

CHAPTER 15. PROPERTY AND CASUALTY

SUBCHAPTER 1. GENERAL PROVISIONS

365:15-1-3.3. Oklahoma workers' compensation assigned risk insurance plan

(a) The third party designated by the Commissioner to develop and administer the Oklahoma workers' compensation assigned risk insurance plan ("Plan") shall prepare and submit such Plan to the Commissioner for approval. The Plan shall provide for the equitable apportionment among insurers of applicants for workers' compensation insurance who are in good faith eligible for, but who are unable to procure through ordinary methods, such insurance. Such Plan shall provide reasonable rules governing the equitable distribution of risks by direct assignment, reinsurance, or otherwise, and their assignment to insurers, and shall provide a method whereby applicants for insurance, insureds, and insurers may have a hearing on grievances and the right of appeal to the Commissioner.

(b) Any insurer interested in becoming a direct assignment carrier shall submit a request for approval to the Commissioner annually and in accordance with the Plan. Such approval request shall be sent to the Department's Rate and Form Division Director. The Commissioner may approve or disapprove, at its discretion, direct assignment carrier status of any individual carrier or all carriers for any reason that is in the best interest of the State or the Plan.

(c) Once the Plan has been approved by the Commissioner and becomes effective, no insurer shall thereafter issue a policy of workers' compensation or employer's liability insurance or undertake to transact such business in this State unless such insurer participates in the Plan.

365:15-1-26. Motor vehicle repairs

(a) "Core Based Statistical Area" or "CBSA" shall mean the geographic area designated by the U.S. Office of Management and Budget based on the most recent census data.

(b) "Repair facility" shall mean a motor vehicle repair or motor vehicle glass repair or replacement facility, whichever is applicable.

(b) To establish a competitive price for motor vehicle repairs in accordance with 36 O.S. § 1250.8(H), an insurer shall conduct a market survey of the prices charged for repairs performed in accordance with manufacturing standards by repair facilities within the CBSA the facility performing the repairs is located within or is nearest to. A competitive price shall be an amount equal to or greater than the mean of all of the prices provided to the insurer by repair facilities within the CBSA that are capable of making the repairs in accordance with the applicable manufacturing standards.

(c) Insurers may use automobile collision repair estimating software to establish competitive prices if the software complies with the requirements set forth in 36 O.S. § 1250.8 and this rule.

(d) Market Surveys shall be updated sufficiently to reflect current market conditions.

(e) Upon request by the Department, insurers shall provide copies of the market surveys and all related documentation to the Department within twenty (20) days.

(f) Insurers and their representatives shall not make false or misleading statements about market surveys or competitive prices for motor vehicle repairs to repair facilities, policyholders, or members of the public.