

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE CONCURRENT  
4 RESOLUTION 26

By: Brinkley of the Senate

5 and

6 Russ of the House

7  
8 AS INTRODUCED

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

12  
13 WHEREAS, an Oklahoma consumer who has procured property and  
14 casualty insurance has the right to:

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

19 2. Written notice of acceptance or denial of an insurance  
20 application within forty-five (45) business days pursuant to Section  
21 1241 of Title 36 of the Oklahoma Statutes;

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

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

4 5. Acknowledgment of receipt of a claim to the policy by the  
5 insurer within thirty (30) days pursuant to Section 1250.6 of Title  
6 36 of the Oklahoma Statutes;

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

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

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

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

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

24 WHEREAS, an Oklahoma insured homeowner has the right:

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

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

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

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

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

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

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

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

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

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

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

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

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