

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 524

By: Quinn of the Senate

3 and

4 Sneed of the House

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7 An Act relating to workers' compensation insurance;  
8 amending 36 O.S. 2011, Section 995, as amended by  
9 Section 18, Chapter 254, O.S.L. 2013 (36 O.S. Supp.  
10 2020, Section 995), which relates to joint  
11 underwriting and reinsurance; removing exception of  
12 application of act to CompSource Mutual Insurance  
13 Company; directing the Insurance Commissioner to  
14 develop and administer an assigned risk plan  
15 providing workers' compensation insurance to certain  
16 employers; requiring plan include qualification and  
17 termination terms; requiring that certain employers  
18 receive coverage under plan; authorizing Commissioner  
19 to designate third party to develop and administer  
20 plan for certain time period; requiring Commissioner  
21 to contract with certain person to continue plan;  
22 requiring Commissioner to approve plan before  
23 implementation; requiring all private carriers to  
24 participate in plan; authorizing CompSource to  
provide coverage to certain persons for certain time  
period; repealing Sections 1, 2, 3, 4, 5, 6, 7, 8, 9,  
10, 11, 12 and 13, Chapter 254, O.S.L. 2013 (85 O.S.  
Supp. 2020, Sections 375.1, 375.2, 375.3, 375.4,  
375.5, 375.6, 375.7, 375.8, 375.9, 375.10, 375.11,  
375.12 and 375.13), 85 O.S. 2011, Sections 380 and  
396, as amended by Sections 45 and 46, Chapter 254,  
O.S.L. 2013 (85 O.S. Supp. 2020, Sections 380 and  
396), which relate to the CompSource Mutual Insurance  
Company Act, Volunteer Firefighters Group Insurance  
Pool, and CompSource information not open to public  
inspection; providing for codification; and providing  
an effective date.

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1 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill  
and insert:

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3 "An Act relating to workers' compensation insurance;  
4 amending 36 O.S. 2021, Section 995, which relates to  
5 joint underwriting and reinsurance; removing  
6 exception of application of act to CompSource Mutual  
7 Insurance Company; directing the Insurance  
8 Commissioner to develop and administer an assigned  
9 risk plan providing workers' compensation insurance  
10 to certain employers; requiring plan include  
11 qualification and termination terms; requiring that  
12 certain employers receive coverage under plan;  
13 authorizing Commissioner to designate third party to  
14 develop and administer plan for certain time period;  
15 requiring Commissioner to contract with certain  
16 person to continue plan; requiring Commissioner to  
17 approve plan before implementation; requiring all  
18 private carriers to participate in plan; authorizing  
19 CompSource to provide coverage to certain persons  
20 for certain time period; repealing 85 O.S. 2021,  
21 Sections 375.1, 375.2, 375.3, 375.4, 375.5, 375.6,  
22 375.7, 375.8, 375.9, 375.10, 375.11, 375.12, 380 and  
23 396, which relate to the CompSource Mutual Insurance  
24 Company Act, Volunteer Firefighters Group Insurance  
Pool, and CompSource information not open to public  
inspection; providing for codification; and  
providing an effective date.

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

18 SECTION 1. AMENDATORY 36 O.S. 2021, Section 995, is  
19 amended to read as follows:

20 Section 995. Joint Underwriting, Joint Reinsurance Pool and  
21 Residual Market Activities.

22 A. ~~This section shall not apply to transactions involving~~  
23 ~~CompSource Mutual Insurance Company.~~

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1       ~~B.~~ Notwithstanding paragraph 3 of subsection A of Section 992  
2 of this title, insurers participating in joint underwriting, joint  
3 reinsurance pools or residual market mechanisms may in connection  
4 with such activity act in cooperation with each other in the making  
5 of rates, rating systems, policy forms, underwriting rules, surveys,  
6 inspections and investigations, the furnishing of loss and expense  
7 statistics or other information, or carrying on research. Joint  
8 underwriting, joint reinsurance pools and residual market mechanisms  
9 shall not be deemed an advisory organization.

10       ~~C.~~ B. Except to the extent modified by this section, joint  
11 underwriting, joint reinsurance pool and residual market mechanism  
12 activities are subject to the other provisions of the Property and  
13 Casualty Competitive Loss Cost Rating Act.

14       ~~D.~~ C. If, after a hearing, the Commissioner finds that any  
15 activity or practice of an insurer participating in joint  
16 underwriting or a pool is unfair, is unreasonable, will tend to  
17 lessen competition in any market or is otherwise inconsistent with  
18 the provisions or purposes of the Property and Casualty Competitive  
19 Loss Cost Rating Act, the Commissioner may issue a written order and  
20 require the discontinuance of such activity or practice.

21       ~~E.~~ D. Every pool shall file with the Commissioner a copy of its  
22 constitution, articles of incorporation, agreement or association,  
23 bylaws, rules and regulations governing its activities, list of  
24 members, the name and address of a resident of this state upon whom

1 notice, orders of the Commissioner, or process may be served, and  
2 any changes in amendments or changes in the foregoing.

3 ~~F.~~ E. Any residual market mechanism, plan or agreement to  
4 implement such a mechanism, and any changes or amendments thereto,  
5 shall be submitted in writing to the Commissioner for consideration  
6 and approval, together with such information as may be reasonably  
7 required.

8 SECTION 2. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 608.2 of Title 36, unless there  
10 is created a duplication in numbering, reads as follows:

11 A. The Insurance Commissioner shall develop and administer an  
12 assigned risk plan to provide workers' compensation insurance  
13 coverage to employers who are unable to procure coverage in the  
14 voluntary market. In addition to the requirements of subsection B  
15 of this section, the plan shall include but not be limited to  
16 qualifications for and termination of coverage.

17 B. To qualify for coverage under the plan, an employer shall  
18 have been declined coverage by at least two unaffiliated insurers  
19 and shall provide documentation to the Commissioner that the  
20 unaffiliated insurers are unwilling to provide coverage at any  
21 premium level that is reasonably related to the risk presented by  
22 the employer.

23 C. Any employer satisfying the requirements of subsection B of  
24 this section, and any other qualifications established by the

1 Commissioner, shall be provided coverage at a premium level to be  
2 determined or approved by the Insurance Commissioner. Premiums  
3 shall be actuarially sound, consistent with industry standards for  
4 classification and rate-making methodologies and calculated to  
5 enable the plan to be self-sustaining and able to operate without  
6 subsidies from employers and insurers in the voluntary market, to  
7 the extent possible. Rates shall not be excessive, inadequate or  
8 unfairly discriminatory, pursuant to Section 902 of Title 36 of the  
9 Oklahoma Statutes.

10 D. The Insurance Commissioner may designate a third party  
11 including a private carrier or rating organization with substantial  
12 experience in developing and administering similar programs in other  
13 states, to develop and administer the assigned risk plan for a  
14 three-year period beginning on the effective date of this act.  
15 Following this period, the Commissioner shall contract with the same  
16 or another qualified third party to continue the administration of  
17 the assigned risk plan, provided, however, that the Commissioner  
18 shall approve the plan prior to the plan becoming operative. The  
19 plan established pursuant to this section shall require that all  
20 private carriers participate as a condition of their authority to  
21 transact business in this state.

22 E. Prior to the operation of the plan established pursuant to  
23 the provisions of this section, but in no event later than June 1,  
24 2024, CompSource Mutual Insurance Company, a private, domestic



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2 BILL NO. 524

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8 Section 18, Chapter 254, O.S.L. 2013 (36 O.S. Supp.  
9 2020, Section 995), which relates to joint  
10 underwriting and reinsurance; removing exception of  
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12 Company; directing the Insurance Commissioner to  
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18 to designate third party to develop and administer  
19 plan for certain time period; requiring Commissioner  
20 to contract with certain person to continue plan;  
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24 provide coverage to certain persons for certain time  
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396), which relate to the CompSource Mutual Insurance  
Company Act, Volunteer Firefighters Group Insurance  
Pool, and CompSource information not open to public  
inspection; providing for codification; and providing  
an effective date.

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

1 SECTION 5. AMENDATORY 36 O.S. 2011, Section 995, as  
2 amended by Section 18, Chapter 254, O.S.L. 2013 (36 O.S. Supp. 2020,  
3 Section 995), is amended to read as follows:

4 Section 995. Joint Underwriting, Joint Reinsurance Pool and  
5 Residual Market Activities.

6 ~~A. This section shall not apply to transactions involving~~  
7 ~~CompSource Mutual Insurance Company.~~

8 ~~B.~~ Notwithstanding paragraph 3 of subsection A of Section 992  
9 of this title, insurers participating in joint underwriting, joint  
10 reinsurance pools or residual market mechanisms may in connection  
11 with such activity act in cooperation with each other in the making  
12 of rates, rating systems, policy forms, underwriting rules, surveys,  
13 inspections and investigations, the furnishing of loss and expense  
14 statistics or other information, or carrying on research. Joint  
15 underwriting, joint reinsurance pools and residual market mechanisms  
16 shall not be deemed an advisory organization.

17 ~~C.~~ B. Except to the extent modified by this section, joint  
18 underwriting, joint reinsurance pool and residual market mechanism  
19 activities are subject to the other provisions of the Property and  
20 Casualty Competitive Loss Cost Rating Act.

21 ~~D.~~ C. If, after a hearing, the Commissioner finds that any  
22 activity or practice of an insurer participating in joint  
23 underwriting or a pool is unfair, is unreasonable, will tend to  
24 lessen competition in any market or is otherwise inconsistent with

1 the provisions or purposes of the Property and Casualty Competitive  
2 Loss Cost Rating Act, the Commissioner may issue a written order and  
3 require the discontinuance of such activity or practice.

4 ~~F.~~ D. Every pool shall file with the Commissioner a copy of its  
5 constitution, articles of incorporation, agreement or association,  
6 bylaws, rules and regulations governing its activities, list of  
7 members, the name and address of a resident of this state upon whom  
8 notice, orders of the Commissioner, or process may be served, and  
9 any changes in amendments or changes in the foregoing.

10 ~~F.~~ E. Any residual market mechanism, plan or agreement to  
11 implement such a mechanism, and any changes or amendments thereto,  
12 shall be submitted in writing to the Commissioner for consideration  
13 and approval, together with such information as may be reasonably  
14 required.

15 SECTION 6. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 608.2 of Title 36, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. The Insurance Commissioner shall develop and administer an  
19 assigned risk plan to provide workers' compensation insurance  
20 coverage to employers who are unable to procure coverage in the  
21 voluntary market. In addition to the requirements of subsection B  
22 of this section, the plan shall include but not be limited to  
23 qualifications for and termination of coverage.

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1 B. To qualify for coverage under the plan, an employer shall  
2 have been declined coverage by at least two unaffiliated insurers  
3 and shall provide documentation to the Commissioner that the  
4 unaffiliated insurers are unwilling to provide coverage at any  
5 premium level that is reasonably related to the risk presented by  
6 the employer.

7 C. Any employer satisfying the requirements of subsection B of  
8 this section, and any other qualifications established by the  
9 Commissioner, shall be provided coverage at a premium level to be  
10 determined or approved by the Insurance Commissioner. Premiums  
11 shall be actuarially sound, consistent with industry standards for  
12 classification and rate-making methodologies and calculated to  
13 enable the plan to be self-sustaining and able to operate without  
14 subsidies from employers and insurers in the voluntary market, to  
15 the extent possible. Rates shall not be excessive, inadequate or  
16 unfairly discriminatory, pursuant to Section 902 of Title 36 of the  
17 Oklahoma Statutes.

18 D. The Insurance Commissioner may designate a third party  
19 including a private carrier or rating organization with substantial  
20 experience in developing and administering similar programs in other  
21 states, to develop and administer the assigned risk plan for a  
22 three-year period beginning on the effective date of this act.  
23 Following this period, the Commissioner shall contract with the same  
24 or another qualified third party to continue the administration of

1 the assigned risk plan, provided, however, that the Commissioner  
2 shall approve the plan prior to the plan becoming operative. The  
3 plan established pursuant to this section shall require that all  
4 private carriers participate as a condition of their authority to  
5 transact business in this state.

6 E. Prior to the operation of the plan established pursuant to  
7 the provisions of this section, but in no event later than January  
8 1, 2023, CompSource Mutual Insurance Company, a private, domestic  
9 mutual insurance company incorporated in this state and regulated by  
10 the Insurance Department, successor-in-interest to CompSource  
11 Oklahoma, shall serve as the residual market mechanism for those  
12 insureds who would otherwise be in the assigned risk plan.

13 SECTION 7. REPEALER Sections 1, 2, 3, 4, 5, 6, 7, 8, 9,  
14 10, 11, 12 and 13, Chapter 254, O.S.L. 2013 (85 O.S. Supp. 2020,  
15 Sections 375.1, 375.2, 375.3, 375.4, 375.5, 375.6, 375.7, 375.8,  
16 375.9, 375.10, 375.11, 375.12 and 375.13), and 85 O.S. 2011,  
17 Sections 380 and 396, as amended by Sections 45 and 46, Chapter 254,  
18 O.S.L. 2013 (85 O.S. Supp. 2020, Sections 380 and 396), are hereby  
19 repealed.

20 SECTION 8. This act shall become effective November 1, 2021.  
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