

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1335 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Lonnie Sims

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1335

By: McEntire

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to insurance; creating the Protected Cell Companies Act; declaring purpose; providing definitions; providing for establishment of protective cell; requiring plan of operation; requiring approval of the Insurance Commissioner; providing for attributions of assets and liabilities; providing for legal status of protected cell; permitting right to contract; directing protected cell company to establish administrative and accounting procedures; prohibiting certain liabilities for protected cell assets; providing for valuation of assets; authorizing a protected cell company to engage in insurance securitization; requiring certain provisions be included in contracts or other documentation effecting the transaction; providing for close out of protected cell account at the cessation of business; prohibiting issuance of certain contracts directly to policyholders or reinsureds; precluding availability of assets to certain creditors; precluding availability of assets to certain persons; providing for obligations relating solely to the general account; providing exception; providing for applicability and procedures during administrative supervision; providing for orders of rehabilitation or conservation; providing for challenge of an order of rehabilitation, conservation or liquidation; requiring permission of the Insurance Commissioner for voluntary winding up of a protected cell company; providing for payment from assets during rehabilitation, conservation or liquidation; providing for fines and penalties; providing exceptions for certain persons; authorizing the Insurance Commissioner to promulgate rules;

1 providing for codification; and providing an
2 effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1691 of Title 36, unless there
7 is created a duplication in numbering, reads as follows:

8 This act shall be known and may be cited as the "Protected Cell
9 Companies Act".

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1692 of Title 36, unless there
12 is created a duplication in numbering, reads as follows:

13 The Protected Cell Companies Act is adopted to provide a basis
14 for the creation of protected cells by a domestic insurer as a means
15 of accessing alternative sources of capital and achieving the
16 benefits of insurance securitization or effectuating insurance
17 business transfers in accordance with the Insurance Business
18 Transfer Act. Investors in fully funded insurance securitization
19 transactions provide funds that are available to pay the insurer's
20 insurance obligations or to repay investors or both. The creation
21 of protected cells is intended to be a means to achieve more
22 efficiencies in conducting insurance securitizations or insurance
23 business transfers.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1693 of Title 36, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in the Protected Cell Companies Act:

5 1. "Commissioner" means the Oklahoma Insurance Commissioner;

6 2. "Domestic insurer" means an insurance or reinsurance company
7 domiciled in the State of Oklahoma or a captive insurance or
8 reinsurance company domiciled in the State of Oklahoma;

9 3. "Fair value" of an asset or liability means the amount at
10 which that asset or liability could be bought, incurred, sold or
11 settled in a current transaction between willing parties other than
12 in a forced or liquidation sale. Quoted market prices in active
13 markets are the best evidence of fair value and shall be used as the
14 basis for the measurement, if available. If a quoted market price
15 is available, the fair value is the product of the number of trading
16 units times market price. If quoted market prices are not
17 available, the estimate of fair value shall be based on the best
18 information available. The estimate of fair value shall consider
19 prices for similar assets and liabilities and the results of
20 valuation techniques to the extent available in the circumstances.
21 Examples of valuation techniques include the present value of
22 estimated expected future cash flows using a discount rate
23 commensurate with the risks involved, option pricing models, matrix
24 pricing, option-adjusted spread models and fundamental analysis.

1 Valuation techniques for measuring financial assets and liabilities
2 and servicing assets and liabilities shall be consistent with the
3 objective of measuring fair value. Those techniques shall
4 incorporate assumptions that market participants would use in their
5 estimates of values, future revenues and future expenses, including
6 assumptions about interest rates, default, prepayment and
7 volatility. When measuring financial liabilities and servicing
8 liabilities at fair value by discounting estimated future cash
9 flows, the objective is to use discount rates at which those
10 liabilities could be settled in an arm's-length transaction.
11 Estimates of expected future cash flows, if used to estimate fair
12 value, shall be the best estimate based on reasonable and
13 supportable assumptions and projections. All available evidence
14 shall be considered in developing estimates of expected future cash
15 flows. The weight given to the evidence shall be commensurate with
16 the extent to which the evidence can be verified objectively. If a
17 range is estimated for the amount or timing of possible cash flows,
18 the likelihood of possible outcomes shall be considered in
19 determining the best estimate of future cash flows;

20 4. "Fully funded" means that, with respect to any exposure
21 attributed to a protected cell, the fair value of the protected cell
22 assets, on the date on which the insurance securitization is
23 effected, equals or exceeds the maximum possible exposure
24 attributable to the protected cell with respect to those exposures;

1 5. "General account" means the assets and liabilities of a
2 protected cell company other than protected cell assets and
3 protected cell liabilities;

4 6. "Indemnity trigger" means a transaction term by which relief
5 of the issuer's obligation to repay investors is triggered by its
6 incurring a specified level of losses under its insurance or
7 reinsurance contracts;

8 7. "Nonindemnity trigger" means a transaction term by which
9 relief of the issuer's obligation to repay investors is triggered
10 solely by some event or condition other than the individual
11 protected cell company incurring a specified level of losses under
12 its insurance or reinsurance contracts;

13 8. "Protected cell" means an identified pool of assets and
14 liabilities of a protected cell company segregated and insulated by
15 means of this act from the remainder of the protected cell company's
16 assets and liabilities;

17 9. "Protected cell account" means a specifically identified bank
18 or custodial account established by a protected cell company for the
19 purpose of segregating the protected cell assets of one protected
20 cell from the protected cell assets of other protected cells and
21 from the assets of the protected cell company's general account;

22 10. "Protected cell assets" means all assets, contract rights
23 and general intangibles identified with and attributable to a
24 specific protected cell of a protected cell company;

1 11. "Protected cell company" means a domestic insurer that has
2 one or more protected cells;

3 12. "Protected cell company insurance securitization" means the
4 issuance of debt instruments, the proceeds from which support the
5 exposures attributed to the protected cell, by a protected cell
6 company, where repayment of principal and/or interest to investors
7 pursuant to the transaction terms is contingent upon the occurrence
8 or nonoccurrence of an event with respect to which the protected
9 cell company is exposed to loss under insurance or reinsurance
10 contracts it has issued;

11 13. "Protected cell liabilities" means all liabilities and other
12 obligations identified with and attributable to a specific protected
13 cell of a protected cell company; and

14 14. "Receiver" means the Commissioner, where the Commissioner is
15 acting as a rehabilitator, liquidator or administrative supervisor
16 of a company, or any person appointed to carry out an order of
17 rehabilitation or liquidation of a company.

18 SECTION 4. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1694 of Title 36, unless there
20 is created a duplication in numbering, reads as follows:

21 A. A protected cell company may establish one or more protected
22 cells, with the prior written approval of the Insurance Commissioner
23 of a plan of operation or amendments to a plan of operation
24 submitted by the protected cell company with respect to each

1 protected cell. Upon the written approval of the Commissioner of
2 the plan of operation or amendments to a plan of operation, which
3 shall include, but not be limited to, the specific business
4 objectives and investment guidelines of the protected cell, the
5 protected cell company may, in accordance with the approved plan of
6 operations, attribute to the protected cell amounts both reflective
7 of insurance obligations with respect to its insurance business and
8 obligations relating to the insurance securitization and assets to
9 fund the obligations. Each protected cell of a protected cell
10 company shall have its own distinct name or designation, which shall
11 include the words "protected cell". The protected cell company
12 shall transfer all assets attributable to each protected cell to one
13 or more separately established and identified protected cell
14 accounts bearing the name or designation of that protected cell.
15 Protected cell assets shall be held in the protected cell accounts
16 for the purpose of satisfying the obligations of that protected
17 cell.

18 B. All attributions of assets and liabilities between a
19 protected cell and the general account shall be in accordance with
20 the plan of operation approved by the Commissioner or shall be
21 otherwise approved by the Commissioner. Unless otherwise approved
22 by the Commissioner, no other attribution of assets or liabilities
23 shall be made by a protected cell company between the protected cell
24 company's general account and one or more of its protected cells.

1 Any attribution of assets and liabilities between the general
2 account and a protected cell, or from investors in the form of
3 principal on a debt instrument issued by a protected cell company in
4 connection with a protected cell company securitization, shall be in
5 cash or readily marketable securities with established market values
6 unless otherwise approved in advance in writing by the Commissioner.

7 C. The creation of a protected cell does not create, in respect
8 of that protected cell, a legal person separate from the protected
9 cell company. Amounts attributed to a protected cell under this
10 act, including assets transferred to a protected cell account, are
11 owned by the protected cell company and the protected cell company
12 may not be, nor hold itself out to be, a trustee with respect to
13 those protected cell assets of that protected cell account.
14 Notwithstanding the foregoing, the protected cell company may allow
15 for a security interest to attach to protected cell assets or a
16 protected cell account when in favor of a creditor of the protected
17 cell and otherwise allowed under applicable law.

18 D. Nothing in the Protected Cell Companies Act shall be
19 construed to prohibit the protected cell company from contracting
20 with or arranging for an investment advisor, commodity trading
21 advisor or other third party to manage the protected cell assets of
22 a protected cell, provided that all remuneration, expenses and other
23 compensation of the third-party advisor or manager are payable from
24 the protected cell assets of that protected cell and not from the

1 protected cell assets of other protected cells or the assets of the
2 protected cell company's general account. The contract shall
3 clearly reference the protected cell or cells for which the contract
4 has been arranged and shall contain a nonrecourse provision in favor
5 of the company that prohibits the contracting party from seeking
6 recourse against, or attaching, the assets of the general account,
7 or the assets of another protected cell, to satisfy the obligations
8 of any one or more protected cells which are the subject of the
9 contract.

10 E. A protected cell company shall establish any administrative
11 and accounting procedures that are necessary to properly identify
12 the one or more protected cells of the protected cell company and
13 the protected cell assets and protected cell liabilities
14 attributable to the protected cells. It shall be the duty of the
15 directors of a protected cell company to:

16 1. Keep protected cell assets and protected cell liabilities
17 separate and separately identifiable from the assets and liabilities
18 of the protected cell company's general account; and

19 2. Keep protected cell assets and protected cell liabilities
20 attributable to one protected cell separated and separately
21 identifiable from protected cell assets and protected cell
22 liabilities attributable to other protected cells.

23 Notwithstanding other provisions of this section, and subject to
24 the provisions of Section 10 of this act, if this section is

1 violated, the remedy of tracing shall be applicable to protected
2 cell assets when commingled with protected cell assets of other
3 protected cells or the assets of the protected cell company's
4 general account. The remedy of tracing shall not be construed as an
5 exclusive remedy.

6 F. Unless otherwise approved by the Commissioner, the protected
7 cell company shall, when establishing a protected cell, attribute
8 the protected cell assets a value at least equal to the reserves and
9 other insurance liabilities attributed to that protected cell.

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1695 of Title 36, unless there
12 is created a duplication in numbering, reads as follows:

13 A. The protected cell assets of any protected cell shall not be
14 charged with liabilities arising out of any other business the
15 protected cell company may conduct. All contracts or other
16 documentation reflecting protected cell liabilities shall clearly
17 indicate that only the protected cell assets are available for the
18 satisfaction of those protected cell liabilities.

19 B. Unless otherwise approved by the Insurance Commissioner,
20 assets attributed to a protected cell shall be valued at their fair
21 value on the date of valuation.

22 C. The income, gains and losses, realized or unrealized, from
23 protected cell assets and protected cell liabilities shall be
24 credited to or charged against the protected cell without regard to

1 other income, gains or losses of the protected cell company,
2 including income, gains or losses of other protected cells. Amounts
3 attributed to any protected cell and accumulations on the attributed
4 amounts may be invested and reinvested without regard to any
5 requirements or limitations imposed on investments of insurance
6 companies domiciled in this state and the investments in any
7 protected cell or cells may not be taken into account in applying
8 the investment limitations otherwise applicable to the investments
9 of the protected cell company, subject to any restrictions that may
10 be imposed by the Commissioner in accordance with Section 12 of this
11 act.

12 D. As permitted by the Commissioner, a protected cell company
13 may, in respect of any of its protected cells, engage in fully
14 funded indemnity triggered and/or fully funded nonindemnity
15 triggered insurance securitization to support in full the protected
16 cell exposures attributable to that protected cell. A protected
17 cell company insurance securitization that is nonindemnity triggered
18 shall qualify as an insurance securitization under the terms of this
19 section only after the Commissioner, in accordance with the
20 authority granted under Section 12 of this act, adopts regulations
21 addressing the methods of funding of the portion of the risk that is
22 not indemnity based, accounting, disclosure, risk-based capital
23 treatment, and assessing risks associated with those
24 securitizations. A protected cell company insurance securitization

1 that is not fully funded, whether indemnity triggered or
2 nonindemnity triggered, is prohibited. Protected cell assets may be
3 used to pay interest or other consideration on any outstanding debt
4 or other obligation attributable to that protected cell, and nothing
5 in this section shall be construed or interpreted as preventing a
6 protected cell company from entering into a swap agreement or other
7 transaction for the account of the protected cell that has the
8 effect of guaranteeing that interest or other consideration.

9 E. In all protected cell company insurance securitizations, the
10 contracts or other documentation effecting the transaction shall
11 contain provisions identifying the protected cell to which the
12 transaction will be attributed. In addition, the contracts or other
13 documentation shall clearly disclose that the assets of that
14 protected cell, and only those assets, are available to pay the
15 obligations of that protected cell. Notwithstanding the foregoing,
16 and subject to the provisions of this title and any other applicable
17 law or rules, the failure to include that language in the contracts
18 or other documentation shall not be used as the sole basis by
19 creditors, reinsurers or other claimants to circumvent the
20 provisions of this section.

21 F. At the cessation of business of a protected cell, and in
22 absence of any placement under administrative supervision or order
23 of conservation, rehabilitation or liquidation attributable to that
24 protected cell or the protected cell company, the protected cell

1 company shall voluntarily close out the protected cell account in
2 accordance with a plan approved by the Commissioner.

3 G. A protected cell company shall only be authorized to
4 attribute to a protected cell account the insurance obligations
5 relating to the protected cell company's general account. Under no
6 circumstances shall a protected cell be authorized to issue
7 insurance or reinsurance contracts directly to policyholders or
8 reinsureds or have any obligation to the policyholders or reinsureds
9 of the protected cell company's general account.

10 SECTION 6. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1696 of Title 36, unless there
12 is created a duplication in numbering, reads as follows:

13 A. 1. Protected cell assets shall only be available to the
14 creditors of the protected cell company that are creditors in
15 respect to that protected cell and shall be entitled, in conformity
16 with the provisions of the Protected Cell Companies Act, to have
17 recourse to the protected cell assets attributable to that protected
18 cell, and shall be absolutely protected from the creditors of the
19 protected cell company that are not creditors in respect of that
20 protected cell and, who accordingly, shall not be entitled to have
21 recourse to the protected cell assets attributable to that protected
22 cell. Creditors with respect to a protected cell shall not be
23 entitled to have recourse against the protected cell assets of other
24

1 protected cells or the assets of the protected cell company's
2 general account.

3 2. Protected cell assets shall only be available to creditors
4 of a protected cell company after all protected cell liabilities
5 have been extinguished or provided for in accordance with the plan
6 of operation relating to that protected cell.

7 B. When an obligation of a protected cell company to a person
8 arises from a transaction, or is imposed, in respect of a protected
9 cell:

10 1. That obligation of the protected cell company shall extend
11 only to the protected cell assets attributable to that protected
12 cell, and the person shall, with respect to that obligation, be
13 entitled to have recourse only to the protected cell assets
14 attributable to that protected cell; and

15 2. That obligation of the company shall not extend to the
16 protected cell assets of any other protected cell or the assets of
17 the protected cell company's general account, and that person shall
18 not, with respect to that obligation, be entitled to have recourse
19 to the protected cell assets of any other protected cell or the
20 assets of the protected cell company's general account.

21 C. When an obligation of a protected cell company relates solely
22 to the general account, the obligation of the protected cell company
23 shall extend only to, and that creditor shall, with respect to that
24

1 obligation, be entitled to have recourse only to, the assets of the
2 protected cell company's general account.

3 D. Other than with regard to the application of this section,
4 the activities, assets and obligations relating to a protected cell
5 are not subject to the provisions of Articles 20A and 20B of Title
6 36 of the Oklahoma Statutes and neither a protected cell nor a
7 protected cell company shall be assessed by or be required to
8 contribute to any guaranty fund or guaranty association in this
9 state with respect to the activities, assets or obligations of a
10 protected cell. Nothing in this section shall affect the activities
11 or obligations of an insurer's general account.

12 E. In no event shall the establishment of one or more protected
13 cells alone constitute or be deemed to be a fraudulent conveyance,
14 an intent by the protected cell company to defraud creditors, or the
15 carrying out of business by the protected cell company for any other
16 fraudulent purpose.

17 SECTION 7. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1697 of Title 36, unless there
19 is created a duplication in numbering, reads as follows:

20 A. Notwithstanding any contrary provision in the Oklahoma
21 Insurance Code, the rules promulgated under the Oklahoma Insurance
22 Code or any other applicable law or rule, upon placement under
23 administrative supervision or upon any order of conservation,
24 rehabilitation or liquidation of a protected cell company, the

1 receiver shall be bound to deal with the protected cell company's
2 assets and liabilities, including protected cell assets and
3 protected cell liabilities, in accordance with the requirements set
4 forth in the Protected Cell Companies Act.

5 B. With respect to amounts recoverable under a protected cell
6 company insurance securitization, the amount recoverable by the
7 receiver shall not be reduced or diminished as a result of the
8 placement under administrative supervision or entry of an order of
9 conservation, rehabilitation or liquidation with respect to the
10 protected cell company or any of its protected cells,
11 notwithstanding any provisions to the contrary in the contracts or
12 other documentation governing the protected cell company insurance
13 securitization.

14 SECTION 8. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1698 of Title 36, unless there
16 is created a duplication in numbering, reads as follows:

17 A. If in relation to one or more protected cells of a protected
18 cell company, the Insurance Commissioner is satisfied that the
19 protected cell assets attributable to that protected cell are
20 insufficient to discharge the claims of creditors or other claimants
21 with respect to that protected cell, the Commissioner may place
22 under administrative supervision or apply for an order of
23 conservation, rehabilitation or liquidation with respect to that
24 protected cell. In carrying out the administrative supervision,

1 conservation, rehabilitation or liquidation of a protected cell, the
2 receiver shall follow generally the provisions of Articles 1, 6, 18
3 and 19 of Title 36 of the Oklahoma Statutes, as applicable, and any
4 rules and regulations promulgated under those articles, except that
5 at all times the receiver shall be bound to deal with the protected
6 cell assets and protected cell liabilities in accordance with the
7 requirements of the Protected Cell Companies Act.

8 B. An order of rehabilitation or conservation shall not be
9 requested or made with respect to any protected cell of a protected
10 cell company if a receiver has been appointed to act in respect of a
11 protected cell company and the Commissioner may still apply for an
12 order of liquidation with respect to that protected cell. Any prior
13 order of rehabilitation or conservation with respect to a protected
14 cell shall cease to be of effect upon an order of rehabilitation
15 with respect to the protected cell company, without prejudice to the
16 prior acts of the receiver or its agents.

17 C. An order of rehabilitation, conservation or liquidation
18 shall not be requested or made with respect to any protected cell of
19 a protected cell company if a liquidator has been appointed to act
20 in respect of the protected cell company. Any prior order of
21 rehabilitation, conservation or liquidation with respect to a
22 protected cell shall cease to be of effect upon an order of
23 liquidation with respect to the protected cell company, without
24 prejudice to the prior acts of the receiver or its agent.

1 D. During any period of conservation or rehabilitation, or upon
2 an order of liquidation, with respect to a protected cell, the
3 directors of the protected cell company shall cease in respect of
4 the business of, and the protected cell assets and protected cell
5 liabilities attributable to, the protected cell which is the subject
6 of the rehabilitation, conservation or liquidation.

7 E. In the event that a petition for an order of rehabilitation,
8 conservation or liquidation of a protected cell is challenged, prior
9 to the entry or denial of the order, the directors of the protected
10 cell company shall cease in respect of the business of, and the
11 protected cell assets and protected cell liabilities attributable
12 to, the protected cell which is the subject of the petition and the
13 Commissioner shall carry out the business of the protected cell
14 until the order has been entered or denied. In the event the order
15 is denied, the Commissioner shall immediately return possession and
16 control of the protected cell to the directors of the protected cell
17 company.

18 F. No resolution for the voluntary winding up of a protected
19 cell company with any protected cell which has been placed under
20 administrative supervision or is the subject of an order of
21 rehabilitation, conservation or liquidation shall be effective
22 without permission of the Commissioner and, in the case of
23 rehabilitation, conservation or liquidation, the court supervising
24 the rehabilitation, conservation or liquidation.

1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1699 of Title 36, unless there
3 is created a duplication in numbering, reads as follows:

4 A. With respect to orders of rehabilitation, conservation or
5 liquidation directed at a protected cell company, the remuneration,
6 expenses and other compensation of the receiver shall be payable
7 from the assets of the company's general account, in accordance with
8 the priority of distribution set forth in Section 1927.1 of Title 36
9 of the Oklahoma Statutes.

10 B. With respect to orders of rehabilitation, conservation or
11 liquidation directed at a protected cell company, the remuneration,
12 expenses and other compensation of the receiver shall be payable
13 from the protected cell assets attributable to that protected cell.
14 In the case where more than one protected cell is the subject of the
15 order, the receiver shall account for remuneration, expenses and
16 other compensation separately for each protected cell in accordance
17 with actual time and expenses attributable to the rehabilitation,
18 conservation or liquidation of each respective protected cell.

19 C. With respect to orders of rehabilitation, conservation or
20 liquidation directed at a protected cell company during a pending
21 rehabilitation, conservation or liquidation of one or more protected
22 cells, the remuneration, expenses and other compensation of the
23 receiver of the protected cells shall be satisfied from the
24 protected cell assets of the protected cell or cells in accordance

1 with the provisions of subsection B of this section, and the
2 remuneration, expenses and other compensation of the receiver of the
3 protected cell company shall be satisfied from the assets of the
4 company's general account.

5 SECTION 10. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1699.1 of Title 36, unless there
7 is created a duplication in numbering, reads as follows:

8 Any person violating the provisions of the Protected Cell
9 Companies Act shall be subject to any and all enforcement procedures
10 either currently employed or subsequently promulgated by the
11 Insurance Commissioner including, but not limited to, the imposition
12 of fines, sanctions or civil penalties, or an order to cease and
13 desist from the establishment of additional protected cells. In no
14 event shall the Commissioner have the authority to cease the
15 business of an existing protected cell, except by placement under
16 administrative supervision or by order of rehabilitation,
17 conservation or liquidation in accordance with the provisions of
18 this act.

19 SECTION 11. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1699.2 of Title 36, unless there
21 is created a duplication in numbering, reads as follows:

22 A protected cell company insurance securitization shall not be
23 deemed to be an insurance or reinsurance contract. An investor in a
24 protected cell company insurance securitization shall not, by sole

1 means of this investment, be deemed to be transacting an insurance
2 business in this state. The underwriters or selling agents and
3 their partners, directors, officers, members, managers, employees,
4 agents, representatives and advisors involved in a protected cell
5 company insurance securitization shall not be deemed to be
6 conducting an insurance or reinsurance agency, brokerage,
7 intermediary, advisory or consulting business by virtue of their
8 activities in connection with those businesses.

9 SECTION 12. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1699.3 of Title 36, unless there
11 is created a duplication in numbering, reads as follows:

12 The Insurance Commissioner may promulgate reasonable rules as
13 may be necessary to effectuate the purposes of the Protected Cell
14 Companies Act.

15 SECTION 13. This act shall become effective November 1, 2019.

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17 57-1-8194 SH 02/26/19

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