

FILED

OCT 05 2016

INSURANCE COMMISSIONER
OKLAHOMA

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

**IN RE: ELECTRONIC FILINGS OF)
PERPETUAL CARE TRUST FUND)
PROVIDERS IN THE)
STATE OF OKLAHOMA)**

Case No. 16-0631-PRJ

**TO: ALL PERPETUAL CARE TRUST FUND PROVIDERS 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 Perpetual Care Fund Act, 36 O.S. §§ 7101 through 7112.

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. Pursuant to 36 O.S. § 7106(A), the owner of a cemetery maintaining a Perpetual Care Trust Fund, or certificate of deposit in lieu of a Perpetual Care Trust Fund, shall be required to pay to the Insurance Commissioner an annual fee of Two Hundred Dollars (\$200.00), and file a report of each cemetery by March 15 of each year with the Commissioner, showing, for the preceding calendar year the items set forth in § 7106(A)(1)-(5).

2. 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 perpetual care trust fund annual reports and fees to be filed electronically with the Insurance Department.

6. The Insurance Commissioner finds it proper to prescribe that all Perpetual Care Trust Fund annual fees 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 Perpetual Care Trust Fund 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 Perpetual Care Trust Fund annual fees 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 Perpetual Care Trust Fund annual reports be filed by electronic means and format effective on or before January 1, 2017, pursuant to 36 O.S. § 350, as approved by the Commissioner.

WITNESS My Hand and Official Seal this 6th day of October, 2016.



A handwritten signature in black ink that reads "James A. Mills".

James A. Mills
Chief of Staff
Oklahoma Insurance Department