

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 1. ADMINISTRATIVE OPERATIONS
SUBCHAPTER 1. GENERAL PROVISIONS**

365:1-1-4. Requests for information

(a) The public may obtain information relating to insurance and regulation thereof by completing and submitting the Oklahoma Insurance Department Open Records Request form to oidopenrecords@oid.ok.gov, by fax to (405) 522-0125, or by mail to the Insurance Commissioner, 400 N.E. 50th Street, Oklahoma City, Oklahoma 73105. Physical copies of the form are available at the Insurance Department at the address provided above.

(b) Where the request is for materials of which copies are not available and photocopying or reproduction by other means is required, such service will be provided upon payment of the costs involved.

(c) Requests submitted to the agency will not be deemed to have been received unless and until the request has been properly submitted in accordance with these rules.

(d) A request shall be deemed abandoned if the requester fails to pay any fees lawfully assessed within thirty (30) days of notice by the Insurance Department of the fee amount or if requester fails to respond within thirty (30) days to any request by the Department for additional information the Department has determined is reasonably necessary to identify the records sought or to accurately process the request.

(e) Pursuant to 36 O.S. § 321 and 51 O.S. § 24A.5(4), the Department charges \$0.40 per page, \$1.00 per certified page, and \$5.00 for each Certificate of Commissioner, under seal. The Department also may charge a reasonable search and copying fee when a request is for a commercial purpose and would clearly cause excessive disruption of essential functions of the Department [51:24A.5(4)]. A current fee schedule is available on the Department website, <https://www.oid.ok.gov/>, and at its principal location at the address provided above.

365:1-1-4.1. Fees [REVOKED]

The Oklahoma Insurance Department is required and provided for by the following laws to collect certain fees as follows:

- ~~(1) **36 O.S. §311.1.** Provides a late fee required with annual statements filed after the first day of March.~~
- ~~(2) **36 O.S. §321.** Provides for the following fees:
 - ~~(A) Copies 40¢ per page.~~
 - ~~(B) Appointing Commissioner as agent for service of process.~~
 - ~~(C) Licensure and reporting requirements for company licensing, mergers and acquisitions.~~
 - ~~(D) Life, Accident and Health policy filings.~~
 - ~~(E) Amendments to by laws and articles.~~
 - ~~(F) Retaliatory fees.~~~~
- ~~(3) **36 O.S. §348.1.** Authorizes the Commissioner to collect fees and licenses for the Rate and Form Compliance Division of the Insurance Department.~~
- ~~(4) **36 O.S. §621.** Summons process fees.~~
- ~~(5) **36 O.S. §628.** Life, Accident and Health policy filings retaliatory fee.~~
- ~~(6) **36 O.S. §635.** Initial application fee and annual renewal for Multiple Employer Welfare Arrangements (MEWAs).~~
- ~~(7) **36 O.S. §1115.** Surplus lines taxes.~~

- (8) ~~36 O.S. §1435.23(A)(4)(e). Crop hail licensure fees.~~
- (9) ~~36 O.S. §1435.23 and §1435.29. Fees and licenses for insurance agents, surplus lines insurance brokers, and limited insurance representatives. Also includes annual fee for agents continuing education providers.~~
- (10) ~~36 O.S. §1450. TPA license fee.~~
- (11) ~~36 O.S. §1464. Broker license fee~~
- (12) ~~36 O.S. §1661. Holding company registration fee.~~
- (13) ~~36 O.S. §2126.1. Solicitation and trade fee.~~
- (14) ~~36 O.S. §2731. Fraternal license and appointment.~~
- (15) ~~36 O.S. §3105. Motor club license and appointment.~~
- (16) ~~36 O.S. §6124. Provides for initial fee and renewal fee for prepaid funeral benefits organizations.~~
- (17) ~~36 O.S. §6130, §1659. Fines and \$5 service charges.~~
- (18) ~~36 O.S. §6144. Prepaid Dental Company License~~
- (19) ~~36 O.S. §6212. Adjuster's exams, license and manuals fees.~~
- (20) ~~36 O.S. §6465. Risk retention group filing fees and purchasing group filing fees.~~
- (21) ~~36 O.S. §6557, §6559, §6560 and 74 O.S. §1306.2(B). Provides for application and renewal fees for entities performing utilization review.~~
- (22) ~~36 O.S. §6604. Provides for a license fee for service warranties licensure.~~
- (23) ~~51 O.S. §24A.1 et seq. The Open Records Act provides authority to charge reasonable fees to provide information requested by the public. The Act authorizes a "search fee" when records are requested for commercial purposes. The Data Processing Division of the Insurance Department makes certain computer records available upon request. A schedule of the records available and the current fee for each is available upon request from this Division.~~
- (24) ~~59 O.S. §1305, §1308, §1308.1, §1309, §1314(d) and §1317(a). Provide for license fees, investigation fees, annual fees for OBA, examination fees, renewal fees and appointment fees for bail bondsmen.~~
- (25) ~~59 O.S. §858-708. Gives the Insurance Department authority to collect fees for licensure and examination fees for Real Estate Appraisers.~~
- (26) ~~68 O.S. §50001. Fire Marshall tax.~~
- (27) ~~59 O.S. § 4003. Pursuant to the provisions of 59 O.S. 4003 A, upon presentation of satisfactory evidence that an applicant for initial licensure or certification is a low-income individual, the Board shall grant a one-time one-year waiver of any fees associated with such licensure or certification. For purposes of the section, "low-income individual" means an individual who is enrolled in a state or federal public assistance program, including, but not limited to, the Temporary Assistance for Needy Families, Medicaid or the Supplemental Nutrition Assistance Program, or whose household adjusted gross income is below one hundred forty percent (140%) of the federal poverty line or a higher threshold to be set by the executive branch department that oversees business regulation.~~

365:1-1-7. Electronic signatures

The Insurance Commissioner permits electronic signatures in lieu of original or wet signatures. This provision does not prohibit the Insurance Commissioner from requiring original or wet signatures. Electronic signatures must meet any technical requirements of the Department.

SUBCHAPTER 7. HEARINGS

365:1-7-1. Setting hearings; demands for hearing

(a) The Insurance Commissioner may hold hearings on any matters within his/her jurisdiction under the Insurance Code, either upon his/her own motion or upon written demand therefor by any person aggrieved by any act, threatened act, or failure to act of the Insurance Commissioner or by any report, regulation, rule or order of the Insurance Commissioner. The written demand for hearing should specify the grounds to be relied upon as a basis for relief demanded at the hearing.

(b) Upon receipt of a written demand for a hearing as outlined in (a) of this Section, the Insurance Commissioner shall either set down the matter for hearing within thirty (30) days from the receipt of the demand therefor or shall issue a written order denying hearing.

(c) Appearances by parties of record and testimony by witnesses may be offered remotely, via telephone or other available electronic means, at a hearing in the following circumstances:

(1) Non-contested Form A and Form R hearings;

(2) With the consent of all parties of record and the Commissioner or hearing examiner;

or

(3) Upon request of a party of record, made in writing at least five (5) business days prior to the scheduled date of the hearing, and a determination by the Commissioner or hearing examiner that:

(A) Requestor has shown good cause for the request, and

(B) An in-person hearing is not necessary for the effective and efficient presentation of evidence or argument.

(d) Any pleading, other document, or exhibit used in a proceeding conducted by telephone or videoconference may be transmitted between the Department's location and any remote site by electronic means. Signatures on any document transmitted by electronic means shall have the same force and effect as an original signature.

365:1-7-4. Conduct of hearings

(a) **Hearings to be open.** All hearings shall be open to the public.

(b) **Right to counsel.** Any person affected by the hearing shall have the right to appear in person and by counsel, provided, however, that such counsel representing the party, must be duly licensed to practice law by the Supreme Court of Oklahoma. The party and his counsel may be present during the giving of evidence, may have a reasonable opportunity to examine and inspect all documentary evidence, may examine witnesses and may present evidence in the party's own behalf.

(c) **Rules of evidence.** The formal rules of pleading and evidence need not be observed.

Evidence for hearings to be held remotely must be received by the Insurance Commissioner no later than three (3) business days prior to the time of the hearing. Failure to provide evidence within the required time may be grounds for exclusion of the evidence or a continuance of the hearing. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon request, a party shall be given an opportunity to compare the copy with the original. Notice may be taken of judicially cognizable facts and generally recognized technical or scientific facts within the specialized knowledge of the Insurance Commissioner. The Commissioner's experience, technical competence and specialized knowledge shall be utilized in the evaluation of evidence.

SUBCHAPTER 9. DESCRIPTION OF FORMS AND INSTRUCTIONS

365:1-9-1. Company licensure forms

- (a) **License of authority form.** The license of authority form, executed under the hand and seal of the Insurance Commissioner and delivered, is evidence of an insurance company's authority to transact business within Oklahoma.
- (b) **Annual statement form.** Annual statement forms must be filed by all admitted companies and postmarked on or before the first day of March of each year, reporting their business and financial condition as of December 31st of the preceding year. The completed forms must be subscribed and sworn to by the President, Secretary and other proper officers of the company. The Annual Statement is referred to as the "Convention Blank" and is in the general form and content approved by the National Association of Insurance Commissioners for the kinds of insurance to be reported.
- (c) **Quarterly statement form.** Quarterly statement forms must be filed by all domestic insurers and postmarked on or before May 15th, August 14th and November 14th of each year, reporting their business and financial condition as of March 31st, June 30th, and September 30th respectively. The completed forms must be subscribed and sworn to by the President, Secretary, and other proper officers of the company.
- (d) **Appointment of Insurance Commissioner as attorney for services of process form.** The appointment of Insurance Commissioner as attorney for service of process form for the State of Oklahoma must be filed by all licensed alien and foreign insurers, and shall continue in force so long as any liability remains outstanding in Oklahoma against the filing company, as required by 36 O.S. § 621.
- (e) **Agreement and application form.** The agreement and application form for Oklahoma License must be submitted by all companies desiring admission or renewal license within Oklahoma. A company agrees in its execution of such form to transact business, upon issuance of license, in accordance with the laws of Oklahoma, and to pay all fees and taxes as may at any time be imposed by law, as required by 36 O.S. § 311 and § 615 and Section 1, Article 19, Okl. Const.
- (f) **Designation of agent form.** The designation of agent form, which lists the person to whom service of process is to be forwarded, must be filed by all companies. This designation is required by 36 O.S. § 621.
- (g) **Certificate of deposit form.** The certificate of deposit form, when executed by the Insurance Commissioner, certifies to the securities on deposit with the State of Oklahoma. All alien and foreign insurers must file a substantially similar form, executed by their domiciliary insurance department, upon making application for license in Oklahoma.
- (h) **Certificate of compliance form.** The certificate of compliance form, when executed by the Insurance Commissioner, certifies that the company named therein has complied with all the requirements of the Oklahoma law and is authorized to transact business within Oklahoma. All alien and foreign insurers must file a substantially similar form, executed by their domiciliary insurance department, upon making application for license in Oklahoma.
- (i) **Annual Oklahoma premium tax report.** The Oklahoma annual premium tax report, submitted with the Annual Statement filed with the Insurance Commissioner, reports Oklahoma tax on premium income of the filing insurer, and includes retaliatory tax and fire

~~marshall~~ marshal tax calculations if applicable as well as a precalculated credit for Guaranty Association assessment.

(j) **Appointment of examiner form.** The appointment of examiner form is used by the Insurance Commissioner to appoint examiners to represent Oklahoma and/or Zone 3 of the National Association of Insurance Commissioners in the examination of an insurance company, which empowers the person so appointed to enter into the examination of the insurance company named therein.

(k) **Publication synopsis of the annual statement form.** Certain alien and foreign companies doing business in Oklahoma are required to publish a synopsis of their annual statement due to the retaliatory provisions of the Oklahoma law. When such publication is required, the publication synopsis of the annual statement form must be completed and returned to the Insurance Commissioner.

365:1-9-5. Surplus lines forms

(a) **Surplus lines broker quarterly summary form.** The surplus lines broker quarterly summary includes forms that detail the types of coverages written, the aggregate amount of insurance issued, the gross premiums charged, and the gross return premium. Form SL-3a must be signed by the broker ~~with an original/live signature~~, notarized, and filed on or before the last day of the month following the close of a calendar quarter. The specific forms are:

- (1) SL-3a Affidavit of a true and correct report. File in one-part.
- (2) SL-3b Spreadsheet to accumulate premium and tax data by the company number and company name of the surplus line carrier. File in one-part only.
- (3) SL-3c Affidavit of coverage. File in one-part.
- (4) SL-3d Affidavit for return of premiums and the credit or refund of premium taxes.

(b) **Surplus lines direct placement by an insured summary form.** The direct placement by an insured summary includes forms that detail the types of coverages written, the aggregate amount of insurance issued, the gross premiums charged, the gross return premium, and the tax due. Form DSL-3a must be signed by the affiant, generally the individual responsible for procuring risk coverage, ~~with an original signature~~, notarized and filed within thirty (30) days next succeeding the issuance of evidence of coverage. The specific forms are:

- (1) DSL-3a Affidavit of a true and correct report. File in one-part.
- (2) DSL-3b Spreadsheet to accumulate premium and tax data by the company number and company name of the surplus lines carrier. File in one part only.
- (3) DSL-3c Affidavit of coverage. File in one-part.
- (4) DSL-3d Affidavit for return of premiums and the credit or refund of premium taxes.

365:1-9-11. Applications

Unless otherwise provided by electronic means by the Insurance Commissioner or an administrator approved by the Commissioner, the following applications must be completed by the person(s) making application and upon completion, must comply with the applicable Oklahoma statutes:

- (1) NAIC Uniform Application for Individual Insurance Producer License.
- (2) NAIC Uniform Business Entity Application or NAIC Uniform Non-Resident Agency Application.
- (3) Application for License as Third Party Administrator (TPA-1).
- (4) Application for Corporate License as Third Party Administrator (TPA-2).

- (5) Application for License as Insurance Adjuster (CR-1).
- ~~(6) Application for License as Insurance Consultant (IC-1).~~
- ~~(6)~~ (7) Application for License as Managing General Agent or Agency (MGA).
- ~~(7)~~ (8) Application for Resident Insurance Brokers License should be made using either the NAIC Uniform Application for Individual Insurance Producer License or NAIC Uniform Non-Resident Agency Application.
- ~~(8)~~ (9) Catastrophe Registration as Emergency Insurance Adjuster (EIA).
- ~~(10) Application for Customer Service Representative (IL-1).~~

365:1-9-12. Agent and customer service representative appointment forms

- (a) **Company Appointment form (R-11).** The company appointment form is to be completed by an insurer appointing specific individuals as agents of the company and for renewal of agents' appointments.
- (b) **Cancellation of Appointment form (CAA).** The cancellation of appointment form is to be used by an insurer when canceling the appointment of an agent or agents. This form is to be reproduced by the insurer in quantities sufficient for their needs.
- ~~(c) **Customer Service Representative Appointment form (CSR-1).** The customer service representative appointment form shall be completed by a licensed insurance producer appointing and employing a customer service representative.~~
- ~~(d) **Cancellation of Customer Service Representative Appointment form (NAN-1).** The cancellation of appointment form shall be utilized by a licensed producer to cancel the customer service representative's appointment and employment.~~

365:1-9-13. Suggested language for producers bonds

- (a) **Insurance Bond.** The Insurance Bond form provides suggested language for preparing an insurance bond.
- (b) **Surplus Lines Insurance Brokers Bond.** The Surplus Lines Insurance Brokers Bond form provides suggested language for preparing an insurance brokers bond.
- ~~(c) **Insurance Consultants Bond.** The Insurance Consultants Bond form provides suggested language for preparing an insurance consultants bond.~~
- ~~(c)~~ (d) **Non-Resident Agents License Bond.** The Non-Resident Agents License Bond form provides suggested language for preparing a non-resident agents insurance bond.
- ~~(d)~~ (e) **Public Adjusters Bond.** The Public Adjusters Bond form provides suggested language for preparing a public adjusters bond.
- ~~(e)~~ (f) **Third Party Administrators Bond.** The Third Party Administrators Bond form provides suggested language for preparing a third party administrators bond.

365:1-9-16. Producer licensing forms

- (a) **Licenses.** The license form is executed under the hand and seal of the Insurance Commissioner and delivered. This form is evidence of a producer's authority to transact business within Oklahoma.
- ~~(b) **Insurance Consultant License Certificate.** The Insurance Consultant License Certificate is executed under the hand and seal of the Insurance Commissioner and delivered. This form is evidence of an individual's authority to act as an insurance consultant in the State of Oklahoma.~~
- ~~(c) **Life or Accident and Health Insurance Broker License Certificate.** The Life or Accident and Health Insurance Broker License Certificate is executed under the hand and seal~~

~~of the Insurance Commissioner and delivered. This form is evidence of an individual's authority to act as an insurance broker in the State of Oklahoma.~~

~~(b)~~ **(d) Managing General Agent's License.** The Managing General Agent's License is executed under the hand and seal of the Insurance Commissioner and delivered. This form is evidence of an individual's authority to act as a managing general agent in the State of Oklahoma.

~~(c)~~ **(e) Temporary Insurance Producer's License.** The Temporary Insurance Producer's License is executed under the hand and seal of the Insurance Commissioner and delivered. This form is evidence of an individual's authority to act as a temporary insurance agent in the State of Oklahoma. The appointing company that requests the license may receive a temporary license after completion of a properly completed application and an affidavit as prescribed by the Insurance Commissioner. The temporary license shall be valid for up to one hundred eighty (180) days from the date of issuance, or until the applicant passes the license examination, whichever time is shorter.

~~(d)~~ **(f) Third Party Administrator License Certificate.** The Third Party Administrator License Certificate is executed under the hand and seal of the Insurance Commissioner and delivered. This form is evidence of an individual's authority to act as a third party administrator in the State of Oklahoma.

~~(e)~~ **(g) Renewal Notice.** The Producer Licensing Division of the Insurance Department may send a Renewal Notice to producers to remind them to comply with renewal requirements by either electronic or paper means.

365:1-9-17. Other agents forms

(a) **Letter of certification.** A letter of certification is provided to an agent at his/her request to provide license status for a non-resident license out of state.

(b) **Limited Power of Attorney.** The Limited Power of Attorney form is used for an individual to appoint and terminate agents.

~~(c) **Suggested Consulting Agreement for Use by Insurance Agents.** The Suggested Consulting Agreement for Use by Insurance Agents form provides suggested language for preparing an agent's consulting agreement.~~

~~(c)~~ **(d) TPA Plan Supplemental Information Sheet.** This form shall be submitted with each renewal and shall provide a summary of each plan administered.

365:1-9-17.2. Name change on an individual license

~~(a)~~ Name changes for an individual license, excluding legal entities, require proper documentation at the time of the written request, such as a copy of a court order, marriage license or divorce decree.

~~(b) A duplicate license fee shall be submitted for a new license to be issued.~~

365:1-9-18. Bail bond forms

(a) **Application for bail bondsman license form.** Unless otherwise provided by electronic means by the Insurance Commissioner or an administrator approved by the Commissioner, bail bond applications must be completed by the person making application and, upon completion, must comply with the applicable Oklahoma statutes. The application shall include the license fee, a complete set of fingerprints, one recent credential-size full face photograph, an investigative fee, a high school diploma from an accredited high school or copy of GED, copy

of current Oklahoma driver's license, and evidence of completion of sixteen (16) hours of education in compliance with 59 O.S. § 1308.1, and any other information the Commissioner deems necessary. The Commissioner may propose any reasonable interrogatories to an applicant for a license.

(b) **Bail bondsman license forms.** The bail bondsman license form, executed under the hand and seal of the Insurance Commissioner, upon execution and delivery, is evidence of an individual's authority to act as a bail bondsman within Oklahoma.

(c) **Bail bond appointment form.** The bail bond appointment form ~~is to~~ shall be completed by an insurer when appointing specific surety bondsmen as agents of the insurer.

(d) **Bail bond appointment cancellation form.** The notice of cancellation of bondsman appointment form ~~is to~~ shall be used by an insurer ~~when they desire~~ to cancel the appointment of a surety bondsman.

(e) **Professional bondsman and multicounty agent bondsman securities deposit/withdrawal form.** The deposit/withdrawal form (State Form 31) ~~is~~ shall be used for all professional bondsmen and multicounty agent bondsmen for depositing/withdrawing securities with the Insurance Commissioner's office.

(f) **Pledge of Account form.** The bondsman shall execute a pledge of the certificate of deposit to the Insurance Commissioner for the payment of unpaid bond forfeitures.

(g) **Assignment of Account form.** The bondsman shall execute an assignment of the annuity deposit to the Insurance Commissioner for the payment of unpaid bond forfeitures.

(h) **Proof of Courses.** As a prerequisite for submission of a renewal or reinstatement application, when, when requested by the Insurance Commissioner, each licensee shall have completed the total number of continuing education hours required.

(i) **Required submissions for reinstatement.** After the license expires and within one year after the license expiration date, a licensee shall be eligible for reinstatement by completing required Continuing Education and submitting a new application and double the license fee. A licensee shall not be eligible for reinstatement if previously the license was revoked, suspended or continuance denied.

(j) **Name change on an individual license.** Name changes for an individual license require proper documentation at the time of the written request, such as a copy of a court order, marriage license, or divorce decree. A duplicate license fee shall be submitted for a new license to be issued.

SUBCHAPTER 11. E.A.G.L.E. MEDIATION PROGRAM

365:1-11-9. Reporting

When a mediation session is adjourned, the mediator shall forward the ~~original~~ signed Agreement to Mediate a Dispute, Rules of Conduct for Outside Parties Attending Mediation Hearing, Mediation Agreement and Record of Termination forms to the Program Director at the Oklahoma Insurance Department. The Program Director shall submit an annual report to the Administrative Director of the Courts no later than July 30 of each year, in compliance with Rule 13 of the Rules and Procedures for the Dispute Resolution Act.

SUBCHAPTER 13. ELECTRONIC FILINGS

365:1-13-1. Electronic filings

(a) Effective January 1, 2009, the following filings, and fees relating thereto, shall be made with the Insurance Department by electronic means and format as approved by the Insurance Commissioner:

- (1) Insurance agent/producer initial and renewal license applications;
- (2) Insurance adjuster initial and renewal license applications;
- (3) ~~Limit-Limited~~ lines producers initial and renewal license applications;
- (4) Life, accident and health insurance brokers initial and renewal license applications;
- ~~(5) Insurance consultants initial and renewal license applications;~~
- ~~(6) Customer service representatives initial and renewal license applications;~~
- ~~(5) (7) Motor service club agent's initial and renewal license applications;~~
- ~~(6) (8) Appointments and terminations of appointments of those listed in Paragraphs 1 through 5 7 of this section;~~
- ~~(9) (7) Continuing education providers initial and renewal applications; and~~
- ~~(10) (8) Continuing education course submissions;~~
- ~~(11) (9) Continuing education course completion filings;~~
- ~~(12) (10) Schedule of continuing education course offerings;~~
- ~~(13) (11) Filings submitted to the Rate and Form Compliance Division of the Insurance Department.~~

(b) The Insurance Commissioner may exclude or exempt a specific filing, filings or categories of filings from the requirements of this section at the Commissioner's discretion. Requests for exemption must specify the reasons that compliance with this subchapter constitutes a hardship.