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THE STATE SENATE
Thursday, February 21, 2002

Senate Bill No. 904

SENATE BILL NO. 904 - By: MORGAN of the Senate and HASTINGS of the House.

An Act relating to insurance; amending 36 O.S. 2001, Section 1250.2, which relates to the Unfair Claims Settlement Practices Act; modifying certain definition; and providing an effective date.

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

SECTION 1. AMENDATORY 36 O.S. 2001, Section 1250.2, is amended to read as follows:

Section 1250.2 As used in the Unfair Claims Settlement Practices Act:

1. "Agent" means any individual, corporation, association, partnership, or other legal entity authorized to represent an insurer with respect to a claim;

2. "Claimant" means either a first party claimant, a third party claimant, or both, and includes such claimant's designated legal representatives and includes a member of the claimant's immediate family designated by the claimant;

3. "Commissioner" means the Insurance Commissioner;

4. "First party claimant" means an individual, corporation, association, partnership, or other legal entity, including a subscriber under any plan providing health services, asserting a

1 right to payment pursuant to an insurance policy or insurance
2 contract for an occurrence of contingency or loss covered by such
3 policy or contract;

4 5. "Insurance policy or insurance contract" means any contract
5 of insurance, certificate, indemnity, medical or hospital service,
6 suretyship, or annuity issued, proposed for issuance, or intended
7 for issuance by any entity subject to this Code;

8 6. "Insurer" means a person licensed by the Commissioner to
9 issue or who issues any insurance policy or insurance contract in
10 this state, including the State Insurance Fund, and any third-party
11 administrator;

12 7. "Investigation" means all activities of an insurer directly
13 or indirectly related to the determination of liabilities under
14 coverages afforded by an insurance policy or insurance contract;

15 8. "Notification of claim" means any notification, whether in
16 writing or other means acceptable under the terms of an insurance
17 policy or insurance contract, to an insurer or its agent, by a
18 claimant, which reasonably apprises the insurer of the facts
19 pertinent to a claim; and

20 9. "Third party claimant" means any individual, corporation,
21 association, partnership, or other legal entity asserting a claim
22 against any individual, corporation, association, partnership, or

1 other legal entity insured under an insurance policy or insurance
2 contract.

3 SECTION 2. This act shall become effective November 1, 2002.

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-19-02 - DO
5 PASS, As Coauthored.