

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 3115

By: Blackwell of the House

and

6 Laughlin of the Senate

7
8 COMMITTEE SUBSTITUTE

9 [insurance - exclusions from the Oklahoma Insurance
10 Code - emergency]

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

14 SECTION 1. AMENDATORY 36 O.S. 2001, Section 110, is
15 amended to read as follows:

16 Section 110. No provision of the Oklahoma Insurance Code,
17 Section 101 et seq. of this title, shall apply to:

18 1. Nonprofit hospital service and medical indemnity
19 corporations, except as stated in Sections 601 et seq. and 2601 et
20 seq. of this title;

21 2. Fraternal benefit societies, except as stated in Section
22 2701.1 et seq. of this title;

23 3. Farmers' mutual fire insurance associations, except as
24 stated in Section 2801 et seq. of this title;

1 4. Mutual benefit associations, except as stated in Section
2 2401 et seq. of this title;

3 5. Domestic burial associations;

4 6. Any domestic association organized subject to the
5 supervision or by the authority of any incorporated Grange Order of
6 Patrons of Husbandry, when the association is formed exclusively for
7 the mutual benefit of the members of such order. Effective January
8 1, 1982, The Oklahoma State Union of the Farmers' Educational and
9 Cooperative Union of America shall comply with all provisions of the
10 Oklahoma Insurance Code;

11 7. Trust companies organized pursuant to the provisions of
12 Title 6 of the Oklahoma Statutes except that the title insurance and
13 surety insurance business of such trust companies shall be subject
14 to the Oklahoma Insurance Code;

15 8. Soliciting agents of mutual insurance corporations or
16 associations, operating only in this state, that issue no stock or
17 other form of security, do not operate for profit, and have none of
18 their funds inure to the benefit of individuals except in the form
19 of less expensive insurance and necessary expenses of operation, if
20 provisions are made in the bylaws of the insurer for the election of
21 any soliciting agents by a majority of the policyholders in the area
22 where the soliciting agent solicits insurance;

23 9. The Mutual Aid Association of the Church of the Brethren or
24 the Mutual Aid Association of the Mennonite and Brethren in Christ;

1 10. Incorporated or unincorporated banking associations having
2 been in existence for over fifteen (15) years and consisting of more
3 than seventy-five (75) member banks within this state for issuance
4 of blanket fidelity bonds for banks within this state for each
5 bank's own use, or any nonprofit trust sponsored by such
6 associations' member banks providing employee benefits such as life,
7 health, accident, disability, pension and retirement benefits for
8 banks, bank holding companies and subsidiaries thereof, the
9 associations' employees and associate members;

10 11. A religious ~~publication, or subscribers of the publication,~~
11 ~~when the publication~~ organization, or members of the organization,
12 if the organization:

- 13 a. is a nonprofit religious organization,
- 14 b. is limited to ~~subscribers~~ participants who are members
15 of the same ~~denomination or~~ religion,
- 16 c. acts as an organizational clearinghouse for
17 information between ~~subscribers~~ participants who have
18 financial, physical or medical needs and ~~subscribers~~
19 participants with the present ability to pay
20 ~~subscribers~~ for the benefit of those participants with
21 present financial or medical needs. Nothing in this
22 subparagraph shall prevent the organization from
23 establishing qualifications of participation relating
24 to the health of the prospective participant, nor

1 shall it prevent the participants from limiting the
2 financial or medical needs that may be eligible for
3 payment among the participants,

4 d. provides for the financial or medical needs of a
5 ~~subscriber~~ participant through payments directly from
6 one ~~subscriber~~ participant to another, and

7 e. suggests amounts that ~~subscribers~~ participants may
8 voluntarily give with no assumption of risk or promise
9 to pay either among the ~~subscribers~~ participants or
10 between the ~~subscribers~~ participants and the
11 ~~publication~~ organization. Nothing in this
12 subparagraph shall prevent the organization from
13 cancelling the membership of a participant if the
14 participant indicates unwillingness to participate by
15 failing to make a payment to another participant for a
16 period in excess of sixty (60) days; or

17 12. Charitable organizations that:

18 a. are described in Section 501(c)(3) of the Internal
19 Revenue Code and Section 170(c) of the Internal
20 Revenue Code,

21 b. issue qualified charitable gift annuity contracts,

22 c. have a minimum of One Hundred Thousand Dollars
23 (\$100,000.00) in unrestricted assets that are

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1 exclusive of the assets comprising its qualified
2 charitable gift annuities, and

3 d. have been in continuous operation for at least three
4 (3) years or are successors or affiliates of a
5 charitable organization that has been in continuous
6 operation for at least three (3) years,

7 except as stated in the Oklahoma Charitable Gift Annuity Act.

8 SECTION 2. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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