ENGROSSED SENATE
CONCURRENT
RESOLUTION NO. 26

By: Brinkley, Aldridge, Allen, Anderson, Ballenger, Barrington, Bass, Bingman, Boggs, Branan, Brecheen, Brooks, Brown, Burrage, Coates, Crain, Dahm, David, Ellis, Fields, Ford, Garrison, Griffin, Halligan, Holt, Ivester, Johnson (Constance), Johnson (Rob), Jolley, Justice, Loveless, Marlatt, Mazzei, McAffrey, Newberry, Paddack, Schulz, Sharp, Shaw, Shortey, Shumate, Simpson, Sparks, Standridge, Stanislawski, Sykes, Treat and Wyrick of the Senate

and

Russ of the House

A Concurrent Resolution designating certain rights as the Oklahoma Insurance Consumer Bill of Rights; and directing distribution.

WHEREAS, an Oklahoma consumer who has procured property and casualty insurance has the right to:

1. Protections against penalties by insurance companies when insurance companies use the consumer's credit information to issue or renew insurance policies and calculate rates under the Use of Credit Information in Personal Insurance Act;

2. Written notice of acceptance or denial of an insurance application within forty-five (45) business days pursuant to Section 1241 of Title 36 of the Oklahoma Statutes;

3. Premium refund if the insured cancels the policy before the end of the policy as defined in the insurance policy pursuant to Section 1241.1 of Title 36 of the Oklahoma Statutes;

4. Inquire about making a claim or request information about a possible claim from the insurer without penalty from the insurer pursuant to Section 1241.2 of Title 36 of the Oklahoma Statutes;

5. Acknowledgment of receipt of a claim to the policy by the insurer within thirty (30) days pursuant to Section 1250.6 of Title 36 of the Oklahoma Statutes;

6. Notification of acceptance or denial of a claim, or if further investigation is necessary, forty-five (45) days after the proof of loss is filed pursuant to Section 1250.7 of Title 36 of the Oklahoma Statutes; and

7. Notification at least ten (10) days prior to the date of cancellation and notification twenty (20) days prior to the date of nonrenewal of the insurance policy pursuant to Section 365:15-1-14 of the Oklahoma Administrative Code; and

WHEREAS, an Oklahoma consumer has a right to have every insurance company adequately respond to:

1. A written communication from the insured within thirty (30) days upon receipt of the communication pursuant to subsection C of Section 1250.4 of Title 36 of the Oklahoma Statutes; and

2. An inquiry by the Insurance Commissioner within thirty (30) days from the date of the inquiry when the request is on behalf of the consumer pursuant to subsection B of Section 1250.4 of Title 36 of the Oklahoma Statutes; and

WHEREAS, an Oklahoma insured homeowner has the right:

1. To file a first claim without penalty when the personal residential insurance coverage has been in effect more than forty-five (45) days pursuant to Section 3639.1 of Title 36 of the Oklahoma Statutes;

2. Not to be assessed a surcharge for weather-related claims pursuant to Section 365:15-7-26 of the Oklahoma Administrative Code; and

3. To the services provided by the Market Assistance Association when experiencing difficulty obtaining homeowner's insurance pursuant to Section 6412 of Title 36 of the Oklahoma Statutes; and

WHEREAS, an Oklahoma consumer who has procured automobile or motorcycle insurance has the right:

1. To participate in an accident prevention course in order to receive discounts for premium charges pursuant to Section 924.1 of Title 36 of the Oklahoma Statutes;

2. To protections against penalties by the insurance company when involved in a collision, provided the insured Oklahoma consumer is not at fault pursuant to subsection A of Section 941 of Title 36 of the Oklahoma Statutes;

3. To protections against penalties from the current insurance carrier for having previously retained lower liability limits with a previous insurer, without actuarial justification pursuant to subsection B of Section 941 of Title 36 of the Oklahoma Statutes;

4. To protections against the consideration of traffic records more than three (3) years old by the insurance company when the insurance company is issuing, cancelling or renewing insurance policies and calculating rates pursuant to Section 942 of Title 36 of the Oklahoma Statutes; and

5. To protections against the consideration of traffic charges by the insurance company when the insurance company is issuing, cancelling or renewing insurance policies and calculating rates, provided the insured was acquitted of the charge, was arrested and no charges were filed, or was arrested and the charges were dismissed pursuant to Section 943 of Title 36 of the Oklahoma Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 1ST SESSION OF THE 54TH OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

THAT the Oklahoma State Legislature recognizes that an Oklahoma consumer has rights when buying and carrying insurance and those rights listed above in Oklahoma Statutes and Administrative Rules shall be known as the Oklahoma Insurance Consumer Bill of Rights.

THAT the Insurance Commissioner distribute this resolution to insurance professionals around the state.

Adopted by the Senate the 29th day of April, 2013.

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Presiding Officer of the Senate

Adopted by the House of Representatives the ____ day of _____, 2013.

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Presiding Officer of the House
of Representatives