

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 2053, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

Senator Stanislawski

Stanislawski-ARE-FS-Req#3761
2/24/2010 3:14 PM

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 2053

By: Stanislawski of the Senate

and

Sullivan of the House

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8
9 FLOOR SUBSTITUTE

10 [insurance - creating Insurance Bill of Rights for
11 the Consumer - stating rights related to certain
12 claims - codification - effective date]

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3629.1 of Title 36, unless there
17 is created a duplication in numbering, reads as follows:

18 A. This section shall be known and may be cited as the
19 "Consumers' Insurance Bill of Rights".

20 B. It has come to the attention of the Legislature that there
21 have been numerous instances where consumers have had to resort to
22 litigation to compel insurers to remedy claims for medical losses
23 suffered in a motor vehicle accident. In an effort to decrease the
24 burden on the judicial system and the consumer, the Legislature

1 finds that it would be in the best interest of the citizens of the
2 state that the "Consumer Bill of Rights" be enacted.

3 C. The consumer has the following rights as it relates to
4 medical claims directly resulting from motor vehicle accidents:

5 1. When a consumer seeks medical treatment, as a result of a
6 motor vehicle accident, and the treating physician anticipates the
7 medical cost will be in excess of Two Thousand Dollars (\$2,000.00),
8 the treating physician shall have the consumer sign a notice of
9 coverage which shall clearly state that the entire cost of the
10 medical treatment may not be paid by the insurer.

11 a. The notice of coverage shall provide a description of
12 the treatment including an estimate of the number of
13 visits necessary to complete the treatment, an
14 estimate of the out-of-pocket expenses and an estimate
15 of the total cost of the treatment plan.

16 b. The treating physician shall be required to maintain
17 the original of the notice in the patient record of
18 the consumer.

19 c. The notice of coverage shall be valid for a period of
20 one (1) year after the consumer signs the notice.

21 d. The Insurance Commissioner shall prescribe the form
22 for the notice of coverage provided for in this
23 subsection. The Commissioner shall make the form for
24

1 the notice of coverage available on the Insurance
2 Department's website.

3 2. If a treating physician does not comply with the
4 requirements of paragraph 1 of this subsection, the treating
5 physician shall be liable for any of the costs of the medical
6 treatment that the insurer does not pay.

7 3. If the consumer determines the offer from the insurer for
8 medical costs is insufficient and rejects the offer and the consumer
9 ultimately files suit against the insurer to recover the medical
10 costs, the insurer shall be required to pay the consumer's attorneys
11 fees and costs if the judgment amount awarded is more than fifty
12 percent (50%) of the amount offered by the insurer. If the insurer
13 pay the attorneys costs as required by this paragraph, the
14 consumer's attorney shall not be eligible to receive a contingency
15 fee.

16 SECTION 2. This act shall become effective November 1, 2010.

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18 52-2-3761 ARE 2/24/2010 3:14:47 PM
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