

1 **SENATE FLOOR VERSION**

2 April 9, 2024

3 ENGROSSED HOUSE
4 BILL NO. 3093

By: Tedford, Hefner, and Fugate
of the House

5 and

6 Pemberton of the Senate

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9 An Act relating to insurance; amending 36 O.S. 2021,
10 Section 942, which relates to motor vehicle insurance
11 policies and when traffic record may be basis for
12 rate changes or cancellation; modifying record
13 requirements; amending 36 O.S. 2021, Section 943,
14 which relates to cancellation of motor vehicle
15 insurance policy, increasing premium rates, or
16 refusal to issue or renew policy; prohibiting certain
17 actions after filing first claim; modifying hearing
18 language; and providing an effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY 36 O.S. 2021, Section 942, is
21 amended to read as follows:

22 Section 942. Any insurance carrier that issues motor vehicle
23 liability or collision insurance policies in this state shall not
24 establish or apply premium rates, increase premium rates, cancel a
policy, or refuse to issue or renew a policy, based on any traffic
record ~~maintained by the Department of Public Safety, including, but~~
not limited to, traffic complaints, traffic citations or other legal

1 forms of traffic charges, and accident reports, which covers a
2 period of time more than three (3) years prior to the date the
3 insurance carrier makes a determination to take any such action;
4 provided, however, those offenses that are provided for in
5 subsection C of Section 941 of this title and the offense of
6 reckless driving as provided for in Section 11-901 of Title 47 of
7 the Oklahoma Statutes may be considered by an insurance carrier for
8 a period of not more than five (5) years.

9 SECTION 2. AMENDATORY 36 O.S. 2021, Section 943, is
10 amended to read as follows:

11 Section 943. A. No insurance carrier who issues motor vehicle
12 policies in this state shall use traffic complaints, traffic
13 citations or other legal forms of traffic charges as a basis for
14 cancellation of a motor vehicle insurance policy, increasing premium
15 rates for a motor vehicle insurance policy or refusing to issue or
16 renew a motor vehicle insurance policy, where:

- 17 1. ~~the~~ The insured was acquitted of the charge;
- 18 2. ~~the~~ The insured was arrested and no charges were filed; or
- 19 3. ~~the~~ The insured was arrested and the charges were dismissed.

20 B. No insurer shall cancel, refuse to renew or otherwise
21 terminate, or increase the premium of a motor vehicle policy which
22 has been in effect more than forty-five (45) days solely because the
23 insured filed a first claim against the policy. Nothing in this
24 subsection shall be construed to prevent the cancellation,

1 nonrenewal or other termination, or increase in premium for any of
2 the following reasons:

3 1. Nonpayment of premium;

4 2. Discovery of fraud or material misrepresentation in the
5 procurement of the insurance or with respect to any claims submitted
6 thereunder;

7 3. Offenses provided for in subsection C of Section 941 of this
8 title;

9 4. Offenses provided for in Section 11-901 of Title 47 of the
10 Oklahoma Statutes; or

11 5. A determination by the Insurance Commissioner that the
12 continuation of the policy would place the insurer in violation of
13 the insurance laws of this state.

14 C. The Insurance Commissioner may suspend or revoke, after
15 notice and opportunity for a hearing, the certificate of authority
16 to transact insurance business in this state of any insurance
17 carrier violating the provisions of this section or may censure the
18 insurer or impose a fine.

19 SECTION 3. This act shall become effective November 1, 2024.

20 COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT AND INSURANCE
21 April 9, 2024 - DO PASS

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