) **36 O.S. §6465.** Risk retention group filing fees and purchasing group filing fees.
- (21) **36 O.S. §6557, §6559, §6560 and 74 O.S. §1306.2(B).** Provides for application and renewal fees for entities performing utilization review.
- (22) **36 O.S. §6604.** Provides for a license fee for service warranties licensure.
- (23) **51 O.S. §24A.1 et seq.** - The Open Records Act provides authority to charge reasonable fees to provide information requested by the public. The Act authorizes a "search fee" when records are requested for commercial purposes. The Data Processing Division of the Insurance Department makes certain computer records available upon request. A schedule of the records available and the current fee for each is available upon request from this Division.
- (24) **59 O.S. §1305, §1308, §1308.1, §1309, §1314(d) and §1317(a).** Provide for license fees, investigation fees, annual fees for OBA, examination fees, renewal fees and appointment fees for bail bondsmen.
- (25) **59 O.S. §858-708.** Gives the Insurance Department authority to collect fees for licensure and examination fees for Real Estate Appraisers.
- (26) **68 O.S. §50001.** Fire Marshall tax.

SUBCHAPTER 7. HEARINGS

365:1-7-9. Hearing procedure-emergency actions

(a) If the public health, safety, or welfare imperatively requires emergency action, such action, including the suspension of a license instanter, may be ordered pending the final outcome of proceedings instituted by the Insurance Department. In such cases, the Insurance Department shall notify the affected individual or entity of such action by certified mail, return receipt requested, and shall include in such notice a provision that the individual or entity may request a hearing concerning the emergency action. A request for a hearing concerning the emergency action shall be made in writing to the legal division of the Insurance Department. Upon such written request for hearing, the Insurance Department shall conduct the hearing within ten business days of after receipt of the request, ~~and the~~ . The hearing shall be conducted by an independent hearing examiner. If an independent hearing examiner is not available within ten business days, the hearing shall be set within a reasonable time.

(b) The individual or entity affected may make arrangements for a court reporter to be present at and record the hearing concerning the emergency action. All costs associated with the court reporter shall be borne by said individual or entity.

(c) An individual or entity who requests a hearing pursuant to this regulation may appeal the ruling of the hearing examiner by filing a petition in Oklahoma County District Court, within thirty (30) days after the individual or entity is notified of the order of the hearing examiner. Copies of the petition shall be served upon the Insurance Department and all other parties of record, and proof of such service shall be filed in the district court within ten (10) days after the filing of the petition.

SUBCHAPTER 9. DESCRIPTION OF FORMS AND INSTRUCTIONS

365:1-9-5. Surplus lines forms

(a) **Surplus lines broker quarterly summary form.** The surplus lines broker quarterly summary includes forms that detail the types of coverages written, the aggregate amount of insurance issued, the gross premiums charged, and the gross return premium. Form SL-3a must be signed by the broker with an original/live signature, notarized, and filed on or before the last day of the month following the close of a calendar quarter. The specific forms are:

- (1) SL-3a Affidavit of a true and correct report. File in ~~duplicate~~ one-part.
- (2) SL-3b Spreadsheet to accumulate premium and tax data by the company number and company name of the surplus line carrier. File in one-part only.
- (3) SL-3c Affidavit of coverage. File in one-part.
- (4) SL-3d Affidavit for return of premiums and the credit or refund of premium taxes.

(b) **Surplus lines direct placement by an insured summary form.** The direct placement by an insured summary includes forms that detail the types of coverages written, the aggregate amount of insurance issued, the gross premiums charged, the gross return premium, and the tax due. Form DSL-3a must be signed by the affiant, generally the individual responsible for

procuring risk coverage, with an original signature, notarized and filed within thirty (30) days next succeeding the issuance of evidence of coverage. The specific forms are:

- (1) DSL-3a Affidavit of a true and correct report. File in ~~duplicate~~ one-part.
- (2) DSL-3b Spreadsheet to accumulate premium and tax data by the company number and company name of the surplus lines carrier. File in one part only.
- (3) DSL-3c Affidavit of coverage. File in one-part.
- (4) DSL-3d Affidavit for return of premiums and the credit or refund of premium taxes.