

ASSEMBLY BILL

No. 293

Introduced by Assembly Member Hoge

February 7, 1995

An act to amend Section 10191 of the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 293, as introduced, Hoge. Life and disability insurance: filing of documents.

Existing law authorizes the Insurance Commissioner, from time to time as conditions warrant, after notice and hearing, to adopt reasonable rules and regulations as respects the filing and approval of documents, as specified.

This bill would additionally require the commissioner, as far as reasonably practicable, to establish a system to acknowledge receipt of those documents required to be filed.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10191 of the Insurance Code is
2 amended to read:
3 10191. (a) The commissioner may, from time to time
4 as conditions warrant, after notice and hearing,
5 promulgate such reasonable rules and regulations, and
6 amendments and additions thereto, as are necessary or
7 advisable, to establish and maintain a procedure for the

1 filing and approval of documents, as defined in this
2 section, prior to their issuance, delivery, or use in this
3 state, in lieu of the requirements of submission, filing, or
4 approval for the documents presently provided in
5 Section 10205, 10205.5, 10205.6, 10225, 10270, 10270.1,
6 10270.57, 10270.9, 10270.91, 10270.92, 10270.93, 10290,
7 10292, 11066, 11069, 11513, 11513.1, 11513.2, 11515, or
8 11658. For purposes of this section, “document” includes,
9 but is not limited to, every form of contract, insurance
10 policy, application, rider, endorsement, amendment,
11 insert policy page, certificate, or other evidence or notice
12 of insurance, fill-in material, schedules of rates and
13 classifications of risks, and any modification to any
14 document, which is subject to the requirements of any of
15 the enumerated sections.

16 (b) Any such rule or regulation shall be promulgated
17 in accordance with the procedure provided in Chapter
18 3.5 (commencing with Section 11340) of Part 1 of Division
19 3 of Title 2 of the Government Code.

20 (c) In promulgating any such rule or regulation, the
21 commissioner may give consideration to the following
22 circumstances:

23 (1) Whether all such documents, the submission,
24 filing, or approval of which is governed by any of the
25 foregoing enumerated sections, or only a portion thereof
26 described in the rule or regulation, shall be subject
27 thereto.

28 (2) Whether certain documents or portions thereof
29 should be regulated in respect of submission, filing, or
30 approval in a fashion differing from similar requirements
31 applicable to other documents.

32 (3) Whether varying procedures may be made
33 applicable among admitted insurers in respect of the
34 submission, filing or approval predicated, in whole or in
35 part, upon such factors as the age and size of the
36 submitting insurer, the period of its licensing in this state
37 for the class or classes of insurance represented by the
38 documents, the nature and number of prior submissions
39 of similar documents and the disposition thereof by the
40 commissioner, and similar criteria which is relevant to a



1 determination that the submitting insurer has
2 demonstrated compliance with all applicable statutes,
3 rules, and regulations relating to documents comprising
4 prior submissions.

5 (d) In promulgating any such rules and regulations,
6 the commissioner shall, so far as practical, describe or
7 define certain provisions: (1) which the commissioner
8 will authorize without review when accompanied by a
9 certification prescribed by him or her by rule, and (2)
10 which the commissioner will under no circumstances
11 approve.

12 (e) The commissioner shall establish a period of time,
13 not shorter than one year, during which any change in the
14 provisions which pursuant to subdivision (d), he or she
15 has provided he or she will under no circumstances
16 approve, will not apply to policies filed prior to the
17 effective date of the change.

18 (f) Except as otherwise provided in this section any
19 document approved by the commissioner pursuant to
20 rules and regulations authorized by this section may have
21 its approval withdrawn in accordance with subdivision
22 (d) of Section 10291.5 or Section 12957, whichever is
23 applicable.

24 (g) *The commissioner shall, as far as reasonably*
25 *practicable, establish a system to acknowledge receipt of*
26 *documents required to be filed by this section.*

