

DATE: 07/06/2023  
ORGANIZATIONS NAME: Company Name  
REGISTRATION #: Company Number  
RE: Information Notice – 2023 PCF Legislative Changes

The Regulated Industry Services (RIS) Division of the Oklahoma Insurance Department (OID) oversees the Perpetual Care Fund permits. We will begin sending out business-friendly, informational emails to the industry to increase awareness and encourage open dialog so you can remain compliant.

## Legislative Changes effective November 1, 2023 SB 544

**Disclaimer:** *The following is an overview of the law changes pertaining to PCF permits. Refer to the OSCN webpage to research all the statutes pertaining to PCF regulated under 36 O.S. § 7101 – 7112 (the new statute version will be posted on the OSCN webpage in the near future).*

### 36 O.S. § 7106(A).

**90 Day Reinstatement** - a permit expired for failure to submit a renewal application and fee may be reinstated within ninety (90) days after the expiration date by electronically filing a renewal application, paying a fee in an amount that is double the renewal fee, and paying any transaction or other applicable fees in the form and manner prescribed by the Commissioner.

**Expired Permit** - The Commissioner shall require a permit holder whose permit has been expired for more than ninety (90) days to reapply as if a new applicant and pay an application fee equal to an amount that is double the renewal fee, in addition to any other fines imposed. Any application received after the permit has been expired for more than ninety (90) days shall include a detailed report of Perpetual Care Trust Fund services provided in this state during the period that the permit was expired.

### 36 O.S. § 7106(B).

**Electronic filing of Annual Report due March 15<sup>th</sup>** - The owner of a cemetery maintaining a Perpetual Care Trust Fund or certificate of deposit in lieu of a Perpetual Care Trust Fund shall, by March 15 of each calendar year, electronically file a report and pay any applicable fees in the manner and form prescribed by the Commissioner. Such report shall show the statutorily required information, for the preceding calendar year.

### 36 O.S. § 7112 (B).

**Enforcement** -The Insurance Commissioner may, after an opportunity for hearing, censure an owner of a cemetery, levy a fine not to exceed One Thousand Dollars (\$1,000.00) for each occurrence, or any combination of the above for violation of any provision of the Perpetual Care Fund Act or any rules promulgated in accordance with the act.

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Webpage link: <https://www.oid.ok.gov/regulated-entities/regulated-industry-services/>