

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

*As Engrossed: H2/17/15*  
**A Bill**

SENATE BILL 219

5 By: Senator Rapert  
6 By: Representative Collins  
7

**For An Act To Be Entitled**

9 AN ACT TO ENACT THE STATE INSURANCE DEPARTMENT'S  
10 GENERAL OMNIBUS BILL; TO CLARIFY THAT THE PUBLIC  
11 EMPLOYEE CLAIMS DIVISION IS RESPONSIBLE FOR FINANCING  
12 WORKERS' COMPENSATION COVERAGE FOR PUBLIC EMPLOYEES;  
13 TO CLARIFY THE GOVERNMENTAL BONDING BOARD'S  
14 RESPONSIBILITIES UNDER THE SELF-INSURED FIDELITY BOND  
15 PROGRAM TO SEEK RESTITUTION UPON A CRIMINAL  
16 CONVICTION; TO MODIFY THE DIVERSIFICATION  
17 RESTRICTIONS ON INVESTMENTS IN CERTIFICATES OF  
18 DEPOSIT AND SAVINGS AND LOAN ASSOCIATION DEPOSITS; TO  
19 REPEAL THE EXPERIENCE REQUIREMENT FOR AN ADJUSTER  
20 LICENSE; TO REVISE THE APPLICABILITY OF CERTAIN LAWS  
21 TO TITLE INSURANCE; TO CLARIFY THE GROUNDS FOR  
22 DISAPPROVING A PREMIUM RATE FORM; TO REPLACE OBSOLETE  
23 LANGUAGE CONCERNING REMITTANCE OF INSURANCE PREMIUM  
24 TAX; AND FOR OTHER PURPOSES.  
25

**Subtitle**

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27  
28 TO ENACT THE STATE INSURANCE DEPARTMENT'S  
29 GENERAL OMNIBUS BILL.  
30

31  
32 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
33

34 SECTION 1. Arkansas Code § 6-17-1403 is amended to read as follows:  
35 6-17-1403. Financing coverage.

36 (a) The General Assembly shall ~~biennially~~ appropriate funds as ~~it~~



1 ~~shall deem~~ necessary to cover ~~awards~~ an award made to a school district  
 2 ~~employees~~ employee under ~~the provisions of~~ this subchapter for claims that  
 3 arose before July 1, 1994.

4 (b) All funds so appropriated by the General Assembly shall be  
 5 deposited in the Workers' Compensation Revolving Fund, and all awards made  
 6 under ~~the provisions of~~ this subchapter shall be paid from the fund ~~on~~  
 7 ~~vouchers drawn by the Workers' Compensation Commission~~ Public Employee Claims  
 8 Division of the State Insurance Department.

9 (c) Annually on July 1, the ~~commission~~ division shall certify to the  
 10 Chief Fiscal Officer of the State the amounts of all awards made and paid  
 11 during the preceding year to or ~~in~~ on behalf of public school employees, and  
 12 the Chief Fiscal Officer of the State shall cause to be transferred to the  
 13 Workers' Compensation Revolving Fund from the Public School Fund the amount  
 14 as was certified to him or her as having been paid ~~hereunder in~~ on behalf of  
 15 public school employees.

16 (d) The Commissioner of Education shall also cause to be transferred  
 17 to the Workers' Compensation Revolving Fund from the Public School Fund such  
 18 amounts as may be certified to ~~him or her by the commission~~ the commissioner  
 19 by the division as the cost of administering ~~the provisions of~~ this  
 20 subchapter for public school employees.

21  
 22 SECTION 2. Arkansas Code § 21-2-708(c)(1), concerning notice of proof  
 23 of losses, investigations, and remedies under the Self-Insured Fidelity Bond  
 24 Program, is amended to read as follows:

25 (c)(1) ~~For the purpose of obtaining~~ To obtain restitution ~~as provided~~  
 26 ~~in~~ under subsection (b) of this section and as authorized by § 5-4-205, the  
 27 board shall consider the Self-Insured Fidelity Bond Program and the  
 28 participating governmental entity ~~shall be deemed~~ as victims.

29  
 30 SECTION 3. Arkansas Code § 23-63-805(1)(A)(ii)(b), concerning  
 31 diversification of investments, is amended to read as follows:

32 (b) The restriction under ~~subdivision~~  
 33 ~~(1)(A)(ii)(a)~~ subdivision (1)(A)(i)(a) of this section ~~shall~~ does not apply  
 34 ~~as~~ to general obligations of the United States or ~~of~~ any state or include  
 35 policy loans made under § 23-63-821.

36

1 SECTION 4. Arkansas Code § 23-64-209(b)(3), concerning the  
2 qualifications for an adjuster's license, is repealed.

3 ~~(3) Must be a full time salaried employee of a licensed~~  
4 ~~adjuster, or a graduate of a recognized law school, or must have had~~  
5 ~~experience or special education or training as to the handling of property,~~  
6 ~~easualty, or workers' compensation loss claims under insurance contracts of~~  
7 ~~sufficient duration and extent reasonably to make him or her competent to~~  
8 ~~fulfill the responsibilities of an adjuster;~~

9  
10 SECTION 5. Arkansas Code § 23-79-102(4), concerning the scope of  
11 insurance policies, is amended to read as follows:

12 (4) *Title insurance, except that the following apply to this*  
13 *line:*

14 (A) Section 23-79-101(1), §§ 23-79-109 – 23-79-111, 23-79-  
15 113, 23-79-116, 23-79-118, 23-79-119, and 23-79-202 – 23-79-205; and

16 (B) Section 23-79-121, provided that the insurer may  
17 authorize or require its title agents to provide the policy to the insured.

18  
19 SECTION 6. Arkansas Code § 23-79-110(a)(3), concerning approval of  
20 insurance forms, is amended to read as follows:

21 (3) Has a title, heading, or other indication of its provisions  
22 that is misleading; ~~and~~ or

23  
24 SECTION 7. Arkansas Code § 26-57-604(a)(3), concerning the remittance  
25 of the insurance premium tax, is amended to read as follows:

26 (3) ~~Furthermore, an~~ An employee ~~must~~ shall be employed for six  
27 (6) months ~~in the facilities~~ for the salary or wages to be eligible to  
28 qualify for the life or ~~disability~~ accident and health premium tax credit.

29  
30 SECTION 8. Arkansas Code § 26-57-604(a)(4)(B)(ii), concerning the  
31 remittance of the insurance premium tax, is amended to read as follows:

32 (ii) ~~On or before~~ By March 1 of ~~2000 and~~ each year,  
33 ~~thereafter, any such an~~ authorized life or ~~disability~~ accident and health  
34 insurer, including health maintenance organizations, desiring to qualify  
35 under this provision shall furnish the appropriate data and request on forms  
36 prescribed by the commissioner.

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*/s/Rapert*

**APPROVED: 02/27/2015**