

SENATE BILL NO. 362

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE BY REQUEST

Introduced: 3/18/94
Referred: L&C, JUD

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to insurance, to the licensing, accreditation, examination,
2 regulation, and solvency of persons engaged in the insurance business, including
3 insurers, nonadmitted insurers, purchasing groups, risk retention groups, and
4 United States branches of alien insurers; relating to the management of and the
5 filing of reports by persons licensed or otherwise doing business under the
6 insurance code; amending Alaska Rule of Civil Procedure 45; and providing for
7 an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 06.20.260(a) is amended to read:

10 (a) A further or other charge or amount for an examination, service, brokerage
11 commission, expense, fee, bonus, or other thing may not be directly or indirectly
12 charged, contracted for, or received except

13 (1) lawful fees actually paid out by the licensee to a public officer for

1 filing, recording, or releasing any instrument securing the loan, or for transferring
2 certificate of title to a motor vehicle securing the lien or noting a lien on that
3 certificate;

4 (2) premiums actually paid out for insurance on any one or combination
5 of the following: pledged property of the borrower, or consumer credit [LIFE]
6 insurance; in this paragraph "consumer credit insurance" has the meaning given
7 in AS 21.57.160 [ON THE LIFE OF ONE OR MORE BORROWERS, CREDIT LOSS
8 OF INCOME INSURANCE, OR CREDIT DISABILITY INSURANCE TO PROVIDE
9 INDEMNITY FOR PAYMENTS BECOMING DUE ON THE INDEBTEDNESS];

10 (3) taxable costs and expenses to which the licensee becomes entitled
11 under general law in any court proceedings to collect a loan or to realize on the
12 security after default;

13 (4) reasonable fees paid by a licensee for appraisals, surveys, and title
14 insurance or reports if the loan is secured by an interest in real estate;

15 (5) a late payment fee of not more than 10 percent of the payment that
16 is due or \$15, whichever is less.

17 * Sec. 2. AS 06.20.287(a) is amended to read:

18 (a) A licensee may obtain consumer credit [LIFE, CREDIT DISABILITY,]
19 and property insurance on open-end loans under this chapter. The consumer credit
20 [LIFE AND CREDIT DISABILITY] insurance obtained by a licensee shall satisfy the
21 requirements of AS 21.57. The property insurance obtained by a licensee shall satisfy
22 the requirements of AS 21.39 and AS 21.42. The licensee shall comply with
23 AS 21.36.160 and 21.36.165 during all transactions with borrowers involving
24 consumer credit [LIFE, CREDIT DISABILITY] and property insurance.

25 * Sec. 3. AS 21.03.010 is amended by adding a new subsection to read:

26 (c) A person who transacts insurance in this state, or relative to a subject
27 resident, located, or to be performed in this state as or on behalf of a risk retention
28 group or purchasing group formed under and in compliance with 15 U.S.C. 3901 -
29 3906 (Liability Risk Retention Act), shall comply with the applicable provisions of this
30 title.

31 * Sec. 4. AS 21.06.080 is amended by adding a new subsection to read:

1 (e) If the director determines that a catastrophe has occurred in this state and
2 in good faith believes that the governor or the President of the United States has issued
3 or is about to issue a declaration of disaster, the director may take the action that the
4 director considers necessary to respond to the disaster in order to assure the continuity
5 and stability of the insurance market in this state, to protect policyholders and the
6 public, or to prevent aggravation of the disaster, including issuing an emergency order
7 temporarily suspending specific provisions of this title. Until a declaration of the
8 disaster has been lifted, the director may take action to respond to a disaster without
9 a hearing. An action taken under this subsection may not remain in effect more than
10 six months from the date that the director determines that a catastrophe has occurred
11 unless, after a hearing, the director determines that the action is still necessary to
12 respond to the disaster.

13 * Sec. 5. AS 21.06.150(g) is amended to read:

14 (g) The director may withhold a document, information, account, record,
15 examination, or report from the public inspection for as long as the director finds the
16 withholding is necessary to protect a person against unwarranted injury or is in the
17 public interest. The director may close an examination hearing to the public when
18 the director finds the closure is necessary to protect a person against unwarranted
19 injury or is in the public interest. The director may publish the examination report
20 or a summary of it in a newspaper in the state if the director determines that the
21 publication is in the public interest.

22 * Sec. 6. AS 21.09.110 is amended to read:

23 Sec. 21.09.110. APPLICATION FOR CERTIFICATE OF AUTHORITY. To
24 apply for an original certificate of authority an insurer shall file with the director its
25 application, [() accompanied by the applicable fees set under AS 21.06.250, ()]
26 showing its name, location of its home office, or principal office in the United States
27 [() if an alien insurer ()], kinds of insurance to be transacted, date of organization or
28 incorporation, form of organization, state or country of domicile, and additional
29 information that the director may reasonably require, together with the following
30 documents, as applicable:

31 (1) if a foreign insurer, a copy of its corporate charter or articles of

1 incorporation, with all amendments certified by the public officer with whom the
2 originals are on file in the state or country of domicile;

3 (2) if a reciprocal insurer, copies of the power of attorney of its
4 attorney-in-fact and of its subscribers' agreement, if any, certified by its
5 attorney-in-fact;

6 (3) a copy of its financial statement as of the preceding December 31,
7 and all subsequent quarterly financial statements, sworn to by at least two executive
8 officers of the insurer, or certified by the public insurance supervisory official of the
9 insurer's state of domicile or of entry into the United States;

10 (4) a copy of the report of last examination, if any, made of the insurer,
11 certified by the insurance supervisory official of its state of domicile or of entry into
12 the United States;

13 (5) appointment of the director under AS 21.09.180, as its attorney to
14 receive service of legal process;

15 (6) if a foreign or alien insurer, a certificate of the public official
16 having supervision of insurance in its state or country of domicile, or state of entry
17 into the United States, showing that it is authorized to transact the kinds of insurance
18 proposed to be transacted in this state;

19 (7) if an alien insurer, a copy of the appointment and authority of its
20 United States manager, certified by its officer having custody of its records; and

21 (8) if a foreign insurer, a certificate as to deposit if it is to be tendered
22 under AS 21.09.090 [;

23 (9) SPECIMEN COPIES OF POLICIES PROPOSED TO BE
24 OFFERED IN THIS STATE IF THEN AVAILABLE, TOGETHER WITH
25 PREMIUMS OR PREMIUM RATES APPLICABLE IF THEN KNOWN, OR A
26 DECLARATION THAT THE RATES AS APPLICABLE WILL BE THOSE
27 PROMULGATED BY DESIGNATED RATING ORGANIZATIONS AUTHORIZED
28 TO FILE RATES IN THIS STATE ON BEHALF OF THE INSURER OR BY THE
29 INSURER].

30 * Sec. 7. AS 21.09.110 is amended by adding a new subsection to read:

31 (b) Policy forms and rates that require approval under AS 21.39 or AS 21.42

1 shall be submitted under AS 21.39.040(j) or AS 21.42.120(g) and may not be
2 submitted with the application for a certificate of authority.

3 * Sec. 8. AS 21.09.130(b) is amended to read:

4 (b) If not continued by the insurer, its certificate of authority shall be
5 suspended [EXPIRES] at midnight on June 30 following the failure of the insurer to
6 continue it in force. The certificate of authority shall expire on June 30 one year
7 following its suspension due to failure to continue the certificate of authority. The
8 director shall promptly notify the insurer of the occurrence of a failure that may result
9 in suspension [RESULTING IN IMPENDING EXPIRATION] of its certificate of
10 authority.

11 * Sec. 9. AS 21.09 is amended by adding a new section to read:

12 Sec. 21.09.135. VOLUNTARY SURRENDER OF CERTIFICATE OF
13 AUTHORITY. (a) A foreign admitted insurer may apply for voluntary surrender of
14 its certificate of authority and the director may accept the application, if the foreign
15 admitted insurer is in compliance with the applicable sections of this title, or the
16 director waives in writing each condition of noncompliance, and the foreign admitted
17 insurer

18 (1) is domiciled in a state accredited by the National Association of
19 Insurance Commissioners at the time of the request for voluntary surrender; or

20 (2) if not domiciled in a state accredited by the National Association
21 of Insurance Commissioners, agrees in writing to be subject to

22 (A) AS 21.09.200 and 21.09.205 for a period of two years,
23 including payment of any fee related to filing information with the director; and

24 (B) any other provision of this title that may be required in
25 writing by the director and for the period of time the director may specify.

26 (b) If a foreign admitted insurer who surrenders a certificate of authority
27 ceases to exist, all business written and in force relative to a risk resident, located, or
28 to be performed in this state shall be lawfully cancelled or reinsured. A reinsurance
29 agreement covering all or a part of a risk described in this subsection shall be
30 approved by the director before accepting the certificate of authority for surrender if
31 the agreement meets the following criteria:

- 1 (1) insurance coverage has not deteriorated from the policies existing
2 at the time of the transfer;
- 3 (2) the assuming insurer is of equal or better financial standing; and
4 (3) the assuming insurer is admitted to do business in this state, unless
5 this requirement is waived by the director.

6 * Sec. 10. AS 21.09.200(f) is amended to read:

7 (f) In addition to the requirements of (a) of this section, an authorized [A
8 DOMESTIC] insurer shall file its annual statement with the National Association of
9 Insurance Commissioners on electronic media acceptable to the association by the
10 due date established by the association, and shall pay the applicable filing fee. An
11 insurer that fails to comply with this subsection is subject to the penalties specified in
12 (e) of this section, calculated from the filing and fee due date established by the
13 National Association of Insurance Commissioners.

14 * Sec. 11. AS 21.09.205 is amended by adding a new subsection to read:

15 (d) In addition to the requirements of (a) of this section, an authorized insurer
16 shall file its quarterly statement with the National Association of Insurance
17 Commissioners on electronic media acceptable to the association by the due date
18 established by the association, and shall pay the applicable filing fee. An insurer that
19 fails to comply with this subsection is subject to the penalties specified in (c) of this
20 section, calculated from the filing and fee due date established by the National
21 Association of Insurance Commissioners.

22 * Sec. 12. AS 21.09.210 is amended by adding new subsections to read:

23 (j) If, within three years after the date the tax under this section was due, an
24 insurer discovers a mistake or misinterpretation that resulted in an overpayment of the
25 tax in an amount exceeding \$250 in any one calendar year, the insurer may make a
26 written request to the director for a refund. If the director determines a valid mistake
27 or misinterpretation has occurred, the director shall refund to the insurer the amount
28 of the excess tax by granting, at the director's discretion, a monetary refund or
29 premium tax credit. An entire premium tax credit may be used in a subsequent
30 calendar year, but may not be used over more than three calendar years after the date
31 the premium tax credit is issued. A premium tax credit may not reduce the payable

1 tax, calculated without use of the credit, to less than zero.

2 (k) A premium tax credit granted under (j) of this section may not carry over
3 as an attribute in a transaction under AS 21.69.610, 21.69.620, AS 21.78, or a similar
4 transaction entered into by a foreign insurer.

5 (l) In this section, "premium tax credit" means an amount that an insurer may
6 use as an offset against a premium tax payment.

7 * Sec. 13. AS 21.09 is amended by adding new sections to read:

8 Sec. 21.09.290. RISK RETENTION GROUPS. (a) A risk retention group
9 formed in this state shall

10 (1) comply with 15 U.S.C. 3901 - 3906 (Liability Risk Retention Act);

11 and

12 (2) qualify for and hold in good standing a certificate of authority under
13 this chapter, limited to liability insurance only.

14 (b) A risk retention group shall submit with its application for a certificate of
15 authority

16 (1) the identity of

17 (A) the initial members of the risk retention group;

18 (B) all persons who organized the risk retention group;

19 (C) all persons who will provide administrative services to the
20 risk retention group;

21 (D) all persons who will influence or control the activities of
22 the risk retention group;

23 (2) the amount and nature of initial capitalization;

24 (3) a plan of operation or a feasibility study that includes the coverage,
25 deductible, coverage limit, rate, and rating classification system for the type or class
26 of liability insurance the group intends to offer; and

27 (4) the states in which the risk retention group intends to operate.

28 (c) At least 30 days before a domestic risk retention group implements a
29 material change or revision to an approved plan of operation or feasibility study, the
30 material change or revision shall be filed with the director. A material change or
31 revision may not be implemented unless the domestic risk retention group receives the

1 director's written approval. In this subsection, "material change or revision" includes
2 an offering of an additional type or class of liability insurance.

3 (d) In this section,

4 (1) "liability" means legal liability for damages, including costs of
5 defense, legal costs and fees, and other claims expenses, because of injury to another
6 person or damage to property; "liability" does not include personal risk liability or
7 employer's liability with respect to its employees other than liability under 45 U.S.C.
8 51 (Federal Employers' Liability Act);

9 (2) "personal risk liability" means liability for damages because of
10 injury to a person or damage to property resulting from a personal, familial, or
11 household responsibility or activity.

12 Sec. 21.09.300. DISCLOSURE OF MATERIAL TRANSACTIONS. (a) A
13 domestic insurer shall file a report with the director disclosing a material acquisition
14 and disposition of assets or a material nonrenewal, cancellation, or revision of ceded
15 reinsurance agreements unless the acquisition and disposition of assets or material
16 nonrenewal, cancellation, or revision of ceded reinsurance agreements have been
17 submitted to the director for review, approval, or information purposes as required by
18 this title.

19 (b) The report required under (a) of this section is due 15 days after the end
20 of the calendar month in which a reportable transaction occurs. A complete copy of
21 the report, including exhibits or other attachments filed as a part of the report, shall
22 be filed with the National Association of Insurance Commissioners.

23 (c) Except as provided in this section, a report obtained by or disclosed to the
24 director under this section is confidential, is not subject to subpoena, and may not be
25 made public by the director, the National Association of Insurance Commissioners, or
26 another person, without the prior written consent of the insurer submitting the report.
27 A report under this section may be disclosed to an insurance regulatory agency of
28 another state. If the director, after giving an insurer notice and an opportunity to be
29 heard, determines that the interest of policyholders, shareholders, or the public will be
30 served by publication of the report, the director may publish all or any part of the
31 report in a manner the director determines appropriate.

1 (d) A domestic insurer's report of an acquisition or disposition of an asset
2 (1) shall be made under (a) of this section if the acquisition or
3 disposition is material; for purposes of this subsection, an acquisition or disposition,
4 or the aggregate of a series of related acquisitions or related dispositions during any
5 30-day period is material if it is nonrecurring, not in the ordinary course of business,
6 and involves more than five percent of the reporting insurer's total admitted assets as
7 reported in its most recent statement filed with the division;
8 (2) may be made on asset acquisition or disposition other than an
9 acquisition related to the construction or development of real property;
10 (3) must include information on the
11 (A) date of transaction;
12 (B) manner of acquisition or disposition;
13 (C) description of the assets involved;
14 (D) nature and amount of the consideration given or received;
15 (E) purpose of, or reason for, the transaction;
16 (F) manner by which the amount of consideration was
17 determined;
18 (G) gain or loss recognized or realized as a result of the
19 transaction; and
20 (H) names of persons from whom the assets were acquired or
21 to whom the assets were disposed.
22 (e) A domestic insurer's report of nonrenewal, cancellation, or revision of a
23 ceded reinsurance agreement
24 (1) shall be made under (a) of this section if the nonrenewal,
25 cancellation, or revision is material; for purposes of this subsection, a material
26 nonrenewal, cancellation, or revision is one that affects (A) for property and casualty
27 business, including accident and health business when written as property and casualty
28 business, more than 50 percent of an insurer's ceded written premium; or (B) for life,
29 annuity, and accident and health business, more than 50 percent of the total reserve
30 credit taken for business ceded, on an annualized basis as indicated in the insurer's
31 most recently filed statutory statement; however, a filing is not required if the insurer's

1 ceded written premium or the total reserve credit taken for business ceded represents,
2 on an annual basis, less than 10 percent of direct written premiums and assumed
3 written premiums or 10 percent of the statutory reserve requirement before a cession;

4 (2) shall be filed without regard to which party has initiated the
5 nonrenewal, cancellation, or revision of ceded reinsurance whenever any of the
6 following conditions exist:

7 (A) the entire cession has been cancelled, nonrenewed, or
8 revised and ceded indemnity and loss adjustment expense reserves after a
9 nonrenewal, cancellation, or revision represent less than 50 percent of the
10 comparable reserves that would have been ceded had the nonrenewal,
11 cancellation, or revision not occurred;

12 (B) an admitted or accredited reinsurer has been replaced on an
13 existing cession by an unauthorized reinsurer; however, a report shall be filed
14 only if the result of the revision affects more than 10 percent of the cession;
15 or

16 (C) collateral requirements previously established for
17 unauthorized reinsurers have been reduced; however, a report shall be filed
18 only if the result of the revision affects more than 10 percent of the cession;
19 and

20 (3) must include

21 (A) the effective date of the nonrenewal, cancellation, or
22 revision;

23 (B) a description of the transaction with an identification of the
24 initiator of the transaction;

25 (C) the purpose of, or reason for, the transaction; and

26 (D) if applicable, the identity of the replacement reinsurers.

27 (f) An insurer is required to report under (a) of this section on a
28 nonconsolidated basis unless the insurer is part of a consolidated group of insurers that
29 utilizes a pooling arrangement or 100 percent reinsurance agreement that affects the
30 solvency and integrity of the insurer's reserves and the insurer ceded substantially all
31 of its direct and assumed business to the pool. An insurer is presumed to have ceded

1 substantially all of its direct and assumed business to a pool if the insurer has less than
2 \$1,000,000 total direct written premiums and assumed written premiums during a
3 calendar year that is not subject to a pooling arrangement and the net income of the
4 business not subject to the pooling arrangement represents less than five percent of the
5 insurer's capital and surplus.

6 Sec. 21.09.310. AUTHORIZATION OF UNITED STATES BRANCHES OF
7 ALIEN INSURERS AND GENERAL REQUIREMENTS. (a) This section applies
8 to all United States branches of alien insurers using this state as a state of entry to
9 transact the business of insurance in the United States. Except as provided elsewhere
10 in this title, a United States branch is subject to all state laws applicable to an insurer
11 domiciled in this state.

12 (b) An alien insurer may apply for a certificate of authority to use this state
13 as a state of entry to transact the business of insurance in the United States by

14 (1) qualifying as an insurer licensed to do business in this state;

15 (2) establishing a trust under a trust agreement approved in writing by
16 the director with a United States bank acceptable to the director in an amount not less
17 than the minimum basic capital or basic guarantee surplus and additional maintained
18 surplus required under AS 21.09.070;

19 (3) submitting a copy of its charter and bylaws, if any, currently in
20 force, and other documents necessary to show the kind of business it is authorized to
21 transact in its domiciliary jurisdiction; documents submitted under this paragraph must
22 be attested to as accurate and complete by the insurance supervisory official in the
23 domiciliary jurisdiction, and must include an English translation if in a language other
24 than English;

25 (4) submitting a full statement, subscribed and affirmed as true by two
26 officers or equivalent responsible representatives in a manner that the director
27 prescribes, of its financial condition as of the close of its latest fiscal year, showing
28 its assets, liabilities, income disbursements, business transacted, and other facts
29 required to be shown in its annual statement, as reported to the insurance supervisory
30 official in its domiciliary jurisdiction; all documents submitted under this paragraph
31 must include an English translation if in a language other than English;

1 (5) submitting to an examination under AS 21.06.120(b) at its principal
2 office within the United States, and elsewhere if necessary, unless the director accepts
3 a report of the insurer's last examination and the report has been certified by the
4 insurance supervisory official of the insurer's domiciliary jurisdiction; and

5 (6) payment of fees established under AS 21.06.250.

6 (c) Before issuing or renewing a certificate of authority for a United States
7 branch, the director may require satisfactory proof that the insurer does not intend to
8 transact insurance business in violation of the provisions of this title or that is not
9 authorized by its charter. Proof required under this subsection may include the alien
10 insurer's charter, an agreement evidenced by a duly certified resolution of its board of
11 directors, or other proof that the director may require.

12 (d) The director may renew a certificate of authority for a United States branch
13 if satisfied, by proof the director may require, that the insurer is not delinquent with
14 respect to a requirement or qualification imposed by this title and that its continuance
15 to transact the business of insurance in this state will not be hazardous or prejudicial
16 to the best interest of the people of this state.

17 (e) A United States branch may not receive or renew a certificate of authority
18 in this state

19 (1) to transact a kind of insurance or a combination of kinds of
20 insurance that are not permitted to be transacted by domestic insurers in this state;

21 (2) if it transacts business other than the business of insurance
22 anywhere else within the United States unless the business, in the opinion of the
23 director, is necessarily or properly incidental to the kind of insurance that it is
24 authorized to transact in this state;

25 (3) if it fails to keep full and correct entries of its transactions; records
26 of entries shall at all times be maintained in its principal office within this state; or

27 (4) if it fails to comply with a requirement or limitation of this title that
28 it is not exempted from by another provision of this title and that is applicable to
29 similar domestic insurers and if, in the judgment of the director, the requirement or
30 limitation is necessary to protect the interest of the policyholders.

31 (f) A United States branch that transacts a kind or combination of kinds of

1 insurance outside this state that is not permitted to be done in this state by similar
2 domestic insurers may not have a certificate of authority issued or renewed in this state
3 unless, in the judgment of the director, the transaction of that kind of insurance is not
4 prejudicial to the best interest of the people of this state.

5 (g) A United States branch shall maintain assets in a trust account in an
6 amount not less than the United States branch's reserves and other liabilities, plus the
7 minimum basic capital or basic guaranteed surplus and additional maintained surplus
8 required under AS 21.09.070.

9 (h) A written trust agreement must contain provisions that

10 (1) vest legal title to trust assets in the trustees, and their lawfully
11 appointed successors;

12 (2) require that all assets deposited in the trust be continuously kept
13 within the United States;

14 (3) provide for substitution of a new trustee in case of a vacancy by
15 death, resignation, or other reason, subject to the prior written approval of the director;

16 (4) require that the trustee continuously maintain a record sufficient to
17 identify the assets of the trust fund;

18 (5) require that trust assets consist only of cash, investments eligible
19 for investment of the funds of domestic insurers, and accrued interest on the assets, if
20 collectible by the trustee, subject to the limits on investment of funds by domestic
21 insurers under this title;

22 (6) require that the trust be for the exclusive benefit, security, and
23 protection of the policyholders, or policyholders and creditors, of the United States
24 branch in the United States and that the trust be maintained as long as there is an
25 outstanding liability of the alien insurer arising out of its transaction of insurance in
26 the United States; and

27 (7) provide that withdrawal of an asset may not be made or permitted
28 by a trustee without the prior written approval of the director except

29 (A) to make deposits required by law in a state for the security
30 or benefit of all policyholders, or policyholders and creditors, of the United
31 States branch in the United States;

1 (B) to withdraw funds deposited in another state under (A) of
2 this paragraph if

3 (i) the written trust agreement requires prior written
4 approval of the insurance supervising official of that other state;

5 (ii) written notice of the nature and extent of the
6 withdrawal is provided to the director within 30 days of the withdrawal;
7 and

8 (iii) the total trustee assets remaining are in excess of
9 the total assets required to be maintained in trust under (g) of this
10 section;

11 (C) upon the specific written direction of the United States
12 manager, who is duly authorized and is acting under either general or specific
13 written authority previously given or delegated by the board of directors, to
14 substitute other assets as permitted by this title if the substituted assets are of
15 at least equal value and quality to those withdrawn;

16 (D) to transfer assets to an official liquidator or rehabilitator
17 under an order of a court of competent jurisdiction; or

18 (E) if provided under the terms of the written trust agreement,
19 to pay over to the United States manager of the United States branch, upon
20 request, income, dividends, or interest accumulations of the assets of the trust
21 fund that are in excess of the total assets required to be maintained in trust
22 under (g) of this section.

23 (i) A written trust agreement and all amendments to it shall be authenticated
24 in a form and manner that the director may prescribe and may not take effect until
25 approved by the director. The director may not approve a trust agreement unless the
26 director makes a written finding that

27 (1) the written trust agreement or its amendments are sufficient in form
28 and in conformity with law;

29 (2) a person designated as a trustee is eligible to act in that capacity;
30 and

31 (3) the written trust agreement is adequate to protect the interests of the

1 beneficiaries of the trust.

2 (j) The director may approve written modifications of, or variations in, a
3 written trust agreement upon a finding that the proposed changes are not prejudicial
4 to the interests of the people of this state or the United States policyholders and
5 creditors of the United States.

6 (k) The director may conduct examinations of the trusteed assets of an
7 authorized United States branch at the insurer's expense and may require the trustee
8 or trustees to file a statement, in a form as prescribed by the director, certifying the
9 assets and amounts of the trust fund.

10 (l) The director, upon finding that the requisites for the approval of the trust
11 agreement no longer exist, may issue an order that withdraws approval of a written
12 trust agreement and amendments to it. An order issued under this subsection takes
13 effect 10 days after being issued.

14 (m) In addition to all other actions permitted under this title, refusal or neglect
15 of a trustee to comply with the requirements of this title is a cause for suspension or
16 revocation of the United States branch's certificate of authority or the liquidation of
17 the alien insurer's United States branch.

18 (n) Annual statements under AS 21.09.200 and quarterly statements under
19 AS 21.09.205(1) may only relate to insurance transactions and affairs within the United
20 States, assets held by or for the United States branch for the protection of
21 policyholders and creditors within the United States, and liabilities incurred against
22 those assets; and (2) may not contain a statement in regard to assets and business
23 transacted in a place not described in this subsection. The annual and quarterly
24 statements shall be signed and verified by the United States manager, attorney-in-fact,
25 or a duly empowered assistant United States manager of the United States branch.

26 (o) In a form prescribed by the director, an authorized United States branch
27 shall file with its annual and quarterly statements a statement of trusteed surplus
28 covering the same time period. The trusteed surplus consists of the aggregate value
29 of the United States branch's general state deposits and assets deposited with a trustee
30 under this section, plus accrued interest income if the interest were collected by the
31 states for the trustees, less the aggregate net amount of all its reserves and other

1 liabilities in the United States as determined under this subsection. The items of
2 securities and other property held under trust deeds shall be certified by the United
3 States trustee. To determine the net amount of the United States branch's liabilities
4 in the United States to be reported in the statement of trusteed surplus, the United
5 States branch shall adjust its total liabilities reported on its accompanying annual or
6 quarterly statement as follows:

7 (1) by adding back liabilities used to offset admitted assets reported in
8 the accompanying annual or quarterly statement; and

9 (2) by deducting

10 (A) unearned premiums on agent's balances or uncollected
11 premiums not more than 90 days past due;

12 (B) reinsurance on losses with authorized insurers, less unpaid
13 reinsurance premiums;

14 (C) reinsurance recoverables on paid losses from unauthorized
15 insurers that are included as an asset in the annual statement, but only to the
16 extent a liability for unauthorized recoverables as described in this paragraph
17 are included in the liabilities report in the trusteed surplus statement;

18 (D) special state deposits held for the exclusive benefit of
19 policyholders, or policyholders and creditors, of a particular state not exceeding
20 net liabilities reported for that state;

21 (E) secured accrued retrospective premiums;

22 (F) if a life insurer,

23 (i) the amount of its policy loans to policyholders within
24 the United States, not exceeding the amount of legal reserve required
25 on a policy; and

26 (ii) the net amount of uncollected and deferred
27 premiums; and

28 (G) other nontrusteed assets, upon a written finding by the
29 director that the other nontrusteed assets secure liabilities in a substantially
30 similar manner to those permitted under this subsection.

31 (p) In addition to the annual and quarterly statements and the statements of

1 trusted surplus, the director may require additional information relating to total
2 business or assets, or any portion of them, of the alien insurer or its United States
3 branch.

4 (q) In addition to the general statement of the financial condition of the United
5 States branch, a report of examination must include a trusted surplus statement as of
6 the date of the examination.

7 (r) In this section,

8 (1) "trusted assets" are the assets maintained in a trust account under
9 (g) of this section;

10 (2) "United States branch" means the business unit through which
11 business is transacted within the United States by an alien insurer and the assets and
12 liabilities of the insurer within the United States applicable to that business.

13 * **Sec. 14.** AS 21.09.310(b) is repealed and reenacted to read:

14 (b) An alien insurer may apply for a certificate of authority to use this state
15 as a state of entry to transact the business of insurance in the United States by

16 (1) qualifying as an insurer licensed to do business in this state; and

17 (2) establishing a trust under a trust agreement approved in writing by
18 the director with a United States bank acceptable to the director in an amount not less
19 than the greater of

20 (A) the minimum basic capital or basic guarantee surplus and
21 additional maintained surplus required under AS 21.09.070; or

22 (B) the authorized control level risk based capital under
23 AS 21.14;

24 (3) submitting a copy of its charter and bylaws, if any, currently in
25 force, and other documents necessary to show the kind of business it is authorized to
26 transact in its domiciliary jurisdiction; documents submitted under this paragraph must
27 be attested to as accurate and complete by the insurance supervisory official in the
28 domiciliary jurisdiction, and must include an English translation, if in a language other
29 than English;

30 (4) submitting a full statement, subscribed and affirmed as true by two
31 officers or equivalent responsible representatives in a manner that the director

1 prescribes, of its financial condition as of the close of its latest fiscal year, showing
2 its assets, liabilities, income disbursements, business transacted, and other facts
3 required to be shown in its annual statement, as reported to the insurance supervisory
4 official in its domiciliary jurisdiction; all documents under this paragraph must include
5 an English translation if in a language other than English;

6 (5) submitting to an examination under AS 21.06.120(b) at its principal
7 office within the United States, and elsewhere if necessary, unless the director accepts
8 a report of the insurer's recent examination and the report has been certified by the
9 insurance supervisory official of the insurer's domiciliary jurisdiction; and

10 (6) payment of fees established under AS 21.06.250.

11 * Sec. 15. AS 21.09.310(g) is repealed and reenacted to read:

12 (g) A United States branch shall maintain assets in a trust account in an
13 amount not less than the United States branch's reserves and other liabilities, plus the
14 greater of

15 (1) a minimum basic capital or basic guaranteed surplus and additional
16 maintained surplus required under AS 21.09.070; or

17 (2) the authorized control level risk based capital under AS 21.14.

18 * Sec. 16. AS 21.12.020(a) is amended to read:

19 (a) Credit for reinsurance transactions shall be allowed a domestic ceding
20 insurer as either an asset or a deduction from liability on account of reinsurance ceded
21 only if the reinsurance is ceded to an

22 (1) assuming insurer that is licensed to transact insurance or reinsurance
23 in this state;

24 (2) assuming insurer that is accredited as a reinsurer in this state; an
25 accredited reinsurer is one that

26 (A) files evidence of submission [SUBMITS] to this state's
27 jurisdiction, submits to this state's authority to examine its books and records
28 under AS 21.06.120, is licensed to transact insurance or reinsurance in at least
29 one state that is accredited by the National Association of Insurance
30 Commissioners, or, in the case of a United States branch of an alien
31 admitted insurer, is entered through and licensed to transact insurance or

1 reinsurance in at least one state that is accredited by the National
2 Association of Insurance Commissioners; [AND FILES ANNUALLY WITH
3 THE DIRECTOR A COPY OF THE REINSURER'S ANNUAL STATEMENT
4 FILED WITH THE INSURANCE DEPARTMENT OF THE REINSURER'S
5 STATE OF DOMICILE AND A COPY OF THE REINSURER'S MOST
6 RECENT AUDITED FINANCIAL STATEMENT; OR]

7 (B) [IN THE CASE OF A UNITED STATES BRANCH OF
8 AN ALIEN ASSUMING INSURER, IS ENTERED THROUGH, AND
9 LICENSED TO TRANSACT INSURANCE OR REINSURANCE IN, AT
10 LEAST ONE STATE ACCREDITED BY THE NATIONAL ASSOCIATION
11 OF INSURANCE COMMISSIONERS, FILES ANNUALLY WITH THE
12 DIRECTOR A COPY OF ITS ANNUAL FINANCIAL STATEMENT THAT
13 IS FILED WITH THE INSURANCE REGULATORY AGENCY OF ITS
14 STATE OF DOMICILE, AND] maintains at least \$20,000,000 in policyholder
15 surplus and whose accreditation has not been denied by the director within
16 90 days of application to the director, or maintains less than \$20,000,000
17 in policyholder surplus and whose application for accreditation has been
18 approved by the director; and

19 (C) files annually with the director a copy of the reinsurer's
20 annual financial statement filed with the insurance department of the
21 reinsurer's state of domicile or state of entry [THE SURPLUS
22 REQUIREMENTS IN THIS SUBPARAGRAPH DO NOT APPLY TO
23 REINSURANCE CEDED AND ASSUMED UNDER A POOLING
24 ARRANGEMENT AMONG INSURERS IN THE SAME HOLDING
25 COMPANY SYSTEM];

26 (3) assuming insurer that is domiciled in a state, or in the case of a
27 United States branch of an alien assuming insurer, is entered through a state accredited
28 by the National Association of Insurance Commissioners that employs standards
29 regarding credit for reinsurance ceded substantially similar to those applicable under
30 (1) and (2) of this subsection, the assuming insurer maintains a policyholder surplus
31 of at least \$20,000,000, and the assuming insurer submits to the authority of this state

1 to examine its books and records; the surplus requirements in this paragraph do not
2 apply to reinsurance ceded and assumed under a pooling arrangement among insurers
3 in the same holding company system;

4 (4) assuming alien insurer that

5 (A) maintains a trust fund in a qualified United States financial
6 institution for the payment of the valid claims of its United States policyholders
7 and ceding insurers, and their assigns and successors in interest, that conforms
8 to the following requirements:

9 (i) the trust shall be established in a form approved by
10 the director; the trust instrument must provide that contested claims are
11 valid and enforceable upon the final order of any court of competent
12 jurisdiction in the United States; the trust shall vest legal title to its
13 assets in the trustees of the trust for its United States policyholders and
14 ceding insurers, their assigns, and successors in interest; the trust and
15 the assuming insurer are subject to examination as determined by the
16 director; the trust must remain in effect for so long as the assuming
17 insurer has outstanding liabilities due under the reinsurance agreements
18 subject to the trust;

19 (ii) on or before March 1 of each year the trustees shall
20 report in writing to the director on the balance of the trust and list the
21 trust's investments at the end of the preceding year, and shall certify the
22 date of termination of the trust, if so planned, or certify that the trust
23 does not expire before the following December 31;

24 (iii) in the case of a single assuming insurer, the trust
25 shall consist of trust money representing the assuming insurer's
26 liabilities attributable to business written in the United States and, in
27 addition, include a trust surplus of not less than \$20,000,000; the single
28 assuming insurer shall make available to the director an annual
29 certification of the insurer's solvency by the insurer's domiciliary
30 regulator and by an independent public accountant;

31 (iv) in the case of a group, including incorporated and

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[OF] individual unincorporated insurers, the trust shall consist of trust money representing the group's liabilities attributable to business written in the United States and, in addition, include a trust surplus not less than \$100,000,000; the incorporated members of the group may not be engaged in any business other than underwriting as a member of the group and are subject to the same level of solvency regulation and control by the group's domiciliary regulator as are the unincorporated members; the group shall make available to the director an annual certification of the solvency of each insurer [OF THE INDIVIDUAL UNINCORPORATED INSURERS] by the group's domiciliary regulator and by an independent certified public accountant, or, for a Canadian or British insurer, an independent Canadian or British chartered accountant;

(v) in the case of a group of incorporated insurers under common administration that complies with the reporting requirements contained in (ii) of this subparagraph, that has continuously transacted an insurance business outside the United States for at least three years immediately before making application for accreditation, that submits to this state's authority to examine its books and records and bears the expense of the examination, and that has aggregate policyholders' surplus of \$10,000,000,000, the trust shall be in an amount equal to the group's several liabilities attributable to business ceded by United States ceding insurers to a member of the group under reinsurance contracts issued in the name of the group, and the group shall maintain a joint trustee surplus, of which \$100,000,000 shall be held jointly for the benefit of United States ceding insurers of a member of the group as additional security for the group's liabilities, and each member of the group shall make available to the director an annual certification of the member's solvency by the member's domiciliary regulator and the member's independent certified public accountant, or, for a Canadian or British insurer, the member's independent Canadian or British

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chartered accountant; and

(B) reports annually to the director information substantially the same as that required to be reported on the National Association of Insurance Commissioners' annual statement form by licensed insurers to enable the director to determine the sufficiency of the trust fund;

(5) assuming insurer that does not meet the requirements of (1) - (4) of this subsection, but only with respect to the insurance of risks located in jurisdictions where the reinsurance is required by applicable law or regulation of that jurisdiction.

* Sec. 17. AS 21.18.060(b) is amended to read:

(b) The director may require that the reserves be equal to the unearned portions of the gross premiums in force after deducting applicable reinsurance in solvent insurers as computed on each respective risk from the policy's date of issue. [EXCEPT AS REQUIRED BY THE DIRECTOR UNDER THIS SUBSECTION, THE PORTIONS OF THE GROSS PREMIUM IN FORCE, LESS APPLICABLE REINSURANCE IN SOLVENT INSURERS, TO BE HELD AS AN UNEARNED PREMIUM RESERVE SHALL BE COMPUTED ACCORDING TO THE FOLLOWING TABLE:

TERM FOR WHICH POLICY WAS WRITTEN	RESERVE FOR UNEARNED PREMIUM
1 YEAR OR LESS	1/2
2 YEARS	1ST YEAR 3/4 2ND YEAR 1/4
3 YEARS	1ST YEAR 5/6 2ND YEAR 1/2 3RD YEAR 1/6
4 YEARS	1ST YEAR 7/8 2ND YEAR 5/8 3RD YEAR 3/8 4TH YEAR 1/8
5 YEARS	1ST YEAR 9/10

1	2ND YEAR 7/10
2	3RD YEAR 1/2
3	4TH YEAR 3/10
4	5TH YEAR 1/10
5	OVER 5 YEARS PRO RATA.]

6 * Sec. 18. AS 21.18.060(c) is amended to read:

7 (c) An [IN LIEU OF COMPUTATION ACCORDING TO THE TABLE IN
8 (b) OF THIS SECTION, THE] insurer shall [AT ITS OPTION MAY] compute all of
9 the reserves on a monthly or more frequent pro rata basis.

10 * Sec. 19. AS 21.18.090 is amended to read:

11 Sec. 21.18.090. LOSS RESERVES, LIABILITY INSURANCE, AND
12 WORKERS' COMPENSATION. Where required in the form of annual statement
13 required of the insurer, the reserve for outstanding losses under insurance against loss
14 or damage from accident to or injuries suffered by an employee or other person and
15 for which the insured is liable shall be computed as follows:

16 (1) for all liability claims under policies written more than three
17 years before the end of the calendar year covered by the annual statement, the
18 reserve shall be the undiscounted value of the determined and the estimated
19 future payments [SUITS BEING DEFENDED UNDER POLICIES WRITTEN MORE
20 THAN

21 (A) 10 YEARS BEFORE THE DATE THE STATEMENT IS
22 MADE, \$1,500 FOR EACH SUIT;

23 (B) FIVE OR MORE AND LESS THAN 10 YEARS BEFORE
24 THE STATEMENT IS MADE, \$1,000 FOR EACH SUIT;

25 (C) THREE OR MORE AND LESS THAN FIVE YEARS
26 BEFORE THE STATEMENT IS MADE, \$850 FOR EACH SUIT];

27 (2) for all liability policies written during the three years immediately
28 preceding the date the statement is made, the reserve shall be the greater of 60
29 percent of the earned liability premiums of each of the three years less all losses and
30 expense payments made under liability policies written in the corresponding years or
31 the undiscounted value of the known and unknown claims; [BUT THE RESERVE,

1 FOR THE FIRST OF THE THREE YEARS, SHALL BE NOT LESS THAN \$750
2 FOR EACH OUTSTANDING LIABILITY SUIT ON THE YEAR'S POLICIES];

3 (3) for all workers' compensation claims under policies written more
4 than three years before the end of the calendar year covered by the annual
5 statement [IS MADE], the reserve may not [SHALL] be less than the present value
6 at four per cent interest of the determined and the estimated future payments;

7 (4) for all workers' compensation claims under policies written in the
8 three years immediately preceding the end of the calendar year covered by [DATE]
9 the annual statement [IS MADE], the reserve may not [SHALL] be less than 65
10 percent of the earned workers' compensation premiums of each of the three years, less
11 all loss and loss expense payments made in connection with the claims under policies
12 written in the corresponding years; [BUT IN THE FIRST YEAR OF THE
13 THREE-YEAR PERIOD,] the reserve may not [SHALL] be [NOT] less than the
14 present value at four [4] percent interest of the determined and the estimated unpaid
15 compensation claims under policies written during the three-year period [YEAR].

16 * Sec. 20. AS 21.21.250(a) is amended to read:

17 (a) An insurer may make loans or investments not otherwise expressly
18 permitted under this chapter, in aggregate amount not over five percent of the insurer's
19 assets and not over one percent of the insurer's assets for [OF] any one loan or
20 investment, if the loan or investment fulfills the requirements of AS 21.21.030, and
21 otherwise qualifies as a sound investment. However, a loan or investment may not be
22 represented by

23 (1) an item described in AS 21.18.030, or a loan or investment
24 otherwise expressly prohibited;

25 (2) agents' balances, or amounts advanced to or owing by agents or
26 former agents of the insurer, whether or not secured; except policy loans, mortgage
27 loans, and collateral loans otherwise authorized under this chapter;

28 (3) a category of loans or investments eligible under other provisions
29 of this chapter; or

30 (4) an asset theretofore acquired or held by the insurer under any other
31 category of loans or investments eligible under this chapter.

1 * **Sec. 21.** AS 21.21.370(a) is amended to read:

2 (a) A domestic insurer may [NOT] acquire, directly or indirectly, a medium
3 grade or lower grade obligation of an institution if, after giving effect to the
4 acquisition,

5 (1) the aggregate amount of all medium grade and lower grade
6 obligations held by the domestic insurer does not exceed [EXCEEDS] 20 percent of
7 its admitted assets and if not more than

8 (A) 10 percent of its admitted assets consist of obligations rated
9 four, five, or six by the securities valuation office;

10 (B) three percent of its admitted assets consist of obligations
11 rated five or six by the securities valuation office; and

12 (C) one percent of its admitted assets consist of obligations
13 rated six by the securities valuation office; and [OR]

14 (2) the aggregate amount of all medium grade and [OR] lower grade
15 obligations held by the domestic insurer does not exceed [EXCEEDS] 30 percent of
16 its policyholders' surplus account as shown by the insurer's most recent report filed
17 under AS 21.06.150, AS 21.09.200, or 21.09.205.

18 * **Sec. 22.** AS 21.22.010(g) is amended to read:

19 (g) The provisions of this section do not apply to

20 (1) an offer of, request for, invitation for, or agreement regarding [,
21 OR] acquisition of a voting security that, immediately before the consummation of the
22 offer, request, invitation, agreement, or acquisition, was not issued and outstanding; or

23 (2) an offer, request, invitation, agreement, or acquisition that the
24 director by order may exempt as not having been made or entered into for the purpose
25 and not having the effect of changing or influencing the control of the domestic
26 insurer.

27 * **Sec. 23.** AS 21.22.030(a) is amended to read:

28 (a) The director shall approve a merger or other acquisition of control referred
29 to in AS 21.22.010 unless, after a public hearing the director finds that

30 (1) after the change of control, the domestic insurer referred to in
31 AS 21.22.010 would not be able to satisfy the requirements for the issuance of a

1 license to write the line or lines of insurance for which it is presently licensed;

2 (2) the effect of the merger or other acquisitions of control would be
3 substantially to lessen competition in insurance in this state or tend to create a
4 monopoly in this state;

5 (3) the financial condition of an acquiring party is such that it might
6 jeopardize the financial stability of the insurer, or prejudice the interest of its
7 policyholders or the interests of any remaining security holders who are unaffiliated
8 with the acquiring party;

9 (4) the terms of the offer, request, invitation, agreement, or acquisition
10 referred to in AS 21.22.010 are unfair and unreasonable to the security holders of the
11 insurer;

12 (5) the plans or proposals that the acquiring party has to liquidate the
13 insurer, sell its assets, or consolidate or merge it with any person, or to make any other
14 material change in its business or corporate structure or management, are unfair and
15 unreasonable to policyholders of the insurer and not in the public interest; [OR]

16 (6) the competence, experience, and integrity of those persons who
17 would control the operation of the insurer are such that it would not be in the interest
18 of policyholders of the insurer and of the public to permit the merger or other
19 acquisition of control; or

20 (7) the acquisition is likely to be hazardous or prejudicial to the
21 insurance buying public.

22 * Sec. 24. AS 21.22.030 is amended by adding a new subsection to read:

23 (d) The director may retain at the acquiring person's expense an attorney,
24 actuary, accountant, or other expert not otherwise a part of the director's staff, if
25 reasonably necessary to assist the director in reviewing the proposed acquisition of
26 control.

27 * Sec. 25. AS 21.22.060(b) is amended to read:

28 (b) Every insurer subject to registration shall file a registration statement on
29 a form provided by the director, that must contain current information about

30 (1) the capital structure, general financial condition, ownership, and
31 management of the insurer and any person controlling the insurer;

1 (2) the identity of every member of the insurance holding company
2 system;

3 (3) the following agreements in force, relationships subsisting, and
4 transactions currently outstanding between the insurer and its affiliates:

5 (A) loans, other investments, or purchases, sales, or exchanges
6 of securities of the affiliates by the insurer or of the insurer by its affiliates;

7 (B) purchases, sales, or exchanges of assets;

8 (C) transactions not in the ordinary course of business;

9 (D) guarantees or undertakings for the benefit of an affiliate that
10 result in an actual contingent exposure of the insurer's assets to liability, other
11 than insurance contracts entered into in the ordinary course of the insurer's
12 business;

13 (E) all management and service contracts and all cost-sharing
14 arrangements [, OTHER THAN COST ALLOCATION ARRANGEMENTS
15 BASED UPON GENERALLY ACCEPTED ACCOUNTING PRINCIPLES];
16 and

17 (F) reinsurance agreements [COVERING ALL OR
18 SUBSTANTIALLY ALL OF ONE OR MORE LINES OF INSURANCE OF
19 THE CEDING COMPANY]; and

20 (4) other matters concerning transactions between registered insurers
21 and any affiliates that may be included from time to time in a registration form
22 adopted or approved by the director.

23 * Sec. 26. AS 21.22.060(c) is amended to read:

24 (c) The director may permit an authorized insurer that is a member of a
25 holding company system subject to registration under the laws or regulations of its
26 state of domicile that are in the opinion of the director substantially similar to those
27 contained in this chapter to satisfy the requirements of (a) of this section by filing a
28 statement in accordance with the laws of its state of domicile [EXCEPT THAT THE
29 DIRECTOR MAY AT ANY TIME REQUIRE A COPY OF THAT STATEMENT BE
30 FILED WITH THE DIRECTOR].

31 * Sec. 27. AS 21.22.060(d) is amended to read:

1 (d) Information [NO INFORMATION] need not be disclosed on the
2 registration statement filed under (b) of this section if that information is not material
3 for the purposes of this section. Unless the director by regulation or order provides
4 otherwise, sales, purchases, exchanges, loans or extensions of credit, or investments,
5 involving one-half of one percent or less of an insurer's admitted assets or five percent
6 or less of the policyholder's surplus as of the 31st day of December of the calendar
7 year in which the transaction took place are not considered material for purposes of
8 this section.

9 * Sec. 28. AS 21.22.060(k) is amended to read:

10 (k) An insurer subject to registration under (a) of this section shall register
11 annually by April 1 of each year for the previous calendar year unless, for good cause
12 shown, the director extends the time for registration. The director may require an
13 insurer authorized to do business in the state, that is a member of a holding company
14 system, and that is allowed to register as provided [NOT SUBJECT TO
15 REGISTRATION] under (c) [(a)] of this section, to furnish a copy of

16 (1) the registration statement;

17 (2) [,] the summary specified in (l) of this section; [,] or

18 (3) other information filed by the insurer with the insurance regulatory
19 authority of the insurer's state of domicile.

20 * Sec. 29. AS 21.27.010(a) is amended to read:

21 (a) Except as provided otherwise in this chapter, a [A] person may not act
22 as or represent to be an insurance producer, managing general agent, reinsurance
23 intermediary broker, reinsurance intermediary manager, surplus lines broker, or
24 independent adjuster in this state or relative to a subject resident, located, or to be
25 performed in this state unless licensed under this chapter. A person may not act as or
26 represent to be a managing general agent, reinsurance intermediary broker, or
27 reinsurance intermediary manager representing an insurer domiciled in this state
28 regarding a risk located outside this state unless licensed by this state.

29 * Sec. 30. AS 21.27.020 is amended by adding a new subsection to read:

30 (f) The director may

31 (1) adopt regulations establishing additional education or experience

- 1 requirements for applicants or licensees under this chapter; and
- 2 (2) make arrangements, including contracting with an outside agency,
- 3 for administrative services.
- 4 * Sec. 31. AS 21.27.025(a) is amended to read:
- 5 (a) A licensee shall notify the director within 30 days in writing by certified
- 6 mail of a change in residence, employment that is licensed under this chapter, place
- 7 of business, legal name, fictitious name or alias, mailing address, or phone number;
- 8 a suspension, [OR] revocation, or disciplinary action of a license by another state or
- 9 jurisdiction; or a conviction of a misdemeanor or felony.
- 10 * Sec. 32. AS 21.27.060(d) is amended to read:
- 11 (d) This section does not apply to an applicant
- 12 (1) for a limited license under AS 21.27.150(1), (2), or (6)
- 13 [AS 21.27.150];
- 14 (2) who, at any time within the two-year period immediately preceding
- 15 the date the current pending application is received by the division, had been licensed
- 16 in good standing in this state under a license requiring substantially similar
- 17 qualifications as required by the license applied for; or
- 18 (3) whose license in its [THE] resident jurisdiction requires the same
- 19 qualifications as the license applied for in this state if the license in all jurisdictions
- 20 is in good standing [AND ITS RESIDENT JURISDICTION IS ACCREDITED BY
- 21 THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS].
- 22 * Sec. 33. AS 21.27.100 is amended by adding a new subsection to read:
- 23 (e) An individual in a firm who acts solely on behalf of a firm that is
- 24 appointed as an agent on behalf of an admitted insurer under this section, may not be
- 25 required to also have an appointment if the individual in the firm is licensed with that
- 26 firm.
- 27 * Sec. 34. AS 21.27.130 is amended to read:
- 28 Sec. 21.27.130. FORM AND CONTENT OF LICENSES. A license shall be
- 29 in the form the director prescribes and must set out
- 30 (1) the name and [MAILING] address of the licensee, and, if the
- 31 licensee is required to have a place of business, the physical address of the place of

- 1 business;
- 2 (2) if for a firm, the name of the principal or manager of the firm;
- 3 (3) the kind or class of insurance the licensee is licensed to handle;
- 4 (4) the effective date and expiration date of the license;
- 5 (5) the condition under which the license is granted;
- 6 (6) the date of issuance of the license;
- 7 (7) each fictitious name and alias under which the licensee may do
- 8 business; and
- 9 (8) other information required by the director.

10 * Sec. 35. AS 21.27.360(b) is amended to read:

11 (b) All money, except that made payable to the insurer, representing premium

12 taxes and fees, premiums or return premiums received by the licensee, shall be

13 received in the fiduciary account of the licensee and shall be promptly accounted for

14 and paid to the person entitled to the money. The fiduciary account shall be located

15 in this state unless the licensee is licensed as a nonresident under AS 21.27.270.

16 For purposes of this section, the fiduciary account of the firm shall be considered the

17 fiduciary account of an individual licensee acting on behalf of the firm and shall be

18 the responsibility of the firm. Money deposited into a fiduciary account may not be

19 commingled or otherwise combined with other money, except as allowed under (d) of

20 this section and AS 21.27.365.

21 * Sec. 36. AS 21.27.380(a) is amended to read:

22 (a) Except as provided in this title, the director may renew a license biennially

23 on a date set by the director if the licensee continues to be qualified under this chapter

24 and on or before the close of business of the renewal date, meets all renewal

25 requirements established by regulation and pays the [IF] renewal license fees set

26 under AS 21.06.250 for each license to [ARE RECEIVED BY] the director [ON OR

27 BEFORE THE CLOSE OF BUSINESS OF THE RENEWAL DATE]. A licensee is

28 responsible for knowing the date that a license lapses and for renewing a license before

29 expiration. The director shall mail a renewal notice to the licensee's current address

30 on file with the director 30 days before the renewal date.

31 * Sec. 37. AS 21.27.420 is amended by adding a new subsection to read:

1 (c) With the consent of an applicant or licensee, the director may issue or
2 renew a license with restrictions upon the scope of the person's license or may
3 otherwise restrict or condition the activities of the licensee if the director determines
4 that the person has violated the provisions of this title or to protect the public from
5 injury or potential injury.

6 * Sec. 38. AS 21.27.530 is amended to read:

7 Sec. 21.27.530. INSURANCE PRODUCER QUALIFICATIONS. In addition
8 to the general qualifications under AS 21.27.020, to qualify for issuance or renewal of
9 an insurance producer license, an applicant or licensee

10 (1) must possess the competence necessary to fulfill the responsibilities
11 of an insurance producer;

12 (2) if previously licensed in good standing in this state as an insurance
13 producer, must not have had a license suspended or revoked within the previous four
14 calendar years;

15 (3) for a fraternal society limited insurance producer license, shall file
16 with the application a statement by an officer or director of the appointing fraternal
17 society that affirms that the society has satisfied itself that the applicant is trustworthy
18 and competent to act as its insurance agent;

19 (4) for a license with a scope that includes variable contracts, must
20 either be currently registered with the federal Securities and Exchange Commission as
21 a broker-dealer or personally take and pass, to the satisfaction of the director, tests of
22 the knowledge and competence of the applicant concerning securities; and

23 (5) except for an applicant or licensee who represents to be and acts
24 solely on behalf of admitted insurers as an agent and who does not receive money
25 required to be received in the fiduciary account of the licensee, shall file with the
26 application and maintain in force while licensed a bond in the amount of \$10,000,
27 unless a greater amount is required by another provision of this title; a licensee who
28 maintains more than one place of business may satisfy the bond requirement with
29 a single bond.

30 * Sec. 39. AS 21.27.570(a)(3)(B) is amended to read:

31 (B) the controlling insurance producer shall render accounts to

1 the controlled insurer detailing all transactions, including information in the
2 accounts necessary to support compensation, commissions, charges, and other
3 fees received by, or owing to, the controlling producer;

4 * Sec. 40. AS 21.27.620(j) is amended to read:

5 (j) If the director determines after a hearing under AS 21.06.170 - 21.06.240
6 that a managing general agent caused loss or damage arising out of a violation of
7 AS 21.27.590 - 21.27.630 to an insurer, the director may order the managing general
8 agent to make restitution to the insurer, receiver, [THE] rehabilitator, or [THE]
9 liquidator of the insurer for the loss. Restitution ordered under this subsection is in
10 addition to any other liability of the managing general agent and does not affect the
11 rights of a policy holder, claimant, creditor, or third party. The director may bring
12 a civil action on behalf of the insurer and its policyholders and creditors for
13 recovery of compensatory damages for the benefit of the insurer and its
14 policyholders and creditors or seek other appropriate relief. If an order of
15 rehabilitation or liquidation of the insurer has been entered under AS 21.78, the
16 receiver appointed under the order determines that a person has not materially
17 complied with AS 21.27.590 - 21.27.630 or an order of the director, and the
18 insurer suffers loss or damage from the noncompliance, the receiver may bring
19 a civil action for the recovery of damages or other appropriate sanctions for the
20 benefit of the insurer.

21 * Sec. 41. AS 21.27.690(b) is amended to read:

22 (b) An [A DOMESTIC] insurer may use a nonresident reinsurance
23 intermediary broker who is not licensed under this chapter if the person is licensed in
24 good standing as a resident reinsurance intermediary broker by an insurance regulator
25 of another state that is accredited by the National Association of Insurance
26 Commissioners. Upon written request, the director may grant written permission for
27 a domestic insurer to use an alien reinsurance intermediary broker not licensed by and
28 without a place of business in a jurisdiction subject to accreditation by the National
29 Association of Insurance Commissioners if the alien reinsurance intermediary broker
30 is licensed in good standing by its domiciliary insurance regulator. The domestic
31 insurer and unlicensed reinsurance intermediary broker are subject to all other

1 requirements of this section.

2 * Sec. 42. AS 21.27.690(e) is amended to read:

3 (e) If the director determines after a hearing under AS 21.06.170 - 21.06.240
4 that a reinsurance intermediary broker caused losses or damage arising out of a
5 violation of AS 21.27.670 - 21.27.700 to an insurer or reinsurer, the director may order
6 the reinsurance intermediary broker to make restitution to the insurer, reinsurer,
7 receiver, rehabilitator, or liquidator of the insurer or reinsurer for the net losses
8 incurred by the insurer or reinsurer. Restitution ordered under this subsection is in
9 addition to any other liability of the reinsurance intermediary broker and does not
10 affect the rights of a policyholder, claimant, creditor, or third party. The director may
11 bring a civil action on behalf of the reinsurer or insurer and its policyholders and
12 creditors for recovery of compensatory damages for the benefit of the reinsurer
13 or insurer and its policyholders and creditors or seek other appropriate relief.
14 If an order of rehabilitation or liquidation of the insurer has been entered under
15 AS 21.78, the receiver appointed under the order determines that a person has not
16 materially complied with AS 21.27.670 - 21.27.700 or an order of the director, and
17 the insurer suffers loss or damage from the noncompliance, the receiver may
18 bring a civil action for the recovery of damages or other appropriate sanctions for
19 the benefit of the insurer.

20 * Sec. 43. AS 21.27.760(j) is amended to read:

21 (j) If the director determines after a hearing under AS 21.06.170 - 21.06.240
22 that a reinsurance intermediary manager caused losses or damage arising out of a
23 violation of AS 21.27.730 - 21.27.770 to an insurer or reinsurer, the director may order
24 the reinsurance intermediary manager to make restitution to the insurer, reinsurer,
25 receiver, rehabilitator, or liquidator of the insurer or reinsurer for the net losses
26 incurred by the insurer or reinsurer. Restitution ordered under this subsection is in
27 addition to any other liability of the reinsurance intermediary manager and does not
28 affect the rights of a policyholder, claimant, creditor, or third party. The director may
29 bring a civil action on behalf of the reinsurer or insurer and its policyholders and
30 creditors for recovery of compensatory damages for the benefit of the reinsurer
31 or insurer and its policyholders and creditors or seek other appropriate relief.

1 If an order of rehabilitation or liquidation of the insurer has been entered under
2 AS 21.78, the receiver appointed under the order determines that a person has not
3 materially complied with AS 21.27.730 - 21.27.770 or an order of the director, and
4 the insurer suffers loss or damage from the noncompliance, the receiver may
5 bring a civil action for the recovery of damages or other appropriate sanctions for
6 the benefit of the insurer.

7 * Sec. 44. AS 21.34.040(c)(4) is amended to read:

8 (4) a Lloyd's or other similar group including incorporated and
9 individual unincorporated underwriters, [GROUP OF ALIEN INDIVIDUAL
10 INSURERS] may qualify if it maintains a trust fund in an amount not less than
11 \$50,000,000, as security to the full amount, for the protection of all its policy holders
12 and creditors of each member of the group in the United States; the incorporated
13 members may not be engaged in any business other than underwriting as a
14 member of the group and shall be subject to the same level of solvency regulation
15 and control by the group's domiciliary regulator as are the unincorporated
16 members; the trust fund must consist of instruments of substantially the same
17 character and quality as those that are eligible investments for the capital and statutory
18 reserves of admitted insurers authorized to write like kinds of insurance in this state
19 or of irrevocable, clean, and unconditional letters of credit; the trust fund must have
20 an expiration date that at no time is less than five years;

21 * Sec. 45. AS 21.34.080(c) is amended to read:

22 (c) A producing broker shall execute and deliver to the surplus lines broker not
23 later than the end of each month on a form prescribed by the director, and a surplus
24 lines broker shall file with the director with the report required by (a) of this section
25 or with the surplus lines association with the evidence of insurance required by (b) of
26 this section, for surplus lines insurance first placed or renewed in the preceding
27 calendar month, an affidavit that shall be open to public inspection, as to the diligent
28 efforts to place the coverage with admitted insurers, and the results of those efforts.
29 The affidavit must contain a statement by the producing broker that the insured was
30 expressly informed in writing before the [PLACEMENT OF THE SURPLUS LINES]
31 insurance contract or coverage was bound that the surplus lines insurer with whom

1 the insurance was to be placed is not licensed in this state, is not subject to this state's
2 supervision, and, in the event of the insolvency of the surplus lines insurer, losses will
3 not be covered under AS 21.80 (Alaska Insurance Guaranty Association Act).

4 * Sec. 46. AS 21.34.110 is amended to read:

5 Sec. 21.34.110. SURPLUS LINES BROKER'S DUTY TO NOTIFY
6 INSURED. (a) A contract of insurance placed by a surplus lines broker under this
7 chapter is not binding upon the insured and a premium charged is not due and payable
8 until

9 (1) the surplus lines broker has notified the insured in writing, a copy
10 of which shall be maintained by the licensee with the records of the contract, available
11 for examination, that the insurer with which the surplus lines broker places the
12 insurance does not hold a certificate of authority issued by this state and is not subject
13 to its supervision, and in the event of the insolvency of the surplus lines insurer, losses
14 will not be covered under AS 21.80 (Alaska Insurance Guaranty Association Act); or

15 (2) the surplus lines broker has obtained the affidavit of the
16 producing broker that the notice required under AS 21.34.080(c) has been given
17 to the insured; a licensee shall maintain a copy of the affidavit with the record of
18 the contract available for examination.

19 (b) Nothing in this section may be construed as nullifying [SHALL
20 NULLIFY] an agreement by an insurer to provide insurance.

21 * Sec. 47. AS 21.34.190(a) is amended to read:

22 (a) The fee for filing the statement under AS 21.34.180(b) is an amount equal
23 to one percent on gross premium charged less any return premiums during the
24 preceding calendar year [QUARTER]. The surplus lines broker shall pay the fee at
25 the time of filing of the statement.

26 * Sec. 48. AS 21.36.120(d) is amended to read:

27 (d) Nothing in this section may be construed as prohibiting the payment of
28 commissions or other compensation to persons duly transacting business under
29 AS 21.27 [LICENSED AGENTS OR SOLICITORS], or as prohibiting an insurer from
30 allowing or returning to its participating policyholders, members, or subscribers, lawful
31 dividends, savings, or unabsorbed premium deposits.

1 * Sec. 49. AS 21.36.195 is amended to read:

2 Sec. 21.36.195. SURPLUS LINES BROKERS AND INSURANCE
3 PRODUCERS; PROHIBITED ACTS. A surplus lines broker or an insurance
4 producer may not fail to provide evidence [THE EVIDENCES] of insurance,
5 affidavits, filings, or reports, or fail to maintain the records, or fail to pay the taxes and
6 fees, required under AS 21.34.

7 * Sec. 50. AS 21.36.235(a) is amended to read:

8 (a) Except as provided in AS 21.36.305 [AS 21.36.420], if the renewal
9 premium is increased more than 10 percent for a reason other than an increase in
10 coverage or exposure base, or if after renewal there will be a material restriction or
11 reduction in coverage not specifically requested by the insured, written notice shall be
12 mailed to the insured and to the agent or broker of record as required by AS 21.36.260

13 (1) at least 20 days before expiration of a personal insurance policy;

14 or

15 (2) at least 45 days before expiration of a business or commercial
16 policy.

17 * Sec. 51. AS 21.36.290 is amended to read:

18 Sec. 21.36.290. POLICY PERIOD. Except as described in (b) of this
19 section, a [A] policy with a policy period or term of less than 12 months shall, for the
20 purposes of AS 21.36.210 - 21.36.310, be considered to be written for a policy period
21 or term of 12 months except in case of cancellation under any of the circumstances
22 specified in AS 21.36.210, and a policy written for a term longer than one year or a
23 policy with no fixed expiration date shall be considered to be written for successive
24 policy periods or terms of one year and termination by an insurer effective on an
25 anniversary date of the policy shall be considered a failure to renew.

26 * Sec. 52. AS 21.36.290 is amended by adding a new subsection to read:

27 (b) For determining the appropriate rate or premium, a personal automobile
28 insurance policy with a policy period or term of less than six months shall, for the
29 purposes of AS 21.36.210 - 21.36.310, be considered to be written for a policy period
30 or term of six months.

31 * Sec. 53. AS 21.36 is amended by adding a new section to read:

1 Sec. 21.36.305. PREMIUM INCREASES ON PERSONAL AUTOMOBILE
2 INSURANCE POLICIES. (a) An insurer may not increase the premium on a personal
3 automobile insurance policy unless the increase applies to all insureds of the same
4 class.

5 (b) An insurer may not increase the premium or add a surcharge to a personal
6 automobile insurance policy because of the issuance of a citation for a moving traffic
7 violation unless the insured or another person who resides in the insured's household
8 and is covered by the policy has been convicted of the violation or has entered a plea
9 of no contest to the violation.

10 (c) The director shall adopt regulations to determine circumstances under
11 which an insurer may increase the premium or add a surcharge to a personal
12 automobile insurance policy.

13 (d) An insurer that increases the premium or adds a surcharge to a personal
14 automobile insurance policy may only make the increase or surcharge effective on the
15 renewal date of the policy.

16 (e) An insurer that increases the premium or adds a surcharge to a personal
17 automobile insurance policy shall give written notice of the increase or surcharge at
18 least 20 days before it takes effect, stating the reason for the change and the right of
19 appeal under AS 21.39.090. This subsection does not apply to

20 (1) premium increase resulting from a change requested by an insured,
21 if the insured is notified at the time the request is made that the amount of the
22 insured's premium will change as a result of the requested policy change; or

23 (2) rate approved by the director if the insurer gives written notice of
24 a premium increase to the insured at least 20 days before the renewal date of the
25 affected policy.

26 * Sec. 54. AS 21.36.360(i) is amended to read:

27 (i) A criminal insurance act is committed by a person [AN INSURER] doing
28 business in this state or relative to a subject resident, located, or to be performed
29 in this state who knowingly

30 (1) writes, places, or causes to be written or placed in this state or
31 relative to a subject resident, located, or to be performed in this state a policy,

1 duplicate policy, or contract of insurance of any kind or character, or general or
2 floating policy upon persons or property resident, situated, or located in this state, from
3 or through a person not authorized to transact business under AS 21.27 or a risk
4 retention group or purchasing group not registered under AS 21.89.070
5 [BROKER, AGENT, SURPLUS LINE BROKER, OR PERSON WHO HAS NOT
6 SECURED A GENERAL AGENT LICENSE IN THIS STATE]; or

7 (2) pays a commission or other form of remuneration to a person, firm,
8 or organization for the writing or placing of insurance coverage in this state or relative
9 to a subject resident, located, or to be performed in this state unless that person,
10 firm, or organization is authorized under AS 21.27 to transact [HOLDS A LICENSE
11 ISSUED BY THE DIRECTOR FOR] the kind or class of insurance written or placed,
12 or, in the case of a risk retention group or purchasing group, is registered under
13 AS 21.89.070.

14 * Sec. 55. AS 21.36.360(j) is amended to read:

15 (j) A criminal insurance act is committed by a person in this state or relative
16 to a subject resident, located, or to be performed in this state who acts as an
17 insurance producer, managing general agent, third-party administrator,
18 reinsurance intermediary broker, reinsurance intermediary manager, surplus lines
19 broker [SOLICITOR], or independent adjuster without being licensed by the director
20 as required under this title or as a risk retention group or purchasing group
21 without being registered as required under AS 21.89.070. A criminal insurance act
22 is committed by an insurance producer, managing general agent, third-party
23 administrator, reinsurance intermediary broker, reinsurance intermediary
24 manager, or surplus lines broker [OR SOLICITOR] who solicits or takes application
25 for, procures, or places for others any insurance for which the person is not licensed
26 as required under AS 21.27 or for which the license of the person has been
27 suspended or revoked. A criminal insurance act is committed by a person in this
28 state or relative to a subject resident, located, or to be performed in this state who
29 acts as or on behalf of a risk retention group or a purchasing group that is not
30 registered under AS 21.89.070 [THIS SUBSECTION DOES NOT APPLY TO A
31 PERSON DESCRIBED IN AS 21.90.910 OR TO A PERSON SECURING AND

1 FORWARDING INFORMATION REQUIRED FOR THE PURPOSE OF A GROUP
2 INSURANCE COVERING THE UNPAID BALANCE OR REMAINING PAYMENTS
3 PROPOSED TO BE MADE IN CONNECTION WITH THE PURCHASE OF
4 MERCHANDISE OR SERVICES IF NO COMMISSION OR OTHER
5 COMPENSATION IS PAYABLE ON ACCOUNT OF THE INSURANCE TO THE
6 PERSON].

7 * Sec. 56. AS 21.36.360(k) is amended to read:

8 (k) A criminal insurance act is committed by an insurance producer,
9 managing general agent, [GENERAL AGENT,] third-party administrator,
10 reinsurance intermediary broker, reinsurance intermediary manager, or surplus
11 lines broker [OR SOLICITOR] who knowingly compensates or offers to compensate
12 in any manner a person other than an insurance producer, managing [AGENT,]
13 general agent, third-party administrator, reinsurance intermediary broker,
14 reinsurance intermediary manager, or surplus lines broker [OR SOLICITOR]
15 licensed as required under this title in this or another jurisdiction [STATE OR
16 PROVINCE], for procuring or in any manner helping to procure applications for or to
17 place insurance in this state. A criminal insurance act is committed by a person in
18 this state or relative to a subject resident, located, or to be performed in this state
19 who acts as or on behalf of a risk retention group or a purchasing group that is
20 not registered under AS 21.89.070 [THIS SUBSECTION DOES NOT APPLY TO
21 THE PAYMENT OF COMPENSATION THAT IS NOT CONTINGENT UPON
22 VOLUME OF BUSINESS TRANSACTED IN THE FORM OF SALARIES TO THE
23 REGULAR EMPLOYEES OF THE AGENT, GENERAL AGENT, BROKER, OR
24 SOLICITOR].

25 * Sec. 57. AS 21.36.360(n) is amended to read:

26 (n) A criminal insurance act is committed by an agent, managing general
27 agent, third-party administrator, reinsurance intermediary broker, reinsurance
28 intermediary manager, or other representative of an insurer involved in the procuring
29 or issuance of an insurance contract who intentionally fails to report to the insurer the
30 exact amount of consideration charged as premium for the contract and to maintain
31 records showing that information.

1 * **Sec. 58.** AS 21.36.380 is amended to read:

2 Sec. 21.36.380. NOTICE ON CLAIM FORM. A claim form must contain a
3 statement that states in substance the following: "A person who knowingly and with
4 intent to injure, defraud, or deceive an insurance company files a claim containing
5 false, incomplete, or misleading information may be prosecuted under state law [IS
6 GUILTY OF A FELONY]." A lack of the statement on a claim form does not
7 constitute a defense to prosecution under this title.

8 * **Sec. 59.** AS 21.39.040 is amended by adding new subsections to read:

9 (j) An insurer who has submitted an application for a certificate of authority
10 under AS 21.09.110 and a filing of policy forms under AS 21.42.120 may file a
11 proposed rating system as described in this section. The director's approval of the
12 rating system is contingent upon the issuance of a certificate of authority under
13 AS 21.09.120.

14 (k) The director may adopt regulations detailing the format and content of a
15 rating system filing under this section.

16 * **Sec. 60.** AS 21.39 is amended by adding a new section to read:

17 Sec. 21.39.055. CANCELLATION OF APPROVED FILING. The voluntary
18 surrender of a certificate of authority or the failure of the surrendering admitted foreign
19 insurer to continue a certificate of authority in force has the effect of cancelling an
20 approval that the insurer may have received under this chapter, unless the approval has
21 been affirmed by the director at the time of the surrender or noncontinuation of the
22 certificate of authority.

23 * **Sec. 61.** AS 21.42.120 is amended by adding new subsections to read:

24 (f) This section does not apply to a type of insurance subject to AS 21.57.

25 (g) An insurer who has submitted an application for a certificate of authority
26 under AS 21.09.110 may file a proposed policy form as described in this section. The
27 director's approval of the policy form is contingent upon the issuance of a certificate
28 of authority under AS 21.09.120.

29 (h) The director may adopt regulations detailing the format and content of the
30 filing of a policy form under this section.

31 * **Sec. 62.** AS 21.42.345 is amended by adding a new subsection to read:

1 (b) An insurer authorized under AS 21.09 to offer, issue for delivery, deliver,
2 or renew an individual or group disability insurance policy for medical coverage on
3 an expense incurred basis in the state, or a hospital or medical service corporation
4 authorized under AS 21.87 to offer or renew an individual or group subscriber's
5 contract for medical coverage in the state, shall offer coverage for family members,
6 including newly born children, adopted children, or children placed for adoption and
7 is subject to the conditions in (a) of this section, regardless of the marital status of the
8 covered person.

9 * Sec. 63. AS 21.57.010 is amended to read:

10 Sec. 21.57.010. PURPOSE. The purpose of this chapter is to promote the
11 public welfare by regulating consumer credit [LIFE INSURANCE AND CREDIT
12 DISABILITY] insurance. Nothing in this chapter is intended to prohibit or discourage
13 reasonable competition. The provisions of this chapter shall be liberally construed.

14 * Sec. 64. AS 21.57.020 is repealed and reenacted to read:

15 Sec. 21.57.020. APPLICABILITY. Consumer credit insurance transacted in
16 connection with a credit transaction for a personal, household, or family purpose is
17 subject to the provisions of this chapter except

18 (1) insurance written in connection with a credit transaction that is
19 (A) secured by a first mortgage or first deed of trust; and
20 (B) made to finance the purchase of real property, the
21 construction of a dwelling, or to refinance a prior credit transaction made for
22 that purpose;

23 (2) an isolated insurance transaction by the insurer not related to an
24 agreement or a plan for insuring debtors of the creditor; or

25 (3) insurance for which no identifiable charge is made to the debtor.

26 * Sec. 65. AS 21.57.030 is repealed and reenacted to read:

27 Sec. 21.57.030. AUTHORIZED TYPES OF CONSUMER CREDIT
28 INSURANCE. A type of consumer credit insurance defined in AS 21.57.160 may be
29 written separately or in combination with other types of consumer credit insurance on
30 an individual or group basis.

31 * Sec. 66. AS 21.57.040 is repealed and reenacted to read:

1 Sec. 21.57.040. AMOUNT OF CONSUMER CREDIT INSURANCE. (a) The
2 amount of coverage for credit life insurance payable at the time of loss

3 (1) may not exceed the greater of the actual net debt or the scheduled
4 net debt, except insurance on an

5 (A) agricultural credit transaction commitment, not exceeding
6 one year in duration, may be written up to the amount of the loan commitment
7 on a nondecreasing or level term plan; and

8 (B) educational credit transaction commitment may be written
9 for the net outstanding balance plus any unused commitment;

10 (2) may not be less than the actual net debt less any payments more
11 than two months overdue if the coverage is written on the actual outstanding net debt;

12 (3) may not exceed the following if the coverage is written on the
13 scheduled outstanding net debt:

14 (A) the scheduled net debt if the actual net debt is less than or
15 equal to the scheduled net debt;

16 (B) the actual net debt if the actual net debt is greater than the
17 scheduled net debt but less than or equal to the scheduled net debt plus two
18 months of payments; or

19 (C) the scheduled net debt plus two months of payments if the
20 actual net debt is greater than the scheduled net debt plus two months of
21 payments;

22 (4) must equal the actual net debt on the date of death if a premium is
23 assessed to the debtor on a monthly basis and is based on the actual net debt; and

24 (5) may be less than the net debt when the partial coverage is
25 calculated using one of the following:

26 (A) the amount of insurance is the lesser of a stated amount and
27 the amount is determined by (2) of this subsection;

28 (B) the amount of insurance is the lesser of a stated amount and
29 the amount is determined by (3) of this subsection;

30 (C) the amount of insurance is a constant percentage of the
31 amount determined by (2) or (3) of this subsection; or

1 (D) in the absence of any preexisting condition exclusion, the
2 amount of insurance payable in the event of death due to natural causes is
3 limited to the balance as it existed six months before the date of death if

4 (i) there has been at least one increase in the outstanding
5 balance during that six-month period, other than an increase due to the
6 accrual of interest or late charges; and

7 (ii) evidence of individual insurability has not been
8 required during that six-month period.

9 (b) The director may provide for other patterns of insurance consistent with
10 (a) of this section by regulation.

11 (c) The total amount of periodic indemnity payable in the event of disability
12 or unemployment, as defined in the policy, may not exceed the sum of the periodic
13 scheduled unpaid installments of the gross debt. The amount of a periodic indemnity
14 payment may not exceed the original gross debt divided by the number of periodic
15 installments.

16 (d) If credit disability insurance or credit unemployment insurance is written
17 in connection with an open-end consumer credit agreement, the amount of insurance
18 may not exceed the gross debt that would accrue on the amount using the creditor's
19 minimum repayment schedule. The periodic indemnity need not relate to the creditor's
20 minimum repayment schedule.

21 * Sec. 67. AS 21.57.050 is repealed and reenacted to read:

22 Sec. 21.57.050. DURATION OF COVERAGE. (a) The effective date of
23 coverage for

24 (1) consumer credit insurance that is elected by the debtor before or
25 contemporaneous with a credit transaction is subject to acceptance by the insurer, the
26 date when the debtor becomes obligated to the creditor, except that when evidence of
27 individual insurability is required and the evidence is furnished more than 30 days after
28 the date when the debtor becomes obligated to the creditor, the effective date may be
29 the date on which the insurance company determines the evidence to be satisfactory;

30 (2) insurance coverage that is elected by the debtor on a date
31 subsequent to the date of the credit transaction is, subject to acceptance by the insurer,

1 a date not earlier than the date the election is made by the debtor or later than 30 days
2 following the date on which the insurer accepts the risk for coverage; an insurer shall
3 determine if a risk is acceptable by an objective method, including one related to a
4 particular date within a billing or repayment cycle or a calendar month; and

5 (3) a group policy that provides coverage with respect to a debt existing
6 on the policy effective date, must be on or after the effective date of the group policy.

7 (b) A charge for insurance may not be made to the debtor and retained by the
8 creditor or insurer for a time before commencement of the consumer credit insurance
9 to which the charge is related.

10 (c) The duration of coverage for consumer credit insurance may not extend

11 (1) beyond the termination date specified in the policy; the termination
12 date of insurance may precede, coincide with, or follow the scheduled maturity date
13 of the debt to which it relates, subject to any other requirements and restrictions of this
14 chapter; and

15 (2) more than 15 days beyond the scheduled maturity date of the debt
16 except when extended

17 (A) without additional cost to the debtor; or

18 (B) under a written agreement signed by the debtor, in
19 connection with a variable interest rate credit transaction or a deferral, renewal,
20 refinancing, or consolidation of debt.

21 (d) If the debt is discharged due to renewal, refinancing, or consolidation
22 before the scheduled termination date of the insurance, insurance in force must be
23 terminated before new insurance may be written in connection with the renewed,
24 refinanced, or consolidated debt.

25 (e) If insurance coverage terminates before the scheduled termination of the
26 insurance, the insurer shall make an appropriate refund or credit to the debtor. The
27 refund or credit must consist of the unearned insurance charge paid by the debtor for
28 insurance after the date of the termination, except that a refund is not required of a
29 charge made for insurance if the insurance is terminated by performance of the
30 insurer's obligation with respect to the insurance.

31 (f) An insured debtor may terminate consumer credit insurance at any time by

1 providing advance notice to the insurer. The individual policy or group certificate may
2 require that the notice be in writing or that the debtor surrender the individual policy
3 or group certificate, or both. The debtor's right to terminate coverage may also be
4 subject to the terms of the credit transaction contract.

5 * Sec. 68. AS 21.57 is amended by adding a new section to read:

6 Sec. 21.57.055. DISCLOSURE TO DEBTORS. (a) Before a debtor elects to
7 purchase consumer credit insurance in connection with a credit transaction, the insurer
8 shall disclose the following in writing to the debtor:

9 (1) the purchase of consumer credit insurance is optional and not a
10 condition of obtaining credit approval;

11 (2) if more than one kind of consumer credit insurance is being made
12 available to the debtor, whether the debtor can purchase the insurance separately or the
13 multiple coverage only as a package;

14 (3) the conditions of eligibility;

15 (4) if the debtor has other insurance that covers the risk, the debtor may
16 not want or need credit insurance;

17 (5) if the creditor requires consumer credit insurance as additional
18 security for a debt, the debtor has the option of furnishing the required amount of
19 insurance through existing policies owned or procured by the debtor or of procuring
20 and furnishing the required insurance through an insurer authorized to transact
21 insurance business in this state;

22 (6) the effective date of the coverage;

23 (7) the debtor may cancel the coverage within the first 30 days after
24 receiving the individual policy or group certificate and have a premium paid by the
25 debtor refunded or credited; thereafter, the debtor may cancel the policy at any time
26 during the term of the loan and receive a refund of an unearned premium;

27 (8) a brief description of the coverage, including

28 (A) the amount;

29 (B) the term;

30 (C) any exceptions, limitations, or exclusions;

31 (D) the insured event;

1 (E) any waiting or elimination period;
2 (F) any deductible;
3 (G) any applicable waiver of premium provision;
4 (H) to whom the benefits would be paid; and
5 (I) the premium rate for a coverage or for multiple coverage in
6 a package;

7 (9) if the premium or insurance charge is financed, finance charges are
8 subject to the rate applicable to the credit transaction or at another specified rate; and

9 (10) whether or not the benefits provided are sufficient to pay off the
10 debt in full, including finance charges unearned at the time of the claim.

11 (b) The disclosure required in (a) of this section shall be provided in the
12 following manner:

13 (1) in connection with consumer credit insurance offered
14 contemporaneously with the extension of credit or offered through direct mail
15 advertisements, the disclosure shall be presented to the consumer in a clear and
16 conspicuous manner; or

17 (2) in conjunction with the offer of credit insurance subsequent to the
18 extension of credit by other than direct mail advertisements, the initial disclosure may
19 be provided orally as long as written disclosure is provided to the debtor not later than
20 10 days after the offer or the date any other written material is provided to the debtor,
21 whichever occurs first.

22 (c) If the debtor elects to purchase coverage, the delivery of the disclosure
23 required in (b) of this section shall be acknowledged by the debtor at the time of
24 delivery, and the insurer shall maintain the debtor's written acknowledgement for at
25 least five years.

26 * Sec. 69. AS 21.57.060 is repealed and reenacted to read:

27 Sec. 21.57.060. PROVISIONS OF POLICIES AND CERTIFICATES OF
28 INSURANCE. (a) Consumer credit insurance shall be evidenced by an individual
29 policy or a group certificate of insurance.

30 (b) The individual policy or group certificate must, in addition to other
31 requirements of law, set out

- 1 (1) the name and home office address of the insurer;
- 2 (2) the name of the debtor;
- 3 (3) the premium to be paid by the debtor disclosed separately for each
4 kind of coverage or for all coverage in a package, except that for open-ended loans,
5 the premium rate and the basis of premium calculation must be specified;
- 6 (4) a full description of the coverage including the amount, the term,
7 and any exceptions, limitations, or exclusions;
- 8 (5) a statement that the benefits shall be paid to the creditor to reduce
9 or extinguish the unpaid debt and that, whenever the amount of insurance benefit
10 exceeds the unpaid debt, the excess is payable to the debtor, a beneficiary other than
11 the creditor named by the debtor, or the debtor's estate;
- 12 (6) an explanation of how refunds are calculated in the event of policy
13 termination; and
- 14 (7) if the benefit is not adequate to completely pay off the debt existing
15 on the date of death or disability, a statement to that effect on the face of the
16 individual policy or group certificate in not smaller than 10 point, bold face type.

17 * Sec. 70. AS 21.57.070 is repealed and reenacted to read:

18 Sec. 21.57.070. REQUIREMENTS FOR EVIDENCE OF INSURANCE. (a)
19 Unless the individual policy or group certificate of insurance is delivered to the debtor
20 at the time the debt is incurred or when the debtor elects to purchase coverage, a copy
21 of the application for the policy or a notice of proposed insurance, signed by the
22 debtor and setting out (1) the name and home office address of the insurer, (2) the
23 name of the debtor, (3) the premium rate to be paid by the debtor for the insurance,
24 and (4) the amount, term, and a brief description of the coverage provided, shall be
25 delivered to the debtor at the time the debt is incurred or the election to purchase
26 coverage is made. The copy of the application for or notice of proposed insurance
27 must refer exclusively to insurance coverage and must be separate and apart from the
28 loan, sale, other credit statement of account, instrument, or agreement, unless the
29 information required by this subsection is prominently set out in it. Upon acceptance
30 of the insurance by the insurer and within 30 days of the date upon which the debt is
31 incurred or the election to purchase coverage is made, the insurer shall deliver the

1 individual policy or group certificate of insurance to the debtor. The application or
2 notice of proposed insurance must state that upon acceptance by the insurer, the
3 insurance shall become effective as provided in AS 21.57.050(a).

4 (b) The application or notice of proposed insurance may be used to fulfill all
5 of the requirements of AS 21.57.055(a) and 21.57.060(b) if it contains all of the
6 information required by those subsections.

7 (c) A debtor has 30 days from the date the debtor receives the individual
8 policy or the group certificate to review the coverage purchased. At any time within
9 the 30-day period, the debtor may contact the creditor or insurer issuing the policy or
10 certificate and request that the coverage be cancelled. An individual policy or group
11 certificate may require the request be in writing, that the policy or certificate be
12 returned to the insurer, or both. If a policy is cancelled, the insurer shall return a full
13 refund or credit of all premiums or insurance charges to the debtor within 30 days.

14 (d) If the named insurer does not accept the risk, the debtor shall receive a
15 policy or certificate of insurance listing the name and home office address of the
16 substituted insurer and the amount of the premium to be charged. If the amount of
17 premium is less than the amount in the notice of proposed insurance, the insurer shall
18 issue an appropriate refund within 30 days. If the risk is not accepted by an insurer,
19 a premium paid by the debtor shall be refunded or credited to the debtor within 30
20 days of the date of application.

21 (e) For the purposes of (a) of this section, an individual policy or group
22 certificate delivered in conjunction with an open-end consumer credit agreement or
23 consumer credit insurance requested by the debtor after the date of the debt is
24 considered to be delivered at the time the debt is incurred or election to purchase
25 coverage is made if the delivery occurs within 30 days of the date the insurance is
26 effective.

27 (f) An individual policy or group certificate delivered in conjunction with an
28 open-end consumer credit agreement shall continue from its effective date through the
29 term of the agreement unless the individual policy or group certificate is terminated
30 under its terms at an earlier date.

31 * Sec. 71. AS 21.57.080 is repealed and reenacted to read:

1 Sec. 21.57.080. FILING OF FORMS AND RATES. (a) An insurance policy,
2 certificate of insurance, notice of proposed insurance, insurance disclosure notice,
3 insurance advertisement, application for insurance, endorsement, and rider delivered
4 or issued for delivery in this state, and the applicable schedules of premium rates shall
5 be filed with the director before being used.

6 (b) A document required to be filed under (a) of this section must be on file
7 for a waiting period of 30 days before it is used or becomes effective, unless the
8 director gives prior written approval. This period may be extended for an additional
9 30 days if the director gives written notice within the waiting period to the insurer
10 making the filing. The director shall disapprove a premium rate if the premium rate
11 charged is not reasonable in relation to benefits or if it contains provisions that are
12 unjust, unfair, inequitable, misleading, deceptive, encourage misrepresentation of the
13 policy, or are contrary to a provision of this title or a regulation adopted under this
14 title. A filing is considered to be approved unless it is disapproved by the director
15 within the waiting period.

16 (c) If the director notifies the insurer that a document required to be filed
17 under (a) of this section is disapproved, the insurer may not issue or use any part of
18 the document. In providing notice of disapproval to the insurer, the director shall
19 specify the reason for disapproval and indicate that the insurer is entitled to a hearing.

20 (d) The director may, at any time after a hearing, withdraw approval of a filing
21 on the grounds specified under (b) of this section. The director shall provide the
22 insurer at least 20 days' prior written notice of a hearing scheduled by the director, and
23 the notice of the hearing must state the reason for the proposed withdrawal.

24 (e) An insurer may not issue or use a document required to be filed under (a)
25 of this section after the effective date of a withdrawal of approval under (d) of this
26 section.

27 (f) If a group policy of consumer credit insurance (1) has been delivered in
28 this state before July 1, 1994, or (2) has been or is delivered in another state before
29 or after July 1, 1994, the insurer shall be required to file only the group certificate and
30 notice of proposed insurance delivered or issued for delivery in this state as specified
31 in AS 21.57.060(b) and 21.57.070(a).

1 (g) Consumer credit insurance forms used for insurance described under (f) of
2 this section shall be approved by the director if they conform with the requirements
3 specified in this section and if the schedules of premium rates applicable to the
4 insurance evidenced by the certificate or notice are in accordance with the insurer's
5 schedules of premium rates filed with the director. An item required to be filed under
6 (a) of this section shall also be filed as specified in this chapter unless the item relates
7 to a group policy that is delivered in another state and the director has determined that
8 the other state has substantially similar statutes or regulations to this chapter. If an
9 item is exempt from filing, the items required to be filed under (a) of this section may
10 be filed for informational purposes. If the director subsequently determines that the
11 informational filing is not in compliance with the requirements of this chapter, the
12 insurer may not use the insurance policy, form, certificate, notice of proposed
13 insurance, disclosure notice, advertisement, application for insurance, endorsement, or
14 rider.

15 * Sec. 72. AS 21.57.090 is amended to read:

16 Sec. 21.57.090. PREMIUMS AND REFUNDS. (a) An insurer may revise its
17 schedules of premium rates from time to time, and file the revised schedules with the
18 director. An insurer may not issue a consumer credit [LIFE INSURANCE POLICY
19 OR CREDIT DISABILITY] insurance policy for which the premium rate differs from
20 [EXCEEDS] that determined by the schedules of the insurer then approved by [ON
21 FILE WITH] the director.

22 (b) An [EACH] individual policy or group certificate must provide for a
23 refund in the event of termination of [THAT IF] the insurance [IS TERMINATED]
24 before the scheduled maturity date of the insurance and upon notice to the insurer.
25 The [INDEBTEDNESS, ANY] refund of an amount paid by the debtor for insurance
26 shall be paid or credited promptly to the person entitled to it; provided, however, that
27 the director shall prescribe a minimum refund and a [NO] refund that would be less
28 than the minimum need not be made. A refund formula that an insurer desires to
29 use must provide refunds that are at least as favorable to the debtor as refunds
30 based on the rule of anticipation. The formula to be used in computing refunds shall
31 be filed with and approved by the director.

1 (c) If a creditor requires a debtor to make a payment for consumer credit
2 [LIFE INSURANCE OR CREDIT DISABILITY] insurance and an individual policy
3 or group certificate of insurance is not issued, the creditor shall immediately give
4 written notice to the debtor and shall promptly make an appropriate credit to the
5 account or issue a refund.

6 (d) The amount charged to a debtor for consumer credit [LIFE OR CREDIT
7 DISABILITY] insurance may not exceed the premium charged by the insurer, as
8 computed at the time the charge to the debtor is determined.

9 * Sec. 73. AS 21.57.090 is amended by adding a new subsection to read:

10 (e) Nothing in this chapter may be construed to authorize a payment for
11 insurance prohibited under other provisions of law governing credit transactions.

12 * Sec. 74. AS 21.57.120 is amended to read:

13 Sec. 21.57.120. SELECTION RIGHTS OF INSURED [EXISTING
14 INSURANCE]. When consumer credit [LIFE INSURANCE OR CREDIT
15 DISABILITY] insurance is required as additional security for a debt [AN
16 INDEBTEDNESS], the debtor shall, upon request to the creditor, have the option of
17 furnishing the required amount of insurance through existing policies of insurance
18 owned or controlled by the debtor or of procuring and furnishing the required coverage
19 through an insurer authorized to transact an insurance business in this state.

20 * Sec. 75. AS 21.57 is amended by adding a new section to read:

21 Sec. 21.57.125. DUTIES OF AN INSURER. Except as otherwise prohibited
22 by law, duties imposed upon an insurer by this chapter may be carried out by a
23 creditor if the creditor is licensed under AS 21.27 as an insurance producer, a
24 managing general agent, or a third-party administrator, and transacts business within
25 the scope of its license on behalf of the insurer.

26 * Sec. 76. AS 21.57.150 is repealed and reenacted to read:

27 Sec. 21.57.150. PENALTIES. (a) In addition to any other penalty provided
28 by law, a person licensed under AS 21.27 that the director determines under
29 AS 21.06.170 - 21.06.240 has violated the provisions of this chapter is subject to

30 (1) a civil penalty equal to the compensation promised, paid, or to be
31 paid, directly or indirectly, to the licensee in regard to a violation;

1 (2) either a civil penalty of not more than \$10,000 for a violation or,
2 if the director determines that the person wilfully violated the provisions of this
3 chapter, a civil penalty of not more than \$25,000 for a violation; and

4 (3) denial, nonrenewal, suspension, or revocation of a license.

5 (b) In addition to any other penalty provided by law, an insurer that the
6 director determines under AS 21.06.170 - 21.06.240 has violated the provisions of this
7 chapter is subject to

8 (1) a civil penalty equal to the premium earned, directly or indirectly,
9 by the insurer in regard to a violation;

10 (2) either a civil penalty of not more than \$10,000 for a violation or,
11 if the director determines that the insurer wilfully violated the provisions of this
12 chapter, a civil penalty of not more than \$25,000 for a violation; and

13 (3) denial, suspension, or revocation of a certificate of authority.

14 (c) In addition to any other penalty provided by law, any person that the
15 director determines under AS 21.06.170 - 21.06.240 has violated the provisions of this
16 chapter is subject to

17 (1) either a civil penalty of not more than \$10,000 for a violation or,
18 if the director determines that the person wilfully violated the provisions of this
19 chapter, a civil penalty of not more than \$25,000 for a violation; and

20 (2) denial of a license.

21 * Sec. 77. AS 21.57.160 is repealed and reenacted to read:

22 Sec. 21.57.160. DEFINITIONS. In this chapter,

23 (1) "agriculture credit transaction commitment" means a binding
24 agreement to loan money up to a fixed amount as needed for agricultural purposes;

25 (2) "compensation" means commissions, dividends, retrospective rate
26 credits, service fees, expense allowances or reimbursements, gifts, furnishing
27 equipment, facilities, goods, or services, or any other form of remuneration resulting
28 directly from the sale of consumer credit insurance;

29 (3) "consumer credit insurance" means credit life insurance, credit
30 disability insurance, or credit unemployment insurance;

31 (4) "credit disability insurance" means insurance on a debtor to provide

1 indemnity for payments or debt becoming due on a specific loan or other credit
2 transaction while the debtor is disabled,

3 (5) "credit life insurance" means insurance on the life of a debtor under
4 or in connection with all or a part of a specific loan or other credit transaction;

5 (6) "credit unemployment insurance" means insurance on a debtor to
6 provide indemnity for payments or debt becoming due on a specific loan or other
7 credit transaction while the debtor is involuntarily unemployed;

8 (7) "credit transaction" means a transaction by which the repayment for
9 money loaned or a loan commitment made or payment for goods, services, or
10 properties sold or leased is made at a future date;

11 (8) "creditor" means a person who lends money or who sells or leases
12 goods, services, property, rights, or privileges, for which payment is arranged through
13 a credit transaction, and includes a person who is a successor to the right, title, or
14 interest of the lender, seller, or lessor;

15 (9) "debtor" means a person who borrows money, or purchases or
16 leases goods, services, property, rights, or privileges for which payment is arranged
17 through a credit transaction;

18 (10) "educational credit transaction commitment" means a binding
19 agreement to loan money up to a fixed amount as needed for educational purposes;

20 (11) "gross debt" means the total of the remaining payments owed to
21 the creditor by the debtor;

22 (12) "identifiable charge" means a charge for consumer credit insurance
23 that is made to a debtor having the benefit of the insurance, including a charge for
24 insurance that is disclosed in the consumer credit agreement or other instrument
25 furnished to the debtor;

26 (13) "net debt" means the amount necessary to liquidate the remaining
27 debt in a single lump sum payment, excluding all unearned finance charges;

28 (14) "open-end consumer credit" means consumer credit extended by
29 a creditor under an agreement in which

30 (A) the creditor reasonably contemplates repeated transactions;

31 (B) the creditor imposes a periodic finance charge on an

1 outstanding unpaid balance; and

2 (C) the amount of consumer credit that may be extended to the
3 debtor during the term of the agreement, up to any limit set by the creditor, is
4 generally made available to the extent that any outstanding balance is repaid;

5 (15) "rule of anticipation" means a refund method that results in
6 refunds equal to the premium cost of scheduled benefits subsequent to the date of
7 cancellation or termination, computed at the schedule of premium rates in effect on the
8 date of issue.

9 * Sec. 78. AS 21.69 is amended by adding new sections to read:

10 Sec. 21.69.645. REDOMESTICATION. (a) An insurer organized under the
11 laws of another state and admitted to do business in this state may become a domestic
12 insurer of this state by complying with the requirements of this title relative to the
13 organization and licensing of a domestic insurer and by designating its principal place
14 of business at a place in this state.

15 (b) A domestic insurer may, upon approval of the director, transfer its domicile
16 to another state in which it is admitted to transact the business of insurance. Upon a
17 transfer as described in this subsection, the insurer shall cease to be a domestic insurer
18 of this state, but shall be considered admitted to this state. The insurer shall meet the
19 qualifications to remain admitted to this state for a period of three years or, if ordered
20 by the director, a longer period. The director may approve a proposed transfer unless
21 the transfer is not in the interest of the policyholders of the insurer or the insurance
22 marketplace of this state.

23 (c) Upon transfer of domestic status to or from this state, the certificate of
24 authority, appointments under AS 21.27.100, rates, and other items that the director
25 allows, and that are in existence at the time the insurer is licensed to transact the
26 business of insurance in this state, shall continue in full force and effect and the
27 insurer shall remain duly qualified to transact the business of insurance in this state.
28 Outstanding policies of a transferring insurer shall remain in full force and effect and
29 shall be endorsed with the new name of the company, its new location, and any other
30 information the director may require. A transferring insurer shall notify the director
31 of the details of the proposed transfer 30 days before the effective date of the transfer

1 and shall promptly file any resulting amendments to corporate documents filed or
2 required to be filed with the director.

3 (d) A transfer of domestic status by merger, consolidation, or any other lawful
4 method of combination must meet the requirements of AS 21.69.590 or 21.69.600.
5 The certificate of authority, appointments under AS 21.27.100, rates, and other items
6 that the director allows, and that are in existence at the time the insurer is licensed to
7 transact the business of insurance in this state, shall continue in full force and effect
8 and the insurer shall remain duly qualified to transact the business of insurance in this
9 state. Outstanding policies of a domestic insurer being merged, consolidated, or
10 otherwise combined shall remain in full force and effect and shall be endorsed with
11 the new name of the company, its new location, and any other information the director
12 may require.

13 (e) An insurer that is transferring its domicile to this state shall file its revised
14 policy forms for approval under AS 21.42.

15 (f) A domestic insurer that is transferring its domicile to another state is not
16 required to file policy forms at the time of transfer if the forms have already been
17 approved under AS 21.42.

18 Sec. 21.69.648. VOLUNTARY SURRENDER OF CERTIFICATE OF
19 AUTHORITY. To voluntarily surrender the certificate of authority of a domestic
20 insurer, a request shall be made to the director to extinguish the certificate of authority
21 six months before the planned effective date of the extinguishment of the charter.
22 Before the request is granted, the director shall conduct an examination under
23 AS 21.06.120. The examination shall be completed within 12 months before the
24 effective date of an extinguishment and all issues contained in the examination report
25 must be resolved to the satisfaction of the director. Insurance business of the domestic
26 insurer shall be cancelled or reinsured as required under AS 21.69.610 or 21.69.620.

27 * Sec. 79. AS 21.72 is amended by adding a new section to read:

28 Sec. 21.72.125. QUARTERLY STATEMENTS. The director may require a
29 benevolent association to file quarterly financial statements as provided in
30 AS 21.09.205. The statements must exhibit the items and facts required under
31 AS 21.72.120(a).

1 * Sec. 80. AS 21.75 is amended by adding a new section to read:

2 Sec. 21.75.135. QUARTERLY STATEMENTS. (a) The director may require
3 a reciprocal insurer's attorney-in-fact to file a quarterly financial statement as provided
4 in AS 21.09.205.

5 (b) A statement required under (a) of this section shall be supplemented by
6 information that may be required by the director relative to the affairs and transactions
7 of the attorney-in-fact that relate to the reciprocal insurer.

8 * Sec. 81. AS 21.75.170(e) is amended to read:

9 (e) Special meetings of the committee may be called by the attorney-in-fact,
10 the chair of the committee, three members of the committee, or a signed petition of
11 at least one percent of the subscribers or three individual subscribers, whichever is
12 greater, as of the most recent annual report of the reciprocal insurer.

13 * Sec. 82. AS 21.75.170 is amended by adding a new subsection to read:

14 (g) Notwithstanding (a) of this section, a domestic reciprocal insurer
15 transacting all of its insurance activities on a subject resident, located, and to be
16 performed in this state may, with the prior written approval of the director, have a
17 subscriber's advisory committee that consists of not less than five individuals who are
18 elected by the subscribers, and who otherwise meet the requirements of (a) of this
19 section.

20 * Sec. 83. AS 21.79.900(6) is amended to read:

21 (6) "member insurer" means an insurer licensed to transact insurance
22 in the state that issues a policy described in AS 21.79.020(a) and (b), or a subscriber
23 contract providing benefits described in AS 21.87.120(a)(2) - (4) or 21.87.130(a)(2)
24 and (3), and includes an insurer whose license or certificate of authority in this state
25 may have been suspended, revoked, not renewed, or voluntarily withdrawn; "member
26 insurer" does not include

- 27 (A) a health maintenance organization licensed under
28 AS 21.86:
29 (B) a fraternal benefit society licensed under AS 21.84;
30 (C) a mandatory state pooling plan;
31 (D) a mutual assessment company or an entity that operates on

- 1 an assessment basis;
- 2 (E) an insurance exchange licensed under AS 21.75; or
- 3 (F) a nonprofit hospital or medical service organization
- 4 licensed under AS 21.87;

5 * Sec. 84. AS 21.80.020 is amended by adding a new subsection to read:

6 (b) This chapter does not apply to a risk retention group formed under 15

7 U.S.C. 3901 - 3906 (Liability Risk Retention Act).

8 * Sec. 85. AS 21.84.340 is amended by adding a new subsection to read:

9 (d) The director may require a society to file quarterly financial statements.

10 If quarterly financial statements are required, the statements must follow for a given

11 quarter the reporting specified in the quarterly financial statement blank form and

12 instructions most recently approved by the National Association of Insurance

13 Commissioners.

14 * Sec. 86. AS 21.86.080 is amended by adding new subsections to read:

15 (b) The director may require a health maintenance organization to file quarterly

16 financial statements. If quarterly financial statements are required, the statements must

17 follow for a given quarter the reporting specified in the quarterly financial statement

18 blank form and instructions most recently approved by the National Association of

19 Insurance Commissioners.

20 (c) A filing under this section is subject to AS 21.09.200 and 21.09.205.

21 * Sec. 87. AS 21.89.030 is amended to read:

22 Sec. 21.89.030. PAYMENT. An insurance company doing business in this

23 state may not pay a judgment or settlement of a claim in this state for a loss incurred

24 in this state with an instrument other than a negotiable bank check payable on demand

25 and bearing even date with the date of writing or by electronic funds transfer.

26 * Sec. 88. AS 21.89 is amended by adding new sections to read:

27 Sec. 21.89.070. ELECTRONIC DATA TRANSFER. The director may adopt

28 regulations to facilitate electronic data transfer. Electronic data transferred under

29 regulations may, at the discretion of the director, be in place of another method of

30 filing or communication otherwise required under this title.

31 Sec. 21.89.080. RISK RETENTION GROUPS AND PURCHASING GROUPS.

1 (a) A risk retention group or a purchasing group formed under and in compliance with
2 15 U.S.C. 3901 - 3906 (Liability Risk Retention Act) shall register with the director
3 and shall at all times transact business in compliance with federal law and the laws of
4 this state.

5 (b) A risk retention group or a purchasing group shall apply for initial
6 registration on forms prescribed by the director. Payment of a registration fee
7 established under AS 21.06.250 shall be submitted with the application.

8 (c) A risk retention group or a purchasing group may continue its registration
9 if it is in compliance with federal law and the laws of this state. Payment of an annual
10 continuation fee established under AS 21.06.250 shall be submitted with the
11 continuation application.

12 (d) A risk retention group holding a valid certificate of authority as a domestic
13 insurer or a purchasing group duly licensed under AS 21.27 as a resident license is not
14 required to be additionally registered under this section.

15 (e) A risk retention group or purchasing group that is not in compliance with
16 15 U.S.C. 3901 - 3906 (Liability Risk Retention Act) is not eligible for registration or
17 annual continuation of its registration.

18 (f) Failure to comply with 15 U.S.C. 3901 - 3906 (Liability Risk Retention
19 Act) is a violation of this title.

20 (g) In addition to any other penalty provided by law, a person that the director
21 determines under AS 21.06.170 - 21.06.240 has violated a provision of this title
22 relative to a risk retention group or a purchasing group is subject to

23 (1) a civil penalty of not more than \$10,000 for a violation or, if the
24 director determines that the person wilfully violated a provision of this title, a civil
25 penalty of not more than \$25,000 for a violation; and

26 (2) denial, noncontinuation, or revocation of a registration.

27 (h) The director may adopt regulations on the operation and reporting
28 requirements of a risk retention group that are not in conflict with 15 U.S.C 3901 -
29 3906 (Liability Risk Retention Act).

30 * Sec. 89. AS 21.90.900(26) is amended to read:

31 (26) "managing general agent" means a person, firm, or corporation that

1 (A) has authority to exercise general supervision over the
2 business, or any part of the business, of one or more admitted insurers; and
3 (B) performs administrative functions normally performed by
4 the insurer including claims administration and payment, marketing
5 administration, agent appointment, premium accounting, premium billing,
6 coverage verification, final underwriting authority, or [AND] certificate
7 issuance;

8 * Sec. 90. AS 21.27.650(f)(3) and AS 21.36.420 are repealed.
9 * Sec. 91. AS 21.57.110 and 21.57.170 are repealed.
10 * Sec. 92. AS 21.09.300(c), enacted in sec. 13 of this Act, has the effect of amending
11 Alaska Rule of Civil Procedure 45, by providing that certain insurer reports of material
12 transactions are not subject to subpoena.
13 * Sec. 93. TRANSITION. This Act applies to a policy of insurance that is entered into
14 or renewed on or after the effective date of the relevant provision of this Act.
15 * Sec. 94. Sections 14 and 15 of this Act take effect only if legislation is passed by the
16 Eighteenth Alaska State Legislature and becomes law that establishes risk based capital
17 requirements for insurers.
18 * Sec. 95. If secs. 14 and 15 of this Act take effect, they take effect on the effective date
19 of the legislation described in sec. 94 of this Act.
20 * Sec. 96. Sections 63 - 75 and 91 of this Act take effect October 1, 1994.
21 * Sec. 97. Except as provided in secs. 95 and 96 of this Act, this Act takes effect July 1,
22 1994.