

LINE OF BUSINESS: Other Lines of Business

LINE(S) OF INSURANCE
Service Warranty

CODES
33.0004

Code: 33.0000

IF CHECKLIST IS NOT APPLICABLE, PLEASE EXPLAIN:

REVIEW REQUIREMENTS	REFERENCE	DESCRIPTION OF REVIEW STANDARDS REQUIREMENTS	LOCATION OF STANDARD IN FILING
GENERAL REQUIREMENTS FOR ALL FILINGS			
Filing Fees	36 O.S. 348.1	Form filings-\$50.00 for each individual insurer.	
Postage Requirements	O.R. 365:15-1-3 (b) (8)	No submissions shall be accepted which arrive at the offices with postage due. No submissions will be returned unless the necessary postage accompanies the same.	
Re-submittal of Rejected Filings	O.R. 365:15-1-3 (b) (17)	All resubmitted filings shall be presented to the Insurance Commissioner in the same manner required by this subchapter for an original filing. In addition the cover letter or filing memorandum addressed to the Insurance Commissioner shall state the full and complete history of the filing, the reason for disapproval, and the factors, that distinguish the resubmittal to warrant reconsideration.	
Side Comparisons for revised Contracts	O.R. 365:15-1-3(b)(9)(D)	A complete description and full explanation of the changes made by the filing including, reasoning therefore, illustrative examples, including "John Doe" specimen form, and a comparison of currently approved and proposed materials.	
Third Party Filers Authorization		Must include letter of authorization.	

REVIEW REQUIREMENTS	REFERENCE	DESCRIPTION OF REVIEW STANDARDS REQUIREMENTS	LOCATION OF STANDARD IN FILING
Unfair Methods of Competition and Unfair or Deceptive Acts or Practices – Misrepresentation	15 O.S. 141.26(1)	<p>Knowingly making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, statement, sales presentation, omission, or comparison which:</p> <ul style="list-style-type: none"> a. misrepresents the benefits, advantages, conditions, or terms of any service warranty, b. is misleading or is a misrepresentation as to the financial condition of any person, c. uses any name or title of any warranty misrepresenting the true nature thereof, d. is a misrepresentation for the purpose of inducing, or tending to induce, the lapse, forfeiture, exchange, conversion, or surrender of any service warranty, or e. is false, deceptive or misleading with respect to: <ul style="list-style-type: none"> (1) the service warranty association's affiliation with a motor vehicle manufacturer, (2) the service warranty association's possession of information regarding a motor vehicle owner's current motor vehicle manufacturer's original equipment warranty, (3) the expiration of a motor vehicle owner's current motor vehicle manufacturer's original equipment warranty, or (4) a requirement that a motor vehicle owner register for a new service warranty with such provider in order to maintain coverage under the motor vehicle owner's current service warranty or manufacturer's original equipment warranty; 	

REVIEW REQUIREMENTS	REFERENCE	DESCRIPTION OF REVIEW STANDARDS REQUIREMENTS	LOCATION OF STANDARD IN FILING
Unfair Methods of Competition and Unfair or Deceptive Acts or Practices - Defamation	15 O.S. 141.26(3)	3. DEFAMATION - Knowingly making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of, any oral or written statement, or any pamphlet, circular, article, or literature, which is false or maliciously critical of, or derogatory to, any person and which is calculated to injure such person;	
Unfair Methods of Competition and Unfair or Deceptive Acts or Practices – False Statements and Entries	15 O.S. 141.26(4)	Knowingly: a. filing with any supervisory or other public official, b. making, publishing, disseminating, or circulating, c. delivering to any person, d. placing before the public, e. causing, directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement, or f. making any false entry of a material fact in any book, report, or statement of any person;	

<p>Unfair Methods of Competition and Unfair or Deceptive Acts or Practices – Unfair Claim Settlement Practices</p>	<p>15 O.S. 141.26(5)</p>	<p>a. attempting to settle claims on the basis of an application or any other material document which was altered without notice to, or knowledge or consent of, the warranty holder,</p> <p>b. making a material misrepresentation to the warranty holder for the purpose and with the intent of effecting settlement of such claims, loss, or damage under such warranty on less favorable terms than those provided in, and contemplated by, such warranty, or</p> <p>c. committing or performing with such frequency as to indicate a general business practice any of the following practices:</p> <p>(1) failure properly to investigate claims,</p> <p>(2) misrepresentation of pertinent facts or warranty provisions relating to coverages at issue,</p> <p>(3) failure to acknowledge and act promptly upon communications with respect to claims,</p> <p>(4) denial of claims without conducting reasonable investigations based upon available information,</p> <p>(5) failure to affirm or deny coverage of claims upon written request of the warranty holder within a reasonable time after proof-of-loss statements have been completed, or</p> <p>(6) failure to promptly provide a reasonable explanation to the warranty holder of the basis in the warranty in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement;</p>	
<p>Unfair Methods of Competition and Unfair or Deceptive Acts or Practices – Failure to Maintain Procedures for Handling complaints</p>	<p>15 O.S. 141.26(6)</p>	<p>Failing to maintain a record of each complaint received for a three-year period after the date of the receipt of the written complaint;</p>	

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Unfair Methods of Competition and Unfair or Deceptive Acts or Practices – Discriminatory Refusal to Issue a Contract	15 O.S. 141.26(7)	Refusing to issue a warranty solely because of an individual's race, color, creed, marital status, sex, or national origin;	
Unfair Methods of Competition and Unfair or Deceptive Acts or Practices – Failure to Provide Terms and Conditions Prior to Sale	15 O.S. 141.26(8)	<p>Failing to provide a consumer with a complete sample copy of the terms and conditions of the service warranty prior to the time of sale upon a request for the same by the consumer.</p> <p>A service warranty association may comply with the provisions of this paragraph by providing the consumer with a sample copy of the terms and conditions of the service warranty or by directing the consumer to a website that displays a complete sample of the terms and conditions of the warranty.</p>	
Disclosure Statement	15 O.S. 141.21	<p>A service warranty shall contain a disclosure statement containing substantially the following information:</p> <p>"This is not an insurance contract. Coverage afforded under this contract is not guaranteed by the Oklahoma Insurance Guaranty Association".</p>	
Filing Submission		We accept all lines of business and all filing types through SERFF; as such, we expect SERFF insurers to submit all filings through the SERFF system. We cannot maintain both a SERFF filing system and a paper filing system for an insurer. As such, paper filings will be rejected and the forms, rates, loss costs or rules attached to the paper filing will not be available for use in Oklahoma until resubmitted, reviewed and finalized through the SERFF system.	
Unfair Discrimination	O.R. 365: 15-1-9	Prohibits unfair discrimination.	

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Withdrawal of Pending Filings	O.R. 365: 15-1-3(b)(10)	Pending filings may be withdrawn by the filing entity upon notice to the Insurance Department prior to the approval or disapproval thereof. The notice shall include reasons for the withdrawal.	
Withdrawal or Discontinue writing	O.R. 365: 15-1-18	<p>Any insurer desiring to withdraw from the state or discontinue the writing of certain classes of insurance or programs in this state or transferring policyholders between admitted companies within the same insurance holding company system shall give ninety (90) days notice in writing to the Rate and Form Compliance Division of the Insurance Department and shall state in writing its reasons for such action. The ninety (90) days notice is inclusive of, and not in addition to, any other notice requirement per line of business. The insurer shall also provide the following information:</p> <ol style="list-style-type: none"> (1) The number of policyholders affected; (2) The number of insurance agents affected; (3) The date the insurer will cease writing new business; (4) The date the insurer will start non-renewing insurance policies; (5) The date the insurer will transfer policyholders; (6) Whether the insurer has made arrangements with another insurer to pick up the renewals; if applicable; (7) The lines of insurance on which the insurer plans to concentrate; and (8) Whether the insurer anticipates re-entering the market. 	
Group Filings	O.R. 365:15-1-3(b)(13)	Filings that are made on behalf of more than one insurer shall list the insurer or insurers by individual name and not by Company group.	

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Cancellation	15 O.S. 141.13(B)	<p>Each service warranty contract shall contain a cancellation provision. In the event the contract is canceled by the warranty holder, return of the provider fee shall be based upon ninety percent (90%) of the unearned pro rata provider fee less the actual cost of any service provided under the service warranty contract.</p> <p>In the event the contract is canceled by the association, return of premium shall be based upon one hundred percent (100%) of unearned pro rata provider fee less the actual cost of any service provided under the service warranty contract.</p>	
Name and Address of Service Warranty Association and its' identity	15 O.S.141.13(C)	<p>Service warranties shall state the name and address of the service warranty association and shall identify any administrator if different from the service warranty association, the service warranty seller and the service warranty holder to the extent that the name of the service warranty holder has been furnished by the service warranty holder.</p> <p>For service warranties issued on and after July 1, 2017, the identity of the service warranty association and its license number shall be preprinted on the service warranty or added at the time of sale so consumers can clearly identify the obligor of the service warranty.</p> <p>Information to be printed at the time of sale shall be indicated as such at the time the service warranty is filed and a "Jane Doe" specimen shall accompany the service warranty illustrating how the service warranty will look after printing.</p>	