

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State

Cole Jester

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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____



Hugh McDonald
SECRETARY OF COMMERCE

Jimmy Harris
COMMISSIONER,
ARKANSAS INSURANCE
DEPARTMENT

Date: November 24, 2025

To: All Online Marketplace Providers, Affiliates of Online Marketplace Providers, Online Marketplace Contract Holders, Online Marketplace Platform Users, and Surplus Lines Brokers

From: Arkansas Insurance Department

Notice of Public Hearing

The Arkansas Insurance Department ("AID") will host a Public Hearing on January 14, 2026 at 10 a.m., in the second floor Diamond Mine Hearing Room, in the Arkansas Department of Commerce Building, One Commerce Way, Little Rock, Arkansas 72202. The Arkansas Insurance Commissioner is proposing adoption of a new rule, 23 CAR pt 44, Online Marketplace Guarantee Provider Registration Rule. Act 426 of 2025 requires the Department to register online marketplace guarantee providers. This new rule will establish a framework for regulation of online marketplace guarantee providers and ensure such providers are complying with financial standards to protect consumers.

All interested persons are encouraged to attend the Public Hearing and may appear and present, orally or in writing, any statements, arguments, or opinions on proposed 23 CAR pt 44. Any written or oral comments will be accepted from now until 5:00 pm, January 14, 2026. The Legal Division requests that persons desiring to testify at the hearing notify the Legal Division as soon as possible and submit intended statements in writing in advance of the hearing. Proposed 23 CAR pt 44 may be viewed on the Legal Division's website at <https://insurance.arkansas.gov/industry-regulation/legal/proposed-rules/>. Please direct your inquiries to the Legal Division at (501) 371-2820 or to insurance.legal@arkansas.gov.



Hugh McDonald
SECRETARY OF COMMERCE

Jimmy Harris
COMMISSIONER,
ARKANSAS INSURANCE
DEPARTMENT

December 9, 2025

sent via email: register@sos.arkansas.gov

Honorable Cole Jester
Attn. Arkansas Register
Arkansas Secretary of State
State Capitol Building
Little Rock, AR 72201

Re: Proposed New - 23 CAR pt 44, "Online Marketplace Guarantee Provider Registration Rule"

Dear Secretary:

The Arkansas Insurance Department has scheduled a public hearing as to Proposed New - 23 CAR pt 44, "Online Marketplace Guarantee Provider Registration Rule". Enclosed are the DOI Notices of Public Hearing and a copy of the proposed rule.

Please arrange to publish the information in a format acceptable to the Secretary for at least 30 days in advance. Can you send us confirmation that we can use in the transcript as a public hearing exhibit?

An electronic filing will be made within the statutorily required 7 days. Thanks for your help.

Sincerely,



Clara D. Mezza

Clara D. Mezza
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Proposed Rulemaking

Online Marketplace Guarantee Provider Registration Rule

Promulgated by:

State Insurance Department

Title 23. Public Utilities and Regulated Industries

Chapter I. State Insurance Department, Department of Commerce

Subchapter A. Generally

Part 44. Online Marketplace Guarantee Provider Registration Rule

23 CAR § 44-101. Definitions.

(a) Unless otherwise separately defined in this part, the terms or phrases as used in this part shall follow the definitions of such terms or phrases as defined in Arkansas Code § 23-66-803.

(b) As used in this part, "commissioner" means the Insurance Commissioner of the State of Arkansas.

23 CAR § 44-102. Application for certificate of registration.

(a) Each applicant intending to sell or offer online marketplace guarantees in Arkansas shall:

- (1) Pay an application fee of one thousand dollars (\$1,000); and
- (2)(A) File an application for registration with the Insurance Commissioner using an online marketplace provider application form provided by the commissioner, and

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(B) Provide all documents deemed necessary by the commissioner to support the application.

(b) Within its application, an applicant shall submit documentation acceptable to the commissioner to demonstrate compliance with at least one (1) of the financial requirements provided at Arkansas Code § 23-66-804(c), as described below:

(1) If an applicant asserts compliance with Arkansas Code § 23-66-804(c)(1), the applicant shall:

(A) Provide the commissioner with a copy of its reimbursement insurance policy, which shall comply with the requirements of the Online Marketplace Guarantees Act, Arkansas Code § 23-66-801 et seq; and

(B) Certify that it will notify the commissioner of any material changes to that policy.

(2) If an applicant asserts compliance with Arkansas Code § 23-66-804(c)(2), the applicant shall provide documents showing that for at least thirty (30) days in any ninety-day period, it has maintained a market capitalization of at least two hundred million dollars (\$200,000,000) on a securities exchange registered as a national securities exchange or a securities market regulated under the Securities Exchange Act of 1934, 15 U.S.C. §§ 78 et seq., as it existed on January 1, 2025, as reported by the national securities exchange at the close of each trading day.

(3) If an applicant asserts compliance with Arkansas Code § 23-66-804(c)(3), it shall provide documents supporting its net cash balance or net worth by submitting:

(A) Its own financial statements, as described in Arkansas Code § 23-66-804(c)(3)(C); or

(B)(i) Financial statements of its parent company, as described in Arkansas Code § 23-66-804(c)(3)(C); and

(ii) Documentation of the parent company's agreement to guarantee the obligations of the applicant relating to online marketplace guarantees sold in Arkansas.

23 CAR § 44-103. Issuance or denial of a certificate of registration.

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The Insurance Commissioner shall:

(1) Review the documentation submitted by an applicant, including any additional materials submitted upon request of the commissioner; and

(2)(A) Approve issuance of the certificate of registration to the applicant if the applicant meets the requirements of the Online Marketplace Guarantees Act and this part; or

(B) Deny the certificate of registration if the applicant fails to meet the requirements of the Online Marketplace Guarantees Act.

(i) The commissioner shall provide the basis for the denial within a written notice of denial.

(ii) If the applicant submits a written request for a hearing within thirty (30) days of receiving the notice of denial, the commissioner shall conduct a hearing in which the applicant shall be given an opportunity to demonstrate that its application meets the requirements of the Online Marketplace Guarantees Act and this part.

23 CAR § 44-104. Renewal of a certificate of registration.

(a)(1) A certificate of registration issued to an online marketplace guarantee provider shall expire one (1) year from the date of issuance provided on the certificate of registration unless the registration is successfully renewed.

(2) Thereafter, the certificate of registration shall expire annually on the anniversary of such date unless successfully renewed.

(b) At least thirty (30) days prior to expiration, each holder of a certificate of registration shall submit the following:

(1) An annual renewal fee of one thousand dollars (\$1,000); and

(2) A completed annual renewal form provided by the Insurance Commissioner notifying the commissioner of any material changes occurring the previous year.

(c) After receiving the items described in subsection(b) of this section, the commissioner shall:

(1) Review the documentation submitted by the applicant and request any additional documentation to ensure the applicant complies with the Online Marketplace Guarantees Act and this part; and

(2)(A) Issue a renewal of the certificate of registration to the applicant; or

(B) Deny renewal of the certificate of registration if the applicant fails to meet the requirements of the Online Marketplace Guarantees Act or this part.

(i) The commissioner shall provide the basis for the denial within a written notice of denial.

(ii) If the applicant submits a written request for a hearing within thirty (30) days of receiving the notice of denial, the commissioner shall conduct a hearing in which the applicant shall be given an opportunity to demonstrate that its renewal application meets the requirements of the Online Marketplace Guarantees Act and this part.

23 CAR § 44-105. Recordkeeping requirements.

(a) A provider shall:

(1) Keep accurate data and records concerning transactions regulated under the Online Marketplace Guarantees Act, and

(2) Make its data and records available to the Insurance Commissioner upon request.

(b) A provider shall keep:

(1) A copy of each type of online marketplace guarantee contract issued in Arkansas; and

(2) Records documenting the provider is able to ensure its faithful performance of its obligations to platform contract holders by satisfying at least one (1) of the financial requirements provided at Arkansas Code § 23-66-804(c).

(c) A provider shall retain all records pertaining to each online marketplace guarantee for at least three (3) years after the guarantee has expired.

(d) A provider discontinuing business in this state shall maintain its records until it furnishes the Insurance Commissioner satisfactory proof that it has discharged all obligations to platform contract holders in this state.

23 CAR § 44-106. Prohibited acts.

It is a violation of this part and the Online Marketplace Guarantees Act for a provider to engage in any act prohibited by Arkansas Code § 23-66-808 or to fail to comply with any other provision of the Online Marketplace Guarantees Act or this part.

23 CAR § 44-107. Enforcement.

(a) The Insurance Commissioner may conduct investigations or examinations of providers to enforce the provisions of the Online Marketplace Guarantees Act and this part.

(b) The commissioner may take any action that is necessary and appropriate to enforce the provisions of the Online Marketplace Guarantees Act and this part, including actions authorized by Arkansas Code § 23-61-103.

(c) Providers in violation of the Online Marketplace Guarantees Act or this part may be subject to the penalties described at Arkansas Code § 23-60-108.