

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 1869

BY: LEIST

AS INTRODUCED

AN ACT RELATING TO INSURANCE; CREATING THE CONSUMER
ADVOCACY DIVISION; PROVIDING FOR STAFFING;
REQUIRING A CONSUMER ADVOCATE AND STATING
QUALIFICATIONS THEREFOR; PROVIDING FOR RULES;
REQUIRING CERTAIN REPORTS; PROVIDING DUTIES AND
POWERS OF THE DIVISION; PROVIDING AND LIMITING
SCOPE OF AUTHORITY OF THE DIVISION; PROVIDING FOR
CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 349 of Title 36, unless there is
created a duplication in numbering, reads as follows:

A. There is hereby created within the Office of the Insurance
Commissioner the Division of Consumer Advocacy. The Division shall
consist of a consumer advocate and such other personnel as the
Insurance Commissioner deems necessary. The consumer advocate shall
be an attorney licensed to practice law in all courts of this state.
The Insurance Commissioner shall promulgate and adopt rules in order
to effect the purposes of this section.

B. On or before the first day of each regular session of the Legislature, the Insurance Commissioner shall file with the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives a report detailing the actions taken by the Division in the preceding calendar year.

C. In addition to the authority established under the rules promulgated by the Insurance Commissioner, the Division of Consumer Advocacy shall be authorized to:

1. Institute, intervene in, or otherwise participate in, as an advocate for the public interest and the interests of insurance consumers, proceedings in state and federal courts or before administrative agencies relating to insurance matters or concerning health care costs;

2. At the request of one or more policyholders, or if the public interest is served, to advocate the interests of those policyholders in proceedings arising out of any filing made with the Insurance Commissioner or the State Board for Property and Casualty Rates by any insurance company or relating to any complaint alleging an unfair or deceptive act or practice in the business of insurance;

3. Institute, intervene in, or otherwise participate in, as an advocate for the public interest and the interests of insurance consumers, proceedings in state and federal courts, before administrative agencies, or before the Insurance Commissioner, concerning applications or proceedings before the Commissioner or the review of any act, failure to act, or order of the Insurance Commissioner;

4. Review and compile information, data, and studies of the reasonable and customary rate schedules of health care providers and health insurers, for the purposes of reviewing, establishing, investigating, or supporting any policy regarding health care insurance rates;

5. Exercise all the same rights and powers regarding examination and cross-examination of witnesses, presentation of evidence, rights of appeal and other matters as any party in interest appearing before the Insurance Commissioner or the State Board for Property and Casualty Rates;

6. Make recommendations to the Legislature concerning legislation to assist the Division in the performance of its duties;

7. Communicate and exchange data and information with other federal or state agencies, divisions, departments, or officers, and with other interested parties including, but not limited to, health care providers, insurance companies, consumers or other interested parties; and

8. Perform other duties to effect the purposes of the Division.

D. The provisions of this section shall not apply to any filing made by an insurance company, or an act or order performed or issued by the Commissioner, or complaint filed by a policyholder with the Commissioner prior to September 1, 1992. All proceedings and orders in connection with these prior matters shall be governed by the law in effect at the time of the filing, or performance or issuance of the act or order.

E. The scope of authority granted under this section is restricted to matters related to motor vehicle insurance, homeowner's insurance, health care costs and health insurance policies, contracts supplemental to health care insurance policies, and other matters related to health insurance issues.

SECTION 2. This act shall become effective September 1, 1992.

43-2-7068 SD