

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

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1.	General Provisions
365:1-1-4	Requests for Information [AMENDED]
Subchapter 9.	Description of Forms and Instructions
365:1-9-18.	Bail bond forms [AMENDED]

SUMMARY:

The amendment to 365:1-1-4 updates the address and phone number of the Office of the Insurance Commissioner and now requires all requests for information from the public be in written form. The amendment to 365:1-9-18 updates the requirements for the bail bondsman application by requiring the applicant complete the application and comply with pertinent statutes. It also clarifies language that the bondsman execute a "pledge of the certificate of deposit" and an "assignment of the annuity deposit" regarding payment of unpaid bond forfeitures. The amended language adds that the license reinstatement period be a period of within one year after the expiration date and that a reinstatement fee shall be double the license fee. It also adds that name changes for individual licenses require proper documentation at the time of the request.

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1 and 59 O.S. § 1302

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before March 2, 2012. Comments shall be directed to Julie Meaders, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendments will be held March 7, 2012, at 9:30 a.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Julie Meaders, Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 2, 2012.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 1, 2012, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

CONTACT PERSON:

Julie Meaders, Assistant General Counsel, (405) 521-2746.

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RULEMAKING ACTION:

Proposed PERMANENT Rules

PROPOSED RULES:

Subchapter 1.	General Provisions
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ANALYSIS:

The amendment to 365:1-1-4 updates the address and phone number of the Office of the Insurance Commissioner and now requires all requests for information from the public be in written form. The amendment to 365:1-9-18 updates the requirements for the bail bondsman application by requiring the applicant complete the application and comply with pertinent statutes. It also clarifies language that the bondsman executes a "pledge of the certificate of deposit" and an "assignment of the annuity deposit" regarding payment of unpaid bond forfeitures. The amended language adds that the license reinstatement period be a period of within one year after the expiration date and that a reinstatement fee shall be double the license fee. It also adds that name changes for individual licenses require proper documentation at the time of the request.

**SUBCHAPTER 1. ADMINISTRATIVE OPERATIONS
SUBCHAPTER 1. GENERAL PROVISIONS**

365:1-1-4. Requests for information

(a) ~~The public may obtain information relating to insurance and regulation thereof by writing to: The Insurance Commissioner, P. O. Box 53408, 3625 NW 56th Street, Suite 100, Oklahoma City, Oklahoma, 73152-3408 73112, or by calling the Office of the Insurance Commissioner at (405) 521-2668 521-2828 or 1-800-522-0071, Oklahoma City, Oklahoma or by appearing in person at the Office of the Insurance Commissioner in Oklahoma City, Oklahoma. Submissions or requests may be made by telephone, by writing, or by personal appearance, except such submissions and requests, the making of which are otherwise provided for in this Chapter.~~

(b) ~~All written requests for information should be addressed to the Commissioner at his/her office. Where the request is for materials of which copies are not available and photocopying or reproduction by other means is required, such service will be provided upon payment of the costs involved.~~

(c) Annually, subsequent to the end of the fiscal year, the Commissioner makes a report to the Governor summarizing his/her work during the year. Such reports are available for inspection and copies thereof may be obtained from the Commissioner. The Commissioner's rules of practice and procedure and a description of its organization and policy are published in the Oklahoma Register. Copies thereof may be obtained from the

Commissioner upon request. The decisions of the Commissioner in adjudicative proceedings may be obtained upon request.

SUBCHAPTER 9. DESCRIPTION OF FORMS AND INSTRUCTIONS

365:1-9-18. Bail bond forms.

- (a) **Application for bail bondsman license form.** Unless otherwise provided by electronic means by the Insurance Commissioner or an administrator approved by the Commissioner, bail bond applications must be completed by the person making application and upon completion, must comply with the applicable Oklahoma statutes. The application for a bail bondsman's license ~~form~~ is to be completed by the person making application, and includes the license fee, a complete set of fingerprints, two recent credential-size full face photographs, an investigative fee and evidence of completion of ~~twenty (20)~~ sixteen (16) hours of education. ~~The fee for examination shall be submitted after approval of the application, but prior to taking the examination.~~ The Commissioner may propose any reasonable interrogatories to an applicant for a license.
- (b) **Bail bondsman license forms.** The bail bondsman license form, executed under the hand and seal of the Insurance Commissioner, upon execution and delivery, is evidence of an individual's authority to act as a bail bondsman within Oklahoma.
- (c) **Bail bond appointment form.** The bail bond appointment form (~~BR-11~~) is to be completed by a surety/professional when appointing specific surety bondsmen as agents of the surety/professional ~~and at the yearly renewal of surety/professional appointments.~~
- (d) **Bail bond appointment cancellation form.** The notice of cancellation of bondsman surety/professional appointment form is to be used by a surety/professional when they desire to cancel the appointment of a surety bondsman.
- ~~(e) **Bail bond license status form.** The Bail Bond License Status form is completed by the Department and mailed to the appropriate court clerk for any status change pertaining to a licensed bondsman.~~
- ~~(f) (e) **Professional bondsman securities deposit/withdrawal form.** The deposit/withdrawal form (State Form 31) is used for all professional bondsmen for depositing/withdrawing securities with the State Treasurer through the Insurance Commissioner's office.~~
- ~~(g) (f) **Pledge of Account form.** The bondsman shall execute ~~an assignment~~ a pledge of the certificate of deposit to the Insurance Commissioner for the payment of unpaid bond forfeitures.~~
- (g) **Assignment of Account form.** The bondsman shall execute an assignment of the annuity deposit to the Insurance Commissioner for the payment of unpaid bond forfeitures.
- ~~(h) **Acknowledgement of Notice form.** The Acknowledgement of Notice form is to be completed by the Financial Institution acknowledging receipt of a signed copy of the pledge of account on each professional deposit.~~
- (a) (h) **Proof of courses.** As a prerequisite for submission of a renewal or reinstatement application, each licensee shall have completed the total number of continuing education hours required.
- (b) (i) **Required submissions for reinstatement.** After the license expires and within one year after the license expiration date, a licensee shall be eligible for reinstatement by completing required Continuing Education and submitting a new application and double

the license fee. A licensee shall not be eligible for reinstatement if previously the license was revoked, suspended or continuance was denied.

(j) **Name change on an individual license.** Name changes for an individual license require proper documentation at the time of the written request, such as a copy of a court order, marriage license or divorce decree. A duplicate license fee shall be submitted for a new licensed to be issued.

RULE IMPACT STATEMENT

1. RULE

Proposed PERMANENT rules:

Subchapter 1.	General Provisions
365:1-1-4	Requests for Information [AMENDED]
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2. PURPOSE

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3. CLASSES AFFECTED:

- A. General Public
- B. Bail Bondsmen

4. COST IMPACTS ON PRIVATE OR PUBLIC ENTITIES:

No information

5. CLASSES BENEFITTED:

- A. General Public
- B. Bail Bondsmen

6. ECONOMIC IMPACT:

Unknown

7. PROBABLE COST TO AGENCY AND EFFECT ON STATE REVENUES:

None Anticipated

8. SOURCE OF REVENUE:

Normal yearly budgeted funds

9. MEASURES TAKEN TO MINIMIZE COMPLIANCE COSTS:

None

10. EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT:

Unknown

11. LESS COSTLY/LESS INTRUSIVE METHODS:

Unknown

12. EFFECT ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF RULE NOT IMPLEMENTED:

Unknown

13. EFFECT ON SMALL BUSINESS

Implementation of the proposed rule will not have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

14. DATE PREPARED:

February 1, 2012