

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1717

By: Gumm

4  
5  
6 AS INTRODUCED

7 An Act relating to insurance; amending 36 O.S. 2001,  
8 Section 4402, which relates to accident and health  
9 policies; requiring certain insurer to file  
10 application with the Insurance Commissioner for  
11 increase in certain rates; limiting the amount of  
12 such increase; allowing the Commissioner to approve  
13 such rates; allowing the Legislature to overturn such  
14 increase; and providing an effective date.

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

16 SECTION 1. AMENDATORY 36 O.S. 2001, Section 4402, is  
17 amended to read as follows:

18 Section 4402. A. On and after ~~the effective date of this Code~~  
19 July 1, 1957, no policy of insurance against loss or expense from  
20 the sickness, or from the bodily injury or death of the insured by  
21 accident shall be issued or delivered to any person in this state,  
22 nor shall any application, rider or endorsement be used in  
23 connection therewith until a copy of the form thereof, and of the  
24 classification of risks, and the premium rates pertaining thereto,  
have been filed with the Insurance Commissioner. If the Insurance  
Commissioner disapproves the policy, application, rider or

1 endorsement form, said Commissioner shall make a written decision  
2 stating the reason or reasons therefor, and shall deliver a copy  
3 thereof to the company, and it shall be unlawful for any such  
4 insurer to use any such form in the state. Any such insurer shall  
5 have twenty (20) days from the date of receipt of the notice of  
6 disapproval in which to request a hearing on such disapproval.

7 B. Effective January 1, 2011, any insurer subject to the  
8 provisions of subsection A of this section shall be required to file  
9 with the Insurance Commissioner an application for any proposed rate  
10 increase in premiums. Except as otherwise provided in this  
11 subsection, the proposed increase in any such premiums shall not  
12 exceed the annual change in the medical component of the "Consumer  
13 Price Index for All Urban Consumers" as determined by the United  
14 States Bureau of Labor Statistics. The Insurance Commissioner may  
15 approve any such premium rates which exceed the annual change in the  
16 medical component of the "Consumer Price Index for All Urban  
17 Consumers" as determined by the United States Bureau of Labor  
18 Statistics. The Legislature may overturn the approval by the  
19 Insurance Commissioner by the passage of a Joint Resolution to  
20 rescind such rate increase.

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

22

23 52-2-2134 ARE 2/3/2010 6:00:10 PM

24