

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 496 of the Regular Session

As Engrossed: S2/28/07 H3/9/07

A Bill

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

SENATE BILL 379

4
5 By: Senators Miller, Argue, Bookout, Critcher, Crumbly, Horn, B. Johnson, Malone
6 By: Representative Rosenbaum

7
8
9 **For An Act To Be Entitled**

10 AN ACT TO ENACT THE STATE INSURANCE DEPARTMENT
11 GENERAL OMNIBUS BILL; TO UPDATE AND MAKE
12 TECHNICAL CORRECTIONS TO THE ARKANSAS INSURANCE
13 CODE; TO CONFORM THE EXAMINATION OF INSURERS,
14 REINSURANCE REGULATION, CUSTODIED SECURITIES, AND
15 BROKER'S CAPITAL REQUIREMENTS TO CURRENT
16 INSURANCE PRACTICES; TO PROVIDE FOR EMPLOYER
17 STOP-LOSS COVERAGE, WRITTEN MANAGEMENT AND
18 SERVICE AGREEMENTS, AND LOCAL GOVERNMENT
19 CHARITABLE ANNUITY PROGRAMS; AND FOR OTHER
20 PURPOSES.

21
22 **Subtitle**

23 TO UPDATE AND MAKE TECHNICAL CORRECTIONS
24 TO THE ARKANSAS INSURANCE CODE, TO
25 CONFORM THE EXAMINATION OF INSURERS AND
26 OTHER MATTERS TO CURRENT INSURANCE
27 PRACTICES, AND TO ADDRESS VARIOUS OTHER
28 INSURANCE ISSUES.

29
30
31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

32
33 SECTION 1. Arkansas Code § 23-61-201(a), concerning the Insurance
34 Commissioner's routine audits of insurers, is amended to read as follows:

35 (a)(1) The Insurance Commissioner shall examine the affairs,



1 transactions, accounts, records, market conduct activity, and assets of each
2 authorized insurer as often as in the commissioner's sole discretion he or
3 she deems advisable.

4 (2) The commissioner shall so examine each authorized insurer
5 not less frequently than every five (5) years.

6 (3) Examination of an alien insurer shall be limited to its
7 insurance transactions and affairs in the United States.

8 (4) In scheduling and determining the nature, scope, and
9 frequency of the examinations, the commissioner shall consider such matters
10 as the results of financial statement analyses and ratios, changes in
11 management or ownership, actuarial opinions, reports of independent certified
12 public accountants, and other criteria as set forth in the most current
13 edition of the applicable Examiners' Handbook and other standards adopted by
14 the National Association of Insurance Commissioners and in effect when the
15 commissioner exercises discretion to conduct an examination under subdivision
16 (a)(1) of this section.

17
18 SECTION 2. Arkansas Code § 23-61-203(a), concerning examiners
19 performing insurer audits, is amended to read as follows:

20 (a) Upon determining that an examination should be conducted, the
21 Insurance Commissioner shall issue an examination certificate of authority
22 appointing one (1) or more examiners to perform the examination and
23 instructing them as to the scope of the examination. In conducting the
24 examination, the examiner shall observe those guidelines and procedures set
25 forth in the most current edition of the applicable Examiners' Handbook
26 adopted by the National Association of Insurance Commissioners. The
27 commissioner may also employ such other guidelines or procedures as the
28 commissioner may deem appropriate.

29
30 SECTION 3. Arkansas Code § 23-61-206(a), concerning the cost of
31 insurer audits, is amended to read as follows:

32 (a) Each person so examined shall pay to the State Insurance
33 Department the actual travel expenses, reasonable living expense allowance,
34 and compensation for examiners and other persons assisting in the examination
35 on a basis not to exceed the total of the Geographical Expense Reimbursement
36 Plan set forth in the most current edition of the applicable Examiners'

1 Handbook adopted by the National Association of Insurance Commissioners, upon
2 presentation of a detailed account of the charges and expenses.

3
4 SECTION 4. Arkansas Code Title 23, Chapter 62, Subchapter 1 is amended
5 to add an additional section to read as follows:

6 23-62-111. Employee benefit stop-loss insurance.

7 (a) As used in the Arkansas Insurance Code, "employee benefit stop-
8 loss insurance" or "employee benefit excess loss insurance" means coverage
9 that insures an employer against the risk that any one (1) claim will exceed
10 a specific dollar amount or that the entire loss of a self-insurance plan
11 will exceed a specific dollar amount.

12 (b) An insurer authorized to transact accident and health insurance
13 business in this state may issue employee benefit stop-loss insurance in this
14 state.

15 (c) The Insurance Commissioner may promulgate rules to require
16 disclosures to policyholders by an insurance carrier providing employee
17 benefit stop-loss insurance.

18
19 SECTION 5. Arkansas Code § 23-62-301 is amended to read as follows:

20 23-62-301. Title - Applicability.

21 (a) This subchapter may be cited as ~~"The Model Act for the Regulation~~
22 ~~of Reserves Ceded to Nonadmitted Reinsurers"~~, the "Arkansas Credit for
23 Reinsurance Law".

24 (b) All reserves ceded to a nonadmitted reinsurer on ~~life insurance~~
25 ~~and accident and health~~ insurance written in this state shall be subject to
26 the provisions of this subchapter.

27
28 SECTION 6. Arkansas Code § 23-62-302(a), concerning reinsurance for
29 insurance companies, is amended to read as follows:

30 (a) Reinsurance of ~~life and accident and health~~ insurance risks by
31 domestic and foreign insurance companies is also regulated under the
32 provisions of §§ 23-62-201, 23-62-202, 23-62-204, and 23-62-205.

33
34 SECTION 7. Arkansas Code Title 23, Chapter 63, Subchapter 1 is amended
35 to add an additional section to read as follows:

36 23-63-114. Written management and service agreements.

1 No domestic insurance carrier, health maintenance organization,
2 farmers' mutual aid association, hospital and medical service corporation,
3 stipulated premium insurer, or fraternal benefit society shall enter into a
4 management or service agreement unless the agreement is in writing.

5
6 SECTION 8. Arkansas Code § 23-63-201, concerning certificates of
7 authority to transact the business of insurance in this state, is amended to
8 add an additional subsection to read as follows:

9 (e)(1) The commissioner shall promulgate rules to allow a city, town,
10 municipality, or county of this state acting independently or in any
11 combination pursuant to an Interlocal Cooperation Agreement under the
12 Interlocal Cooperation Act, § 25-20-101 et seq., to obtain a charitable
13 annuity permit for the purpose of establishing a charitable annuity program.

14 (2)(A) The charitable annuity program shall permit any person or
15 an entity to make voluntary and charitable donations to benefit the bona fide
16 charitable, educational, and philanthropic programs, including without
17 limitation libraries, museums, and governmentally owned hospitals, of a city,
18 town, municipality, or county acting alone or pursuant to an Interlocal
19 Cooperation Agreement under the Interlocal Cooperation Act, § 25-20-101 et
20 seq.

21 (B) The charitable donation may be made to assist the
22 establishment or maintenance of streets, parks, children's playgrounds,
23 libraries, museums, beautification projects, or any other charitable,
24 educational, or philanthropic purpose of a city, town, municipality, or
25 county.

26 (3) The charitable annuity permit shall authorize the city,
27 town, municipality, or county acting alone or pursuant to an Interlocal
28 Cooperation Agreement under the Interlocal Cooperation Act, § 25-20-101 et
29 seq., to receive unconditional gifts of money and property and to receive
30 gifts of money and property conditioned upon paying an annuity to the donor
31 or the donor's nominee.

32 (4) The rules of the commissioner to implement this subsection
33 (e) shall provide without limitation:

34 (A) That the city, town, municipality, or county acting
35 alone or pursuant to an Interlocal Cooperation Agreement under the Interlocal
36 Cooperation Act, § 25-20-101 et. Seq., has been actively involved in the

1 operation of the public charitable, educational, or philanthropic activity
2 for at least five (5) years prior to the issuance of the permit;

3 (B) For the investment of the assets and maintenance of
4 the liabilities and surplus of the charitable annuity program appropriate to
5 funding the annuities;

6 (C) That separate accounts be maintained solely for the
7 benefit of annuity contract owners;

8 (D) The prior approval of annuity contract forms and
9 annuity rates by the commissioner; and

10 (E) Annual financial reporting of a charitable annuity
11 program of a city, town, municipality, or county acting alone or pursuant to
12 an Interlocal Cooperation Agreement under the Interlocal Cooperation Act, §
13 25-20-101 et. seq., that has been granted a charitable annuity permit under
14 this subsection (e).

15
16 *SECTION 9. Arkansas Code § 23-63-514(c), concerning material*
17 *disclosures on the registration statement, is amended to read as follows:*

18 *(c)(1) Materiality. No information need be disclosed on the*
19 *registration statement filed pursuant to subsection (b) of this section if*
20 *the information is not material for the purposes of this section. Unless the*
21 *commissioner by rule, regulation, or order provides otherwise, sales,*
22 *purchases, exchanges, loans, or extensions of credit, or investments,*
23 *involving one-half of one percent (~~+.5%~~) (0.5%) or less of an insurer's*
24 *admitted assets as of the December 31 next-preceding shall not be deemed*
25 *material for purposes of this section.*

26 *(2)(A) However, each registered insurer shall disclose in*
27 *writing to the commissioner within five (5) business days following the*
28 *declaration of a dividend and no less than ten (10) business days prior to*
29 *the payment of the dividend, all ordinary dividends payable to shareholders.*

30 *(B) The disclosure shall also be included in the reporting*
31 *insurer's next annual and restated insurance registration statement and upon*
32 *any statutory filing required under § 23-63-514 or § 23-63-515.*

33
34 *SECTION 10. Arkansas Code § 23-63-515(d)(2)(A), concerning*
35 *extraordinary dividends of domestic insurers, is amended to read as follows:*

36 *(2)(A) In determining whether a dividend or distribution is*

1 extraordinary, an insurer other than a life insurer may carry forward net
2 income from the previous two (2) calendar years that has not already been
3 paid out as ~~dividends~~ a dividend.

4
5 SECTION 11. Arkansas Code § 23-63-818, concerning domestic insurer's
6 investments in subsidiaries, is amended to add an additional subsection to
7 read as follows:

8 (c)(1) Unless a greater investment has been approved in writing by the
9 commissioner, a domestic insurer subject to this subchapter shall limit its
10 investments in common stock, preferred stock, debt obligations, and other
11 securities of its noninsurance subsidiaries to the lesser of:

12 (A) Ten percent (10%) of the domestic insurer's assets; or

13 (B) Fifty percent (50%) of the domestic insurer's surplus.

14 (2) This subsection does not apply to the amount of an
15 investment held on the effective date of this act by a domestic insurer
16 licensed in Arkansas.

17
18 SECTION 12. Arkansas Code § 23-63-832(b), concerning title insurer
19 investments, is amended to read as follows:

20 (b) Investments authorized by this section shall not be credited
21 against the insurer's required unearned premium or guaranty fund reserve
22 provided for under ~~§ 23-63-610.~~ § 23-63-614.

23
24 SECTION 13. Arkansas Code § 23-69-134(b)(4), concerning the
25 maintenance of custodied securities and bank custodians, is amended to read
26 as follows:

27 (4) In the discretion of the Insurance Commissioner, custodied
28 securities may be held or managed inside or outside the state by a bank
29 custodian as defined by and subject to the requirements imposed on bank
30 custodians by rules of the State Insurance Department governing the
31 holding and transferring of securities through ~~Federal Reserve book~~
32 entry a clearing corporation. In addition, custodied securities may be
33 held or managed inside or outside the state by a securities brokerage
34 firm meeting the following qualifications:

35
36 SECTION 14. Arkansas Code § 23-69-134(b)(4)(A), concerning the

1 statutory capital requirements placed on security broker custodians, is
2 amended to read as follows:

3 (A) The securities broker-dealer firm must be
4 registered with and subject to jurisdiction of the Securities and Exchange
5 Commission, maintain membership in the Securities Investor Protection
6 Corporation, and demonstrate by its most recent audited financial statement
7 and regulatory filings:

8 (i) Tangible net worth ~~equal to or greater~~
9 ~~than one hundred million dollars (\$100,000,000)~~ that satisfies the capital
10 and financial requirements of a custodian as defined by rules promulgated by
11 the department and regulatory net capital in an amount determined by the
12 commissioner; or

13 (ii) Tangible net worth ~~equal to or greater~~
14 ~~than fifty million dollars (\$50,000,000)~~, that satisfies the capital and
15 financial requirements of a custodian as defined by rules promulgated by the
16 department along with:

17 (a) Regulatory net capital in an amount
18 determined by the commissioner; and

19 (b) Securities Investor Protection
20 Corporation excess insurance coverage equal to or greater than the market
21 value of the insurers' securities held by the custodian and in the form
22 approved by the commissioner;

23

24 SECTION 15. Arkansas Code § 23-79-101 is amended to read as follows:
25 23-79-101. Definitions.

26 As used in this section and §§ 23-79-102 – ~~23-79-107, 23-79-109 –~~ 23-
27 79-128, 23-79-131 – 23-79-134, and 23-79-202 – 23-79-210:

28 (1) "Policy" means the written contract of or written agreement
29 for or effecting insurance, by whatever name called, and includes all
30 clauses, riders, endorsements, and papers made a part thereof; and

31 (2) "Premium" is the consideration for insurance, by whatever
32 name called. Any assessment, or any membership, policy, survey, inspection,
33 service, or similar fee or charge in consideration for a policy is deemed
34 part of the premium.

35

36 SECTION 16. Arkansas Code § 23-83-123(a), concerning group health

1 insurance, is amended to read as follows:

2 (a) All group life, annuity, and ~~disability~~ accident and health
3 insurance placed by an employer on employees who are residents of this state
4 shall be placed by the employer with an insurer authorized to transact
5 insurance in this state.

6
7 SECTION 17. Arkansas Code § 23-83-124(a), concerning group health
8 insurance withholdings, is amended to read as follows:

9 (a) Any employer in this state withholding or collecting any money
10 from employees who are residents of this state for any group life, annuity,
11 or ~~disability~~ accident and health insurance placed with an unauthorized
12 insurer in violation of § 23-83-123 shall be deemed to be the agent of the
13 insurer for the purpose of service of process in any action brought by any
14 employee on the insurance contract.

15
16 SECTION 18. Arkansas Code § 23-86-119 is amended to read as follows:
17 23-86-119. Disclosure to policyholders.

18 (a) Upon request from a policyholder with more than twenty-five (25)
19 insured employees under a comprehensive health insurance policy, Any any
20 insurer issuing or delivering group accident and health insurance policies in
21 this state ~~must~~ shall provide to a the policyholder ~~with more than ninety-~~
22 ~~nine (99) insured employees under a comprehensive health insurance policy~~ the
23 following information for the most recent twelve-month period or for the
24 entire period of coverage, whichever is shorter:

- 25 (1) Claims incurred by month;
26 (2) Premiums paid by month;
27 (3) Number of insureds to include dependents by month; and
28 (4) Claims exceeding ten thousand dollars (\$10,000) on any
29 individual with diagnosis during the same period.

30 (b) This section does not require the insurer to disclose any
31 information that is required by law to be confidential.

32
33 SECTION 19. DO NOT CODIFY. The purpose of sections 20 and 21 of this
34 act is to correct references to the Internal Revenue Code in the Long-Term
35 Care Insurance Act of 2005, § 23-97-301 et seq., that may act to restrict the
36 tax qualification determination of long-term care insurance contracts to the

1 federal tax qualification of the contract under the Internal Revenue Code of
 2 1986, as it existed on January 1, 2004. It is not the intent of the General
 3 Assembly to limit the tax qualification determination of long-term care
 4 insurance contracts to the federal tax qualification of the contract under
 5 the Internal Revenue Code of 1986, as it existed on January 1, 2004.

6
 7 SECTION 20. Arkansas Code § 23-97-304(5), concerning the definition of
 8 "federally tax-qualified long-term care insurance contract" under the Long-
 9 Term Care Insurance Act of 2005, is amended to read as follows:

10 (5) "Federally tax-qualified long-term care insurance contract"
 11 means:

12 (A) ~~an~~ An individual or group insurance contract that
 13 meets the following requirements of section 7702B(b) of the Internal Revenue
 14 Code of 1986, ~~as it existed on January 1, 2004:~~

15 ~~(A)(i)(a)~~ (i)(a) The only insurance protection provided
 16 under the contract is coverage of qualified long-term care services.

17 (b) A contract satisfies the requirements of
 18 this subdivision (5)(A)(i) even though payments are made on a per diem or
 19 other periodic basis without regard to the expenses incurred during the
 20 period to which the payments relate;

21 (ii)(a) The contract does not pay or reimburse
 22 expenses incurred for services or items to the extent that the expenses:

23 (1) Are reimbursable under Title XVIII
 24 of the Social Security Act, ~~as it existed on January 1, 2004;~~ or

25 (2) Would be reimbursable but for the
 26 application of a deductible or coinsurance amount.

27 (b) The requirements of this subdivision
 28 (5)(A)(ii) do not apply to expenses that are reimbursable under Title XVIII
 29 of the Social Security Act only as a secondary payor.

30 (c) A contract satisfies the requirements of
 31 this subdivision (5)(A)(ii) even though payments are made on a per diem or
 32 other periodic basis without regard to the expenses incurred during the
 33 period to which the payments relate;

34 (iii) The contract is guaranteed renewable under
 35 section 7702B(b)(1)(C) of the Internal Revenue Code of 1986, ~~as it existed on~~
 36 ~~January 1, 2004;~~

1 (iv) The contract does not provide for a cash
2 surrender value or other money that can be paid, assigned, pledged as
3 collateral for a loan, or borrowed, except as provided in subdivision
4 (5)(A)(v) of this section;

5 (v) All refunds of premiums, policyholder dividends,
6 or similar amounts under the contract are to be applied as a reduction in
7 future premiums or to increase future benefits, except that a refund in the
8 event of the death of the insured or a complete surrender or cancellation of
9 the contract cannot exceed the aggregate premiums paid under the contract;
10 and

11 (vi) The contract meets the consumer protection
12 provisions set forth in section 7702B(g) of the Internal Revenue Code of
13 1986, ~~as it existed on January 1, 2004~~; or

14 (B) The portion of a life insurance contract that provides
15 long-term care insurance coverage by rider or as part of the contract and
16 that satisfies the requirements of ~~section~~ sections 7702B(b) and ~~section~~
17 7702B(e) of the Internal Revenue Code of 1986, ~~as it existed on January 1,~~
18 ~~2004~~;

19
20 SECTION 21. Arkansas Code § 23-97-312(b), concerning the outline of
21 coverage required to be delivered to a prospective long-term care insurance
22 applicant, is amended to read as follows:

23 (b) The outline of coverage shall include:

24 (1) A description of the principal benefits and coverage
25 provided in the policy;

26 (2) A statement of the principal exclusions, reductions, and
27 limitations contained in the policy;

28 (3)(A) A statement of the terms under which the policy or
29 certificate, or both, may be continued in force or discontinued, including
30 any reservation in the policy of a right to change premium.

31 (B) Continuation or conversion provisions of group
32 coverage shall be specifically described;

33 (4) A statement that the outline of coverage is a summary only,
34 not a contract of insurance, and that the policy or group master policy
35 contains governing contractual provisions;

36 (5) A description of the terms under which the policy or

1 certificate may be returned and premium refunded;

2 (6) A brief description of the relationship between cost of care
3 and benefits; and

4 (7) A statement that discloses to the policyholder or
5 certificate holder whether the policy is intended to be a federally tax-
6 qualified long-term care insurance contract under section 7702B(b) of the
7 *Internal Revenue Code of 1986, as it existed on January 1, 2004.*

8
9 *SECTION 22. Arkansas Code Title 4, Chapter 90 is amended to add an*
10 *additional subchapter to read as follows:*

11
12 *SUBCHAPTER 7 – DEBT CANCELLATION AGREEMENTS*

13
14 *4-90-701. Definition.*

15 *As used in this subchapter, "debt cancellation agreement" means a loan*
16 *term or contractual arrangement modifying a loan term dealing with motor*
17 *vehicles under which a lender agrees to cancel all or part of a borrower's*
18 *obligation to repay an extension of credit from the lender upon the*
19 *occurrence of a specified event other than the death or disability of the*
20 *borrower, whether or not separate from or a part of other loan documents.*
21 *Provided, however, for purposes of this subchapter only, the term "debt*
22 *cancellation agreement" shall not include that form of debt cancellation*
23 *agreement which constitutes a guaranteed automobile protection waiver*
24 *agreement or "GAP" waiver agreement. A guaranteed automobile protection*
25 *waiver agreement or "GAP" waiver agreement means a loan term or a contractual*
26 *arrangement modifying a loan term dealing with motor vehicles under which a*
27 *lender agrees to waive, cancel, pay, or satisfy any remaining balance owed*
28 *on a loan after a total loss or theft of the vehicle.*

29
30 *4-90-702. Requiring borrower to purchase debt cancellation agreement*
31 *prohibited.*

32 *A lender shall not require a borrower to purchase a debt cancellation*
33 *agreement.*

34
35 *4-90-703. Debt cancellation agreements to be legible – Disclosure*
36 *requirements.*

1 All terms of a debt cancellation agreement shall be printed or
2 reproduced to render all material provisions of the agreement legible and
3 shall clearly and conspicuously disclose the following information:

4 (1) If the debt cancellation agreement is provided by or
5 administered by a third party, the debt cancellation agreement shall disclose
6 that fact and provide the name, address, and telephone number of the third
7 party and describe the procedure to follow for filing a claim with that third
8 party under the debt cancellation agreement;

9 (2) The total retail price of the debt cancellation agreement;

10 (3) Any limitation or restriction on the cancellation of the
11 entire debt due upon the occurrence of the specified event;

12 (4) That the purchaser is allowed to cancel the debt
13 cancellation agreement at any time and receive a refund paid directly to the
14 purchaser minus any cancellation fee not to exceed twenty-five dollars
15 (\$25.00) as follows:

16 (A) If the debt cancellation agreement is cancelled within
17 thirty (30) days of purchase, a purchaser shall receive a full refund of the
18 retail price; or

19 (B) If the debt cancellation agreement is cancelled at a
20 later time, the purchaser shall receive a pro rata refund of the retail price
21 for the unexpired term based upon the number of elapsed months at the time of
22 the cancellation compared to the total length of the financing agreement; and

23 (5) That the terms of the debt cancellation agreement financed
24 by the lender are binding on the lender.

25
26 4-90-704. Debt cancellation agreements – Restrictions.

27 No debt cancellation agreement shall be issued that:

28 (1) Is in any respect in violation of or does not comply with
29 this subchapter;

30 (2) Contains or incorporates by reference if incorporation by
31 reference is otherwise permissible any inconsistent, ambiguous, illusory, or
32 misleading clauses or exceptions and conditions that deceptively affect the
33 material terms of the debt cancellation agreement;

34 (3) Has a title, heading, or other indication of its provisions
35 that is misleading; or

36 (4) Is sold after any representation, oral or written, that is

1 misleading or deceptive with respect to any material term of the contract or
2 any provision of this subchapter.

3
4 4-90-705. Application of § 4-88-101 et seq. to debt cancellation
5 agreements and sellers of debt cancellation agreements.

6 (a) Debt cancellation agreements and sellers of debt cancellation
7 agreements are subject to the provisions of § 4-88-101 et seq., and any
8 violation of any of the provisions of this subchapter constitutes an
9 unconscionable or deceptive act or practice under § 4-88-101 et seq.

10 (b) All remedies, penalties, and authority granted to the Attorney
11 General under § 4-88-101 et seq. are available to the Attorney General for
12 the enforcement of this subchapter.

13
14 SECTION 23. Arkansas Code § 23-60-102(1), concerning the definition of
15 "insurance" under the Arkansas Insurance Code, is amended to read as follows:

16 (1)(A)(i) "Insurance" is any agreement, contract, or other
17 transaction whereby one party, the "insurer", is obligated to confer benefit
18 of pecuniary value upon another party, the "insured" or "beneficiary",
19 dependent upon the happening of a fortuitous event in which the insured or
20 beneficiary has, or is expected to have at the time of such happening, a
21 material interest which will be adversely affected by the happening of such
22 an event.

23 (ii) A "fortuitous event" means any occurrence or
24 failure to occur which is, or is assumed by the parties to be, to a
25 substantial extent beyond the control of either party.

26 (B) "Insurance" shall, for purposes of subtitle 3 of this
27 title, be deemed to include "annuities", which are agreements by insurers to
28 make periodic payments that continue during the survival of the measuring
29 life or lives under the agreements or for a specified period.

30 (C) "Reinsurance" is a contract under which an originating
31 insurer, called the "ceding" insurer, procures insurance for itself in
32 another insurer, called the "assuming" insurer or reinsurer, with respect to
33 part or all of an insurance risk of the originating insurer.

34 (D)(i) "Insurance" shall not include a debt cancellation
35 agreement.

36 (ii) "Debt cancellation agreement" is a loan term or

1 contractual arrangement modifying a loan term dealing with motor vehicles
2 under which a lender agrees to cancel all or part of a borrower's obligation
3 to repay an extension of credit from the lender upon the occurrence of a
4 specified event other than the death or disability of the borrower. The
5 agreement may be separate from or a part of other loan documents."

6
7 SECTION 24. EMERGENCY CLAUSE. It is found and determined by the
8 General Assembly of the State of Arkansas that the incompatibility of acts of
9 the Eighty-Sixth General Assembly presents difficult compliance issues for
10 the administration of debt cancellation agreements; that in order to avoid a
11 disruption in commerce associated with compliance with other debt
12 cancellation legislation, the enactment of Sections 22 and 23 of this act is
13 immediately necessary. Therefore, an emergency is declared to exist and
14 Sections 22 and 23 of this act being immediately necessary for the
15 preservation of the public peace, health, and safety, Sections 22 and 23
16 shall become effective on:

17 (1) The date of its approval by the Governor;

18 (2) If the bill is neither approved nor vetoed by the Governor,
19 the expiration of the period of time during which the Governor may veto the
20 bill; or

21 (3) If the bill is vetoed by the Governor and the veto is
22 overridden, the date the last house overrides the veto.

23
24 /s/ Miller

25
26 APPROVED: 3/26/2007