

**EHB 2561**

**THE STATE SENATE**  
**Monday, April 3, 2000**

**ENGROSSED**

**House Bill No. 2561**

ENGROSSED HOUSE BILL NO. 2561 - By: TAYLOR of the House and HERBERT of the Senate.

An Act relating to insurance; amending 36 O.S. 1991, Section 1252, as renumbered by Section 20, Chapter 342, O.S.L. 1994, and as last amended by Section 4, Chapter 1, 2nd Extraordinary Session, O.S.L. 1994 (36 O.S. Supp. 1999, Section 1250.2), which relates to definitions used in the Unfair Claims Settlement Practices Act; modifying certain definition; and providing an effective date.

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

SECTION 1. AMENDATORY 36 O.S. 1991, Section 1252, as renumbered by Section 20, Chapter 342, O.S.L. 1994, and as last amended by Section 4, Chapter 1, 2nd Extraordinary Session, O.S.L. 1994 (36 O.S. Supp. 1999, Section 1250.2), is amended to read as follows:

Section 1250.2 As used in the Unfair Claims Settlement Practices Act:

1. "Agent" means any individual, corporation, association, partnership, or other legal entity authorized to represent an insurer with respect to a claim;

2. "Claimant" means either a first party claimant, a third party claimant, or both, and includes such claimant's designated

1 legal representatives and includes a member of the claimant's  
2 immediate family designated by the claimant;

3 3. "Commissioner" means the Insurance Commissioner;

4 4. "First party claimant" means an individual, corporation,  
5 association, partnership, or other legal entity, including a  
6 subscriber under any plan providing health services, asserting a  
7 right to payment pursuant to an insurance policy or insurance  
8 contract for an occurrence of contingency or loss covered by such  
9 policy or contract;

10 5. "Insurance policy or insurance contract" means any contract  
11 of insurance, certificate, indemnity, medical or hospital service,  
12 suretyship, or annuity issued, proposed for issuance, or intended  
13 for issuance by any entity subject to this Code;

14 6. "Insurer" means a person licensed by the Commissioner to  
15 issue or who issues any insurance policy or insurance contract in  
16 this state, including the State Insurance Fund, and any third-party  
17 administrator;

18 7. "Investigation" means all activities of an insurer directly  
19 or indirectly related to the determination of liabilities under  
20 coverages afforded by an insurance policy or insurance contract;

21 8. "Notification of claim" means any notification, whether in  
22 writing or other means acceptable under the terms of an insurance  
23 policy or insurance contract, to an insurer or its agent, by a

1 claimant, which reasonably apprises the insurer of the facts  
2 pertinent to a claim; and

3 9. "Third party claimant" means any individual, corporation,  
4 association, partnership, or other legal entity asserting a claim  
5 against any individual, corporation, association, partnership, or  
6 other legal entity insured under an insurance policy or insurance  
7 contract.

8 SECTION 2. This act shall become effective November 1, 2000.

9 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 3-27-00 -  
10 DO PASS.