

HOUSE BILL No. 2045

By Committee on Insurance

Requested by Eric Turek, Kansas Insurance Department

1-21

Proposed Amendment to HB 2045
For Senate Committee on Financial Institutions and Insurance
By Eileen Ma
Office of Revisor of Statutes

AN ACT concerning insurance; reducing the number of board members appointed by the commissioner on certain insurance-related boards and the frequency of the meetings of the committee on surety bonds and insurance; amending K.S.A. 40-2102, 40-2109, 40-3116, 40-3413 and 75-4101 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 40-2102 is hereby amended to read as follows: 40-2102. (a) Every insurer undertaking to transact in the state of Kansas the business of automobile and motor vehicle bodily injury and property damage liability insurance and every rating organization ~~which that~~ files rates for such insurance shall cooperate in ~~the preparation and submission~~ *preparing and submitting a plan* to the commissioner of insurance ~~of a plan or plans~~ for the equitable apportionment among insurers of applicants for insurance who ~~are~~, in good faith, *are* entitled to, but ~~who~~ are unable to procure *such insurance* through ordinary methods, ~~such insurance~~. Such plan or plans shall provide:

(~~a~~)(1) Reasonable rules governing the equitable distribution of risks by direct insurance, reinsurance or otherwise and their assignment to insurers, including provisions requiring, at the request of the applicant, an immediate assumption of the risk by an insurer or insurers upon completion of an application, payment of the specified premium and deposit the application and the premium in the United States mail, postage prepaid and addressed to the plan's office;

(~~b~~)(2) rates and rate modifications applicable to such risks ~~which that~~ shall be reasonable, adequate and not unfairly discriminatory;

(~~c~~)(3) the limits of liability ~~which that~~ the insurer shall be required to assume;

(~~d~~)(4) a method ~~whereby by which~~ applicants for insurance, insureds and insurers may have a hearing on grievances and the right of appeal to the commissioner;

(~~e~~) ~~for every such plan or plans, there shall be~~ (5) a governing board to be appointed by the commissioner of insurance ~~which that~~ shall meet at least annually to review and prescribe operating rules, ~~and which shall consist of the following members:~~

1 data.

2 (4) The state board of regents may adopt rules and regulations
3 necessary to administer and implement the provisions of this section.

4 Sec. 6. K.S.A. 40-2102, 40-2109, 40-3116, 40-3413 and 75-4101 are
5 hereby repealed.

6 Sec. 7. This act shall take effect and be in force from and after its
7 publication in the ~~statute book~~.

Kansas register