

**FILED**

OCT 06 2016

INSURANCE COMMISSIONER  
OKLAHOMA

**BEFORE THE INSURANCE COMMISSIONER OF THE  
STATE OF OKLAHOMA**

**IN RE: ELECTRONIC FILINGS OF PREPAID )  
CEMETERY MERCHANDISE CONTRACTS ) Case No. 16-0629-PRJ  
PERMIT HOLDERS IN THE STATE OF )  
OKLAHOMA )**

**TO: ALL PREPAID CEMETERY MERCHANDISE CONTRACTS PERMIT  
HOLDERS IN THE STATE OF OKLAHOMA**

**JURISDICTION**

1. The Insurance Commissioner, John D. Doak, is charged with the duty of administering and enforcing the provisions of the Oklahoma Insurance Code, 36 O.S. §§ 101 et seq., including the Cemetery Merchandise Trust Act, 36 O.S. §§ 7121 through 7135.

2. Notwithstanding any other provision of law that requires a particular form and associated payment to be filed with the Insurance Department in paper form, or to be mailed or hand-delivered to the Insurance Department, the Insurance Commissioner may, by appropriate order, require that all filings of that specific type be filed or delivered in electronic format. 36 O.S. § 350.

**FINDINGS OF FACT**

1. Each organization desiring to accept money or anything of value for prepaid cemetery merchandise pursuant to a cemetery merchandise contract shall file an application for a permit with the Insurance Commissioner, and shall at the time of filing the application pay one initial filing fee of Two Hundred Dollars (\$200.00). 36 O.S. § 7125(A).

2. All permits shall expire on March 15 of the year following the year the permit is first issued, unless renewed; permits may be renewed for a period not to exceed the succeeding March 15 upon the payment of a renewal fee of Two Hundred Dollars (\$200.00). Ibid at § 7125(A).

3. Each organization shall file an annual report with the Insurance Commissioner on or before March 15 of each year in such form as the Insurance Commissioner may require, showing the name of the financial institution holding the cemetery merchandise trust fund and the amount of the trust fund under each contract on the preceding December 31, and also showing the method of determination of the wholesale costs made pursuant to Section 7126 of the Cemetery Merchandise Trust Act. The total required deposits to the cemetery merchandise trust fund during the year shall also be reported. 36 O.S. § 7128.

4. On November 1, 2014, the following statutory provision in the Oklahoma Insurance Code took effect:

**DUTY TO FILE OR DELIVER PAYMENTS ELECTRONICALLY**

**Notwithstanding any other provision of law that requires a particular form and associated payment to be filed with the Insurance Department in paper form, or to be mailed or hand-delivered to the Insurance Department, the Insurance Commissioner may, by appropriate order, require that all filings of that specific type be filed or delivered in electronic format. 36 O.S. § 350.**

5. This provision of law provides the Insurance Commissioner with the authority, by appropriate order, to require cemetery merchandise contract permit applications and renewal application forms and associated payments to be filed electronically with the Insurance Department. It also provides the Insurance Commissioner with the authority, by appropriate order, to require cemetery merchandise contract annual reports to be filed electronically with the Insurance Department.

6. The Insurance Commissioner finds it proper to prescribe that all Prepaid Cemetery Merchandise Contracts Permit applications, renewal applications and all accompanying fees for a Prepaid Cemetery Merchandise Contracts Permit be filed by electronic means and format effective

on or before November 1, 2016, and all filings thereafter, pursuant to 36 O.S. § 350, as approved by the Commissioner.

7. The Insurance Commissioner further finds it proper to prescribe that all Prepaid Cemetery Merchandise Contracts annual reports be filed by electronic means and format effective on or before January 1, 2017, and all filings thereafter, pursuant to 36 O.S. § 350, as approved by the Commissioner .

**CONCLUSIONS OF LAW**

1. The Findings of Fact above are adopted, and incorporated by reference in these Conclusions of Law as if fully set forth herein.

**ORDER**

**IT IS THEREFORE ORDERED**, based upon the foregoing Findings of Fact and Conclusions of Law, that all Prepaid Cemetery Merchandise Contracts Permit applications, renewal applications and all accompanying fees for a Prepaid Cemetery Merchandise Contracts Permit be filed by electronic means and format effective on or before November 1, 2016, and thereafter, pursuant to 36 O.S. § 350, as approved by the Commissioner.

**IT IS FURTHER ORDERED**, based upon the foregoing Findings of Fact and Conclusions of Law, that all Prepaid Cemetery Merchandise Contracts annual reports be filed by electronic means and format effective on or before January 1, 2017, and all filings thereafter, pursuant to 36 O.S. § 350, as approved by the Commissioner.

**WITNESS** My Hand and Official Seal this 6<sup>th</sup> day of October, 2016.



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James A. Mills  
Chief of Staff  
Oklahoma Insurance Department