

ARKANSAS REGISTER

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W.J. "BILL" McCUEN
SECRETARY OF STATE
LITTLE ROCK, ARKANSAS

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Secretary of State ("505")
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Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date 10/6/93 Code Number 054.00.93--002

Name of Agency Ark. Insurance Department

Department Rosal Division

Contact Person Dean Langford, 686-2999

Statutory Authority for Promulgating Rules §§ 25-15201, et seq., § 23-61-108, ETC.

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<u>Advisory</u>		

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted In Compliance with Act 434 of 1967 As Amended.

Dean Langford
Signature

Chief Counsel
Title

9-13-93
Date

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93 SEP 16 AM 10:31

W.J. "BILL" McCUEH
SECRETARY OF STATE
LITTLE ROCK, ARKANSAS
BY _____

1 RULE AND REGULATION 57
2 "INSURANCE DEPARTMENT ADMINISTRATIVE AND REGULATORY FEES"

3 SECTIONS

- 4 1. PURPOSE.
- 5 2. AUTHORITY; SCOPE AND APPLICATION.
- 6 3. EFFECTIVE DATE.
- 7 4. DERIVATION AND CLASSES OF FEES.
- 8 5. INSURERS.
- 9 6. AGENTS, AGENCIES, BROKERS, SOLICITORS, ADJUSTERS, CONSULTANTS,
10 RISK RETENTION GROUP AGENTS, PURCHASING GROUP BROKERS, SURPLUS
11 LINE BROKERS, SURPLUS LINE BROKERS FOR PURCHASING GROUPS ONLY,
12 HMO AGENTS, PREPAID LEGAL INSURANCE AGENTS, FRATERNAL BENEFIT
13 SOCIETY AGENTS.
- 14 7. INSURANCE HOLDING COMPANY TRANSACTIONS.
- 15 8. HEALTH MAINTENANCE ORGANIZATIONS.
- 16 9. RATE SERVICE OR ADVISORY ORGANIZATIONS.
- 17 10. RISK RETENTION GROUPS.
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- 20 13. PROFESSIONAL BAIL BOND COMPANIES.
- 21 14. THIRD PARTY ADMINISTRATORS.
- 22 15. EMPLOYEE LEASING FIRMS.
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- 24 17. REINSURANCE INTERMEDIARIES.
- 25 18. AMUSEMENT RIDES OR ATTRACTIONS: PERMITTEES.
- 26 19. COURSE PROVIDERS FOR AGENT PRE-LICENSING AND
27 CONTINUING EDUCATION: ANNUAL REGISTRATION AND FEES.
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- 29 21. "INACTIVE" AND "RETIRED" AGENTS.
- 30 22. MISCELLANEOUS FEES.
- 31 23. DATA PROCESSING SERVICES.
- 32 24. TRUST FUND DEPOSIT REQUIRED.
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- 34 26. PENALTIES.
- 35 27. SEVERABILITY.

36 SECTION 1. PURPOSE.

37 The purpose of this permanent Rule and Regulation is to implement and
38 clarify the pertinent fee provisions of Act 652 of 1993, "The State
39 Insurance Department Trust Fund Act"; Act 901 of 1993, the Department's
40 "Omnibus Act"; Act 787 of 1993, the "Life Care Providers Act", and
41 others. This Rule is designed to specify the amount, method and manner
42 of payment of nonrefundable administrative and regulatory fees of
43 insurers, agents and other licensees or registrants, as well as other
44 filing fees for various Arkansas Insurance Department ("Department")
45 products and services, all of which are payable to The State Insurance
46 Department Trust Fund ("Trust Fund").

47 Additionally, the purpose of this Rule is to clarify the new
48 requirement under Act 652 of 1993 that providers of courses for agent
49 pre-licensure and continuing education register annually with the
50 Department to operate in this State, accompanied by the required fees
51 payable to the Trust Fund. It is also to emphasize that fees charged
52 under current laws are not affected, diminished or altered by the

1 provisions of this Rule. As appropriate, and to the extent fees are
2 charged under other Arkansas laws for the same product, process or
3 service as to which a fee is to be paid pursuant to the Acts referenced
4 herein and this Rule and Regulation, this Rule is to provide for the
5 payment of all of such fees in a coordinated, consistent manner.

6 SECTION 2. AUTHORITY; SCOPE AND APPLICATION.

7 (a) AUTHORITY. The Insurance Commissioner hereby promulgates and
8 issues this Rule and Regulation under his authority pursuant to the
9 provisions of Act 652 of 1993; §23-61-108 of the Insurance Code;
10 §§25-15-201, et seq. of the Administrative Procedure Act; Act 901 and
11 Act 787 of 1993, the Department's Omnibus Act and the Life Care Provider
12 Act respectively; Act 1094 and 527 of 1993, the Managing General Agents
13 Act and Reinsurance Intermediary Act respectively; Act 805 of 1993 as to
14 motor vehicle service contracts; and other applicable Arkansas laws,
15 including but not limited to §23-67-118 on rule-making as to rate/rule
16 filings of property, casualty, surety, and inland marine insurers;
17 §23-76-125 on rule-making as to health maintenance organizations;
18 §23-89-508 on rule-making as to amusement ride owners/operators;
19 §23-91-224 on rule-making as to prepaid legal insurance companies and
20 agents; §23-92-303 on rule-making as to employee leasing firms;
21 §23-93-106 on rule-making as to continuing care providers and
22 facilities; and §23-94-107 on rule-making as to risk retention groups.

23 (b) SCOPE AND APPLICATION. (1) This Rule or any applicable parts
24 shall apply to insurers, agents and other current or former licensees,
25 permittees, registrants, and applicants for licensure of the Insurance
26 Commissioner pursuant to Act 652 of 1993 and Act 901 of 1993; to Title
27 23 of the Arkansas Code; to new requirements of the Commissioner in
28 licensure of life care providers per Act 787 of 1993, MGA's per Act 1094
29 of 1993, and reinsurance intermediaries per Act 527 of 1993; to Title 17
30 on bail bond companies as amended by the "sunset" provisions of Act 500
31 of 1993 and Act 901 of 1993; and to §21-14-101 on notary bond surety
32 corporations registered with the Commissioner. Such licensees,
33 registrants or permittees or applicants for licensure shall include but
34 not be limited to:

- 35 (A) Insurers and Similar Entities: All licensed domestic, foreign
36 and alien insurance companies, including but not limited to
37 stock and mutual insurers, title insurance companies, mutual
38 assessment life and disability insurers, reciprocal insurers,
39 approved but not admitted surplus line insurers, health
40 maintenance organizations ("HMO's"), fraternal benefit
41 societies, hospital and medical service corporations, stipulated
42 premium insurers, farmers' mutual aid associations ("FMAA's"),
43 and prepaid legal insurers, property and casualty JUA's,
44 associations, pools and syndicates not qualifying as advisory
45 organizations under §§23-67-101, et seq.;
- 46 (B) Bail Bond Companies: All professional bail bond companies
47 regulated by the Insurance Commissioner or his statutory
48 successor in regulation pursuant to Title 17 (as amended by the
49 "sunset" provisions of Act 500 of 1993) and per Act 901 of 1993;
- 50 (C) Auto Clubs: All licensed automobile clubs or associations;

- 1 (D) Agents and Brokers: All licensed resident and non-resident
2 insurance agents, brokers, solicitors, consultants, risk
3 retention group agents and purchasing group brokers, HMO agents,
4 prepaid legal insurance agents, all licensed resident and
5 non-resident insurance agencies (partnerships and corporations);
6 inactive or retired resident Arkansas agents pursuant to the
7 Omnibus Act of 1993;
- 8 (E) Amusement Rides: All registered amusement ride owners and
9 operators;
- 10 (F) TPA's: All registered third party administrators ("TPA's");
- 11 (G) Education Course Providers: All current approved course
12 providers for agent pre-licensure and continuing education;
- 13 (H) Fraternal: All licensed fraternal benefit society agents,
14 excluding all officers, members, employees or other
15 representatives exempt from examination or State licensure by
16 statute;
- 17 (I) Adjusters: All licensed resident and non-resident adjusters;
- 18 (J) Surplus Lines: All licensed resident surplus line brokers, and
19 all licensed surplus line brokers for purchasing groups only;
- 20 (K) Continuing Care Facilities: and per Act 787 of 1993, Life Care
21 Providers;
- 22 (L) Notary Bond Surety Corporations;
- 23 (M) Managing General Agents: All managing general agents registered
24 pursuant to the provisions of Act 1094 of 1993;
- 25 (N) Reinsurance Intermediaries, pursuant to Act 527 of 1993;
- 26 (O) Employee Leasing Firms or Groups; and
- 27 (P) Others, as mentioned elsewhere in this Rule, or others as
28 applicable.

29 All persons and entities referred to in paragraphs (b)(1)(A) through
30 (b)(1)(P) may sometimes hereinafter be referred to collectively as
31 "Licensees, Registrants, or Permittees."

32 (2) This Rule includes but is not limited to fees for statutory
33 filings of licensees and others under the Commissioner's statutory
34 jurisdiction, as well as products and services provided the general
35 public or other professionals not regulated by the Insurance
36 Commissioner. This Rule and Regulation shall not apply to any person
37 or entity who or which: (i) is not licensed by, registered with, or
38 permitted by the Commissioner; or (ii) does not avail himself or
39 itself of such products and services.

40 (3) All administrative and regulatory fees set forth in this Rule and
41 Regulation are in addition to any other fees imposed under current laws
42 and rules, and shall be paid coincident with the payment of other fees
43 currently owing. EXAMPLE: An insurer seeking an amendment of its
44 Certificate of Authority will pay the \$100 fee required by Ark. Code
45 Ann. §23-61-401(3)(C), as well as the \$400 due and payable pursuant to
46 Act 652 of 1993 and this Rule and Regulation 57, for a total sum of \$500
47 payable in one check to THE STATE INSURANCE DEPARTMENT TRUST FUND. Upon
48 receipt of all fees imposed by this Rule and other Code or rule
49 sections, the Insurance Department shall internally, on a monthly basis,
50 make reconciliations to the various accounts to which the moneys must be
51 credited.

1 (4) The Commissioner in his discretion may waive all or any part of
2 any fee assessed under this Rule due from insurers or other licensees,
3 registrants, or permittees if: (A) the Certificate of Authority,
4 license, permit or registration is suspended or revoked; (B) if the
5 Commissioner finds that the licensee, permittee or registrant is
6 impaired or insolvent, or its continuing operations are hazardous to the
7 public of this State; or (C) if the licensee, permittee or registrant is
8 under domiciliary department supervision of this or another State, or
9 court-ordered conservation, rehabilitation, liquidation or has filed for
10 bankruptcy under Chapter 11 of Title 11, United States Code. Any
11 licensee, permittee, registrant or its domiciliary conservator,
12 rehabilitator, liquidator, or trustee in bankruptcy may request a fee
13 waiver in writing; but the Commissioner shall not consider waivers for
14 those failing to file a written request therefor. Upon activation or
15 reinstatement of any suspended certificate of authority, license, permit
16 or registration, or upon approval of a bankruptcy reorganization plan or
17 successful release from conservation or rehabilitation, the licensee,
18 permittee, or registrant shall automatically commence reporting and
19 payment of any of the fees in this Rule applicable to resumed Arkansas
20 operations under the license, permit or registration. Trust Fund
21 reimbursement for fees which would have been required and assessed but
22 for the waiver during that period shall not be required. Upon failure
23 of any such person, firm, or corporation to file for waiver or pay the
24 fees when due, or upon the Commissioner's denial of the requested
25 waiver, the Commissioner may file his claim on behalf of the Trust Fund
26 against any deposit or other asset of the person, firm or corporation as
27 permitted by the insurance laws and other applicable laws of this State.

28 5) It is the intent of the Commissioner not to charge fees for
29 filings which are made with the Department for "informational purposes
30 only", and which are otherwise exempt from filing or not expressly
31 required to be filed by statute, regulation, or order. The Commissioner
32 reserves the right in his reasonable discretion to determine whether, in
33 fact, a particular filing is truly for informational purposes only.

34 SECTION 3. EFFECTIVE DATE.

35 Pursuant to the Commissioner's authority under Ark. Code Ann.
36 §23-61-108, §§25-15-201, et seq., as amended by Act 1106 of 1993, Act
37 652 of 1993, Act 901 of 1993, and other applicable laws and rules, the
38 effective date of this Rule and Regulation is September 10, 1993, upon
39 filing with the Arkansas Secretary of State and the Arkansas State
40 Library.

41 SECTION 4. DERIVATION AND CLASSES OF FEES.

42 (a) Act 652 of 1993 created "The State Insurance Department Trust
43 Fund", and provided the Department's authority to generate revenue to
44 support its operations by the imposition of fees; it also divided
45 certain of those fees into two categories, i.e. Category A and Category
46 B. Fees in Category A are those involving material or substantive
47 corporate transactions or those which consume substantial time of
48 Department staff; those fees are capped at a maximum of \$1,500 per
49 transaction. Category B fees, on the other hand, are those involving
50 other Departmental filings, transactions or services which do not

1 require a substantial effort by Department staff; those fees are capped
2 at a maximum of \$50 per transaction.

3 (b) Act 652 of 1993 itself and certain of the other Acts referenced
4 above, however, authorize the imposition of other fees set forth in the
5 Rule and Regulation and which are not subject to the respective Category
6 A and Category B "caps".

7 (c) This Rule and Regulation, in its permanent form, has been
8 re-arranged from the original format used when it appeared as an
9 "emergency" rule and regulation in an attempt to make it easier to read
10 and comprehend. The sections of former emergency Rule 57 are still
11 included in this permanent Rule 57, but now have different section or
12 subsection numbers and may appear on different pages. For ease of
13 understanding, fees are grouped below in new sections according to the
14 type of applicant, licensee, registrant or permittee they affect, even
15 though such necessarily involves a listing of some Category A and
16 Category B fees together, with, perhaps, fees authorized by one of the
17 other Acts. Note, also, that a few fees referenced herein are due and
18 payable on an annual or biennial basis, while others are due at the time
19 of filing some transaction with the Department; in addition, some are
20 for the public at large, and some are for selected licensees,
21 registrants or permittees only.

22 SECTION 5. INSURERS.

23 SUBSECTION I.

24 CATEGORY "A" FEES (Maximum \$1500)
25 (Per Covered Entity, filing, or transaction)

26 DEPARTMENT SERVICE	NEW OR INCREASED DEPARTMENT
27 OR PRODUCT	FILING OR SERVICE FEE

28 (a) Authorized or Licensed Insurers.

- | | |
|--|--------|
| 29 1) Department expense for independent actuarial | |
| 30 review of previously disapproved rate/rule | |
| 31 filing set for hearing at filer's request | |
| 32 (excluding workers' compensation) | |
| 33 EXPENSE AS INCURRED BUT NOT TO EXCEED..... | \$1500 |
| 34 2) Filing and review of each Bulk or | |
| 35 Assumptive Reinsurance Agreement..... | \$ 500 |
| 36 3)(A) Filing and review of complete new | |
| 37 programs, or complete revision of | |
| 38 existing program, including rates, rules and | |
| 39 forms relative to this program | |
| 40 (P, C, S, M)..... | \$ 500 |

42 ¹"P, C, S, M signifies property, casualty, surety and marine
43 insurance and all those other specific lines identified at Ark.
44 Code Ann. §§23-62-104 through 23-62-108."

1	(B)When identical program per (A) above is to be	
2	used by more than one insurer in a group, fee	
3	is required per each additional company.....	\$ 25
4	(C)When variations to the filed program per (A) above	
5	will be used by one insurer in a group, such as differing rate	
6	levels or differing underwriting guidelines,	
7	additional fee is required per insurer.....	\$ 250
8	4) Filing and Reviewing all documents necessary for	
9	issuance of Certificate of Incorporation for	
10	Domestic Insurers.....	\$ 500
11	5) Reviewing all documents necessary for issuance of	
12	Original Certificate of Authority for all companies.....	\$ 500
13	6) Filing notice of appointment of Managing General Agent	
14	or Notice of Termination of Managing General Agent.....	\$ 500
15	7) Review/processing of information necessary to amend	
16	Arkansas Certificate of Authority for lines of	
17	business.....	\$ 400
18	8) Withdrawals/Cancellations and Voluntary Surrender	
19	of Arkansas Certificate of Authority, including	
20	cease writing notices, pursuant to Ark. Code Ann.	
21	§23-73-211(e).....	\$ 250
22	9)(A)Filing and review of rate filings, or filing to	
23	adopt Advisory Organization's reference filing	
24	for loss costs, including companion	
25	rule filings required to implement the rate filings	
26	(P, C, S, M).....	\$ 250
27	(B)If identical rates or loss cost factors are used	
28	for more than one insurer in a group, the additional	
29	insurers will be required to pay additional fee.....	\$ 25
30	(Per filing = 4 or more loss cost multipliers,	
31	add \$25 per each additional multiplier)	
32	10) Filing and review of Domestic Insurer's Annual	
33	Request to Relocate or Maintain Books, Records	
34	& Assets Out of State.....	\$ 50
35	11) Issuance of an Original Certificate of Incorporation	
36	for Domestic Insurers.....	\$ 150
37	12) Issuance of Original Certificate of Authority for all	
38	companies.....	\$ 150
39	13) Review and processing of amended	
40	articles of incorporation, each filing,	
41	each insurer.....	\$ 75
42	(b) Approved Non-Admitted Surplus Line Insurer.	
43	1) Annual continuation of foreign	
44	surplus line company registration (DUE MARCH 1ST).....	\$ 500

1 SUBSECTION II. INSURERS (continued)

2 CATEGORY "B" = MAXIMUM \$50
3 (Per Covered Entity, filing or transaction)

4 ADMINISTRATIVE AND ADDITIONAL
5 REGULATORY FEES FEE AMOUNTS

- 6 (a) Compliance.
- 7 1)(A) Filing or review of multiple page policy/contract
8 endorsements or certificates, per each
9 insurer, per item (P, C, S, M).....\$ 50
10 (If the item filed for review is
11 to be used by multiple insurers within a group, each
12 insurer beyond the first will be charged \$10, for entire
13 filing; however, in no circumstance shall the amount exceed
14 a maximum of \$500 per filing)
- 15 (B) Filing or review of single page policy/contract
16 endorsements or certificates, per each
17 insurer, per item (P, C, S, M).....\$ 25
18 (If the item filed for review is
19 to be used by multiple insurers within a group, each
20 insurer beyond the first will be charged \$10;
21 however, in no circumstance shall the amount exceed
22 a maximum of \$500 per filing)
- 23 2) Life and/or Disability policy form filing
24 and review, per each policy, contract,
25 annuity form or guaranteed investment contract
26 form, per each insurer, per each filing.....\$ 50
- 27 3) Filing/Review of each Life and/or Disability
28 rate filing or loss ratio guarantee filing,
29 per insurer.....\$ 50
- 30 4) Filing to adopt a reference filing of Advisory
31 Organization--RULES ONLY per reference filing\$ 25
32 (If the rule is to be used by multiple insurers within
33 a group, and the request to adopt is submitted on a
34 consolidated basis, each insurer beyond the first will
35 be charged an additional \$10)
- 36 5) Filing to adopt a reference filing of
37 Advisory Organization--FORMS ONLY--APPLICABLE TO SERVICE
38 PURCHASERS ONLY.....\$ 25
39 (If the form is to be used by multiple insurers within
40 a group, and the request to adopt is submitted on a
41 consolidated basis, each insurer beyond the first will
42 be charged an additional \$10)
- 43 6) Filing each set of new/amended or restated
44 by-laws, per insurer, per filing.....\$ 25
- 45 7) Life and/or Disability: Filing/review of
46 insurer's advertisements, per advertisement,
47 per each insurer.....\$ 25

1	8)	Filing minor rate component modifications, e.g.	
2		changes in deductibles, increased limits factors,	
3		scheduled rating modifications (P, C, S, M).....	\$ 25
4	9)	Filing to adopt workers' compensation advisory	
5		rates	\$ 25
6	10)	Policy, contract or annuity forms: Filing	
7		and review of each life and/or disability	
8		certificate, rider, application, or endorsement,	
9		if filed separately from basic form,	
10		per insurer.....	\$ 20
11	11)	Policy and contract forms, all lines, filing	
12		corrections in previously filed policy and	
13		contract forms.....	\$ 20
14	12)	Filing of each insurer address change, not involving an	
15		amendment to a Certificate of Authority or Articles	
16		of Incorporation, per filing, per insurer.....	\$ 10
17	13)	Filing policyholder notices or "certificates	
18		of assumption" for approval in connection with a	
19		bulk or assumptive reinsurance agreement, per form.....	\$ 10
20	14)	Each filing of a Department Form	
21		I-71 as to cancellations/nonrenewals of agent	
22		appointments, each appointment, each insurer.....	\$ 10
23	15)	Each filing of a Consent to Rate Form,	
24		per insurer, per policy/contract (P, C, S, M).....	\$ 10
25	16)	Each filing of an "a" rate, per insurer,	
26		per policy/contract (P, C; S, M).....	\$ 10
27	17)	Preparation and execution of Certificates of	
28		Compliance for insurers.....	\$ 10
29	18)	Filing biographical affidavits on insurer officers	
30		and directors per Rule and Regulation 7	
31		(DOMESTIC INSURERS ONLY).....	\$ 10
32	19)	Filing I-48 agent appointment forms for insurance	
33		agents and agencies in the new name of an insurer or after	
34		merger or consolidation of two or more insurers.....	\$ 10

35 As to P,C,S,M filings in Subsections I and II above: It is to be
36 understood with respect to all filings and withdrawals by Insurers and
37 Advisory Organizations that the fees referenced above, both Category A
38 and Category B, are chargeable per filing/withdrawal, per "Annual
39 Statement Line of Business"; provided however, that the following
40 traditional "Lines Combinations" may be treated as one Annual Statement
41 Line of Business, viz:

- 42 (A) Lines 1 (Fire) and 2.1 (Allied Lines);
- 43 (B) Lines 5.1 (Commercial Multiple Peril-Fire and Allied Portion)
44 and 5.2 (Commercial Multiple Peril-Liability Portion);
- 45 (C) Lines 19.1 (Private Passenger Auto No-Fault-Personal Injury
46 Protection), 19.2 (Other Private Passenger Auto Liability); and
47 21.1 (Private Passenger Auto Physical Damage); and
- 48 (D) Lines 19.3 (Commercial Auto No-Fault Personal Injury
49 Protection); 19.4 (Other Commercial Auto Liability); and 21.2
50 (Commercial Auto Physical Damage). Other "Lines Combinations"
51 may be approved for treatment as one Annual Statement Line of

1 Business, but only upon express approval in writing by the
2 Commissioner for good cause shown.

- 3 (b) Approved Non-Admitted Surplus Line Insurer.
- 4 1) Filing alien Surplus Line Company
- 5 Trust Fund Report and/or change in location..... \$ 25
- 6 2) Filing change of address..... \$ 10

7 (c) Insurers' Appointments (Licensure) of Insurance Agents and
8 Agencies. In addition to and as an increase of all other current agent
9 license fees paid by insurers and others in connection with initial and
10 renewal agent appointments (licensure) under the Insurance Code or other
11 applicable laws or rules, the following new and additional fees are
12 hereby assessed insurers for payment by cash, check or money order to
13 THE STATE INSURANCE DEPARTMENT TRUST FUND.

14 All AGENTS AND AGENCIES must note that even though, statutorily,
15 appointment fees are payable by insurers and even though Section 9 (d)
16 of Act 652 makes it clear that this economic burden must be borne by
17 insurers, it is, nonetheless, the dual responsibility of agents and
18 agencies to make sure that appointments are kept current.

- 19 (1) Initial appointment of non-resident
20 insurance agent by insurer.....\$ 30
- 21 (2) Initial appointment of non-resident
22 corporate or partnership agency, including
23 one (1) qualifying individual, by insurer.....\$ 30
- 24 (3) Annual fee for insurer's continuing appointment of
25 non-resident insurance agent, by insurer.....\$ 30
- 26 (4) Annual fee for insurer's continuing appointment
27 of non-resident corporate or partnership agency,
28 including one (1) qualifying individual, by insurer.....\$ 30
- 29 (5) Initial appointment of resident agent,
30 individuals only, by insurer..... \$ 10
- 31 (6) Initial appointment of each resident corporate
32 or partnership agency, including one (1)
33 qualifying individual..... \$ 10
- 34 (7) Annual continuation of insurer's appointment
35 of individual resident agent, each insurer..... \$ 10
- 36 (8) Annual continuation of insurer's appointment
37 of each resident corporate or partnership agency,
38 including one (1) qualifying individual..... \$ 10

39 EXAMPLE: When an individual non-resident applies for a non-resident
40 agent's license, a fee of \$30 is payable under current law, Ark. Code
41 Ann. §23-61-401(8) (unless retaliatory law applies); and under Act 652
42 of 1993 and this Rule and Regulation 57, a new and additional fee of \$30
43 is payable upon application. This total fee of \$60 is to be paid by
44 cash, check or money order payable to THE STATE INSURANCE DEPARTMENT
45 TRUST FUND.

46 CERTAIN PAYMENTS PROHIBITED. New Act 652 of 1993 prohibits agents
47 from being compelled to pay insurer appointment fees for agent
48 licensing, or being compelled to reimburse insurers for such appointment
49 fees. Each insurer will have to submit cash or checks or money orders
50 for payment of the appointment fees listed in (c) above; and the
51 Department will reject or refund any agent or agency checks forwarded

1 for these fees. The Commissioner in his discretion may discipline any
2 insurer attempting to compel or compelling any agent to pay such
3 appointment fees directly or indirectly.

4 SECTION 6. AGENTS, AGENCIES, BROKERS, SOLICITORS, ADJUSTERS,
5 CONSULTANTS, RISK RETENTION GROUP AGENTS, PURCHASING GROUP BROKERS,
6 SURPLUS LINE BROKERS, SURPLUS LINE BROKERS FOR PURCHASING GROUPS ONLY,
7 HMO AGENTS, PREPAID LEGAL INSURANCE AGENTS, FRATERNAL BENEFIT SOCIETY
8 AGENTS.

9 (a) Agents, Agencies, Brokers, Solicitors, Adjusters, Consultants,
10 Risk Retention Group Agents, Purchasing Group Brokers, Surplus Line
11 Brokers, Surplus Line Brokers for Purchasing Groups only, HMO Agents,
12 Prepaid Legal Insurance Agents, Fraternal Benefit Society Agents.

13 (1) APPLICANTS FOR NEW, FIRST TIME LICENSE: \$35 FEE.
14 Each new applicant (individual, corporation or partnership) for any
15 first time resident or non-resident license of each and every kind as
16 listed in Subsection (a) of this Section shall pay a THIRTY FIVE DOLLAR
17 (\$35) administrative and regulatory fee for each and every original
18 license or type of license as referenced in Section 7 (a) of Act 652 of
19 1993 (excluding third party administrators). This nonrefundable fee,
20 payable to "THE STATE INSURANCE DEPARTMENT TRUST FUND", shall accompany
21 the completed application for licensure upon filing with the
22 Department. As to all licensees who pay their original fee pursuant to
23 this Section before or by December 31, 1993, the first annual renewal
24 fee for such license pursuant to this Section shall be due and payable
25 in that month following June 30, 1994, which corresponds to the
26 alphabetical schedule set forth below and which is not less than six (6)
27 months from original licensure.

28 EXAMPLE: If an individual is originally licensed on May 20, 1993, and
29 his last name is Allen, his first renewal fee of \$35 shall be due in
30 July, 1994. If, however, a person named Allen is first licensed on May
31 12, 1994, the first annual renewal due therefrom shall be in July, 1995,
32 since the ostensible first due date of July, 1994 would be less than six
33 (6) months from original licensure.

34 (2) CURRENT LICENSEES: INITIAL \$35 FEE DUE BY JUNE 30, 1993.

35 (A) All individuals, partnerships or corporations holding any one or
36 more valid and subsisting resident or non-resident licenses of the kind
37 recited in Subsection (a) above on May 15, 1993 were obligated under the
38 "emergency" Rule to pay an annual THIRTY-FIVE DOLLAR (\$35)
39 administrative and regulatory fee to the Trust Fund for each and every
40 type of license held ON OR BEFORE JUNE 30, 1993.

41 (B) For the fiscal year beginning July 1, 1994, and annually
42 thereafter each fiscal year, all such licensees shall pay their annual
43 administrative and regulatory fee for each type and kind of license
44 held. In other words, this fee payment is due from current licensees
45 for the period from July 1, 1994 to June 30, 1995, and on the same
46 fiscal year schedule thereafter, on the first business day of each month
47 per the following schedule, arranged alphabetically by the name of the

1 licensee using individual licensees' last names and using a corporate or
2 partnership licensee's first substantive name in its title on the
3 license:

4 July	= A	January	= I, J, K, L
5 August	= B	February	= M
6 September	= C	March	= N, O, P, Q
7 October	= D, E, F	April	= R
8 November	= G	May	= S
9 December	= H	June	= T, U, V, W, X, Y, Z

10 EXAMPLE: If a current agent named Cole has a resident property and
11 casualty agent license, a resident broker license, and a property and
12 casualty consultant license on January 1, 1994, he would pay the annual
13 regulatory fee of \$35 imposed by this Rule for each license in the total
14 amount of \$105 due September 1, 1994. Please note that in odd numbered
15 years such as 1995, the \$105 fees due September 1, 1994 would be owed in
16 addition to the license fees due under current Code for renewal of his
17 resident broker license and consultant license due two months earlier or
18 by July 1, 1995.

19 (3) TYPE OF LICENSE: The phrase "type of license" refers to the
20 particular kind of license held by the licensee rather than the type or
21 line of business the license authorizes the licensee to transact. Thus,
22 an agent authorized to transact one or more lines of business still has
23 only one license, and the applicable fee is \$35. If however, the same
24 licensee also holds a broker's license and a surplus line broker's
25 license (a total of 3 licenses), licensee would owe three (3) separate
26 fees of THIRTY-FIVE DOLLARS (\$35) each, for a total of \$105.

27 (4) INSURER CHECKS PROHIBITED. Section 1 of Act 901 of 1993
28 prohibits insurers from paying the \$35 annual fee per license of agents
29 and others described in Subsection (a) of this Section. Each agent or
30 other licensee will have to submit his own separate check or money
31 order, or pay cash for payment of these license fees; alternately, such
32 fees may be paid by licensing bureaus which, in turn, must charge this
33 cost back to the agent/licensee. The Department will reject or refund
34 any insurer checks forwarded to pay any \$35 fee for any applicable
35 license. [This does not prohibit insurer payment of agent or solicitor
36 examination fees.]

37 (b) Agents.

38 (1) Filing application for each original license
39 examination, per applicant, per exam..... \$ 5

40 (2) Filing application for each re-examination,
41 per applicant, per exam..... \$ 15

42 (3) Each filing of a Department Form I-71 as to
43 voluntary cancellations or nonrenewals of agent
44 appointments, each appointment, each insurer,
45 by Agent..... \$ 10

46 (4) Licensing: Letters of Clearance or Letters of
47 Certification, per each license, per each letter..... \$ 5

48 (c) Agents, Agencies, Brokers, Solicitors, Adjusters, Consultants,
49 Risk Retention Group Agents, Purchasing Group Brokers, Surplus Line
50 Brokers, Surplus Line Brokers for Purchasing Groups only, HMO Agents,
51 Prepaid Legal Insurance Agents, Fraternal Benefit Society Agents, and

1 any other applicant, or licensee, registrant or permittee (individual,
2 partnerships or corporations) with records in the License Division of
3 this Department:

4 Review, Processing, and Retrieval for copying
5 certifying, or other distribution upon written request the
6 identity of Appointing Insurance Companies which
7 file Department Forms I-48 for individual agents
8 (resident & nonresident), individual resident
9 solicitors, & resident/nonresident agencies, per
10 each agent/solicitor/agency, per licensee (exempting
11 governmental agencies, insurance buying public,
12 or others upon Commissioner's discretion).....\$ 25
13

14 EXAMPLE: When an individual applies to take an original license
15 examination, a fee of \$25 is required under current law, Ark. Code Ann.
16 §23-61-401 (10)(A); under the terms of Act 652 of 1993 and this Rule an
17 additional fee of \$5 is required. The total exam fee (\$30) is to be
18 paid by cash, check or money order drawn to THE STATE INSURANCE
19 DEPARTMENT TRUST FUND.

- 20 d) Agencies.
- 21 (1) Filing and review of change of name or business
22 address.....\$ 10
- 23 (2) Adding/deleting individual agents from
24 agency licenses.....\$ 10
- 25 e) Resident Insurance Agents, Solicitors, Consultants,
26 and Brokers on Continuing Education.
- 27 (1) Filing licensee's waiver of right to administrative
28 hearing upon Department's charging licensee
29 with failing to file or filing tardy Individual
30 Certificate of Completion pursuant to Rule 50.....\$ 50
- 31 f) Duplicate exam permits (all licensees).....\$ 10

32 SECTION 7. INSURANCE HOLDING COMPANY TRANSACTIONS.

33 (Fees below are per each holding company, not per each licensed insurer
34 in the holding company group.)

- 35 a) Filing and review of each Form A on
36 Acquisitions/Change in Control (DOMESTIC ONLY).....\$1000
- 37 b)(1) Filing and Review of each Request for
38 Exemption from Filing of Registration Statements
39 or Amendments (FORM B) (FOREIGN & ALIEN COMPANIES).....\$ 500
- 40 (2) Filing and Review of each Request for Department
41 Confirmation of non-application of the Form B filing
42 requirement to certain domestic insurers per Ark.
43 Code Ann. §23-63-514 (a)(1)(B) (DOMESTICS ONLY).....\$ 500
- 44 c) Filing/Review of Holding Company Registration
45 Statement (Form B) (all companies).....\$ 250
- 46 d) Filing and Review of Amendments to Holding Company
47 Registration Statements (Form B) (if 5 pages or
48 more in length) (DOMESTIC, FOREIGN & ALIEN COMPANIES)...\$ 100
- 49 e) Filing and Review of Amendments to Holding Company
50 Registration Statements (Form B) (if 4 pages or
51 less in length) (DOMESTIC, FOREIGN & ALIEN COMPANIES)...\$ 55

1 f) Filing Pre-Acquisition Notifications or requests
 2 for exemptions therefrom per Ark. Code Ann.
 3 §§23-63-525--530.....\$ 100

4 SECTION 8. HEALTH MAINTENANCE ORGANIZATIONS.

5 a) Department filing and review of application
 6 for original Certificate of Authority,
 7 per applicant, per filing.....\$1000
 8 b) Review/Amendment to Certificates
 9 of Authority, per each filing, per each HMO.....\$ 250
 10 c) Filing/Review of post-licensure organizational
 11 changes (including territory additions,
 12 management & operational structure changes).....\$ 250
 13 d) Filing and review of provider contracts,
 14 per HMO, per contract form.....\$ 100
 15 e) Filing of Annual Statement.....\$ 50
 16 f) Filing/Review of Enrollee's Certificates.....\$ 50

17 SECTION 9. RATE SERVICE OR ADVISORY ORGANIZATIONS.

18 a) Department Expense for independent
 19 actuarial review of previously disapproved
 20 rate/rule filing set for hearing at the
 21 request of the advisory organization
 22 (excluding Workers Compensation) {Billed after
 23 conclusion of hearing}
 24 EXPENSE AS INCURRED BUT NOT TO EXCEED.....\$1500
 25 b) Filing and review of complete new
 26 programs or complete revisions of
 27 existing program, including rates, rules and forms
 28 relative to this program (P, C, S, M).....\$1000
 29 c) Filing and review of rate filings per Advisory
 30 Organization (P, C, S, M).....\$ 500
 31 d)(1)Filing and review of multiple page policy/contract
 32 endorsements or certificates, per item (P, C, S,M).....\$ 100
 33 (2)Filing and review of single page policy/contract,
 34 endorsement, or certificate, per item\$ 50
 35 e) Filing Annual Financial Statement (JANUARY 1ST).....\$ 100
 36 f) Rule Filings - Filing Minor Rate Component
 37 Modifications.....\$ 100
 38 g) Filing Address Change.....\$ 10

39 SECTION 10. RISK RETENTION GROUPS.

40 a) Initial Registration Fee.....\$ 250
 41 b) Renewal Registration Fee (MARCH 1ST).....\$ 100
 42 c) Filing address change or
 43 change/addition to original application.....\$ 10

44 SECTION 11. PURCHASING GROUPS.

45 a) Initial Registration Fee.....\$ 150
 46 b) Renewal Registration Fee (MARCH 1ST).....\$ 100
 47 c) Filing address change or
 48 change/addition in original application.....\$ 10
 49 d) Filing insurer change.....\$ 10

- 1 SECTION 12. AUTOMOBILE CLUBS OR ASSOCIATIONS.
- 2 a) Filing Annual Financial Statement (APRIL 1ST).....\$ 100
- 3 b) Form Filing, per club, per form.....\$ 50
- 4 c) Filing Address Change.....\$ 10

5 SECTION 13. PROFESSIONAL BAIL BOND COMPANIES.

6 (a) \$10 BAIL BOND FEES: REPORTING AND PAYMENT DATES. Pursuant to The
 7 State Insurance Department Trust Fund Act, Act 652 of 1993, as amended
 8 by the Department Omnibus Act, Act 901 of 1993, in pertinent part, each
 9 professional bail bond company shall charge and collect a nonrefundable
 10 and additional bail bond fee of TEN DOLLARS (\$10) per each bail bond
 11 written commencing ON AND AFTER MAY 15, 1993.

12 Each professional bail bond company shall report and pay this \$10 fee
 13 per each bail bond written to the Insurance Commissioner, for deposit
 14 into THE STATE INSURANCE DEPARTMENT TRUST FUND as special revenues. The
 15 fees shall be remitted quarterly for the first three (3) quarters of
 16 each calendar year, using a quarterly fee form, Form B 1 prescribed by
 17 the Commissioner, and forwarded to the Commissioner at the Department's
 18 current address no later than FIFTEEN (15) CALENDAR DAYS after each of
 19 the three (3) calendar quarters. Professional bail bond companies may,
 20 if they desire, remit fees on a monthly basis not later than the 10th
 21 day of the month accompanied by the Form B 1, but are still required to
 22 file the quarterly report Form B 1 for the entire calendar quarter to
 23 reconcile all quarterly fee payments.

24 Each professional bail bond company shall reconcile quarterly fee
 25 Forms B 1 for the first three (3) quarters of each calendar quarter by
 26 using an annual reconciliation form, Form B 2 as prescribed by the
 27 Commissioner, and shall file such forms and any additional bail bond
 28 fees owed with the Commissioner at the Department's address by January
 29 15 annually. Both the Form B 1 and Form B 2 shall show the number of
 30 bonds written during the reporting period and the number of fees
 31 collected and payable to THE STATE INSURANCE DEPARTMENT TRUST FUND.
 32 These fees shall be payable separate from and in addition to any other
 33 fee, license fee or other payment due the State of Arkansas or any
 34 regulatory authority. NOTE: THE \$10 FEE PER BAIL BOND UNDER SUBSECTION
 35 (a) IS NOT AFFECTED BY NOR IS IT "SUNSETTED OUT" BY ACT 500 OF 1993.

36 (b) PENALTIES AND SANCTIONS. Failure to timely report and/or pay
 37 the \$10 bail bond fees quarterly or annually will subject the
 38 noncomplying company to a penalty of \$100 per day for each day of
 39 delinquency, as required under Section 31 of Act 901 of 1993. Upon
 40 collection the \$10 per bond fees and any penalties shall be made by
 41 separate check, cash, or money order payable to THE STATE INSURANCE
 42 DEPARTMENT TRUST FUND and remitted to the Commissioner. Additionally,
 43 the Insurance Department on behalf of The State Insurance Department
 44 Trust Fund may seek license sanctions for any company failing to report
 45 or pay timely such fees due or for filing false or fraudulent reports,
 46 file a claim against the company's security deposit per Ark. Code Ann.
 47 §§17-17-101, et seq., as amended, subject to the limits of the deposit,
 48 and/or proceed with any other civil remedy to collect any fees and
 49 penalties owed.

50 SECTION 14. THIRD PARTY ADMINISTRATORS.

1 All new applicants as a third party administrator ("TPA"), and all
2 previously registered TPA'S shall pay the following filing and
3 processing fee for issuance/renewal of each certificate of registration,
4 in addition to all other registration fees imposed by §§23-92-201, et
5 seq., other fees addressed in this Rule, or fees imposed under other
6 sections of Arkansas law. The fees imposed under this Section and any
7 others as required shall accompany the TPA application for the initial
8 registration, or renewal of registration due no later than December 15
9 annually. The TPA fee assessed herein are Category A fees as defined
10 under Section 4; and in no event shall any TPA be required to pay more
11 than one such fee within one calendar year. The first due date of this
12 additional fee for current registrants shall be on or before December
13 15, 1993, and the amount of the fee payable then and annually thereafter
14 is:.....\$ 75

15 EXAMPLE: The original and/or renewal fee due from TPA's under Ark.
16 Code Ann. §23-92-201 et seq., as currently amended, is \$25 per each TPA
17 and it shall be combined and paid with the \$75 fee imposed under this
18 Rule for original or renewal registration in cash or by check or money
19 order drawn to THE STATE INSURANCE DEPARTMENT TRUST FUND in the total
20 sum of \$100.

21 SECTION 15. EMPLOYEE LEASING FIRMS.

22 (a) NEW FEES ASSESSED. After adoption of this Rule and after formal
23 adoption of the Commissioner's Rule and Regulation 58 on Employee
24 Leasing Firms, applicants for licensure as an employee leasing firm or
25 group shall forward the following fees with the application to the
26 Department by separate check, cash or money order payable to THE STATE
27 INSURANCE DEPARTMENT TRUST FUND, and thereafter at annual renewal.

28 (b) FEE AMOUNTS:

- 29 1) Initial licensure of Employee
30 Leasing Firms or Groups, each firm or group.....\$ 500
- 31 2) Annual license renewal of Employee Leasing Firms
32 or Groups, each firm or group*.....\$ 500
- 33 3) Initial License of Employee Leasing Firms or Groups
34 without substantial presence in this State.....\$ 50
- 35 4) Annual Renewal of Employee Leasing Firms or Groups
36 without substantial presence in this State.....\$ 50
- 37 5) Duplicate Copies of Employee Leasing Firm or
38 Group License.....\$ 10

39 * Either resident or nonresident firms or groups with "substantial
40 presence" in this State as defined in Department Rule and Regulation
41 58.

42 SECTION 16. CONTINUING CARE FACILITIES; LIFE CARE PROVIDERS.

- 43 a) CONTINUING CARE FACILITY: Filing
44 annual Disclosure Statement, each statement,
45 per each facility.....\$ 100
- 46 b) LIFE CARE PROVIDER:
 - 47 1) Appointing Commissioner as agent for service
48 of process, each provider.....\$ 100

1 2) Filing annual Disclosure
2 Statement, per statement, per provider.....\$ 100

3 SECTION 17. REINSURANCE INTERMEDIARIES.

4 a) Filing initial application for license
5 as reinsurance intermediary-manager.....\$ 500
6 b) Filing initial application as reinsurance
7 intermediary-broker.....\$ 300
8 c) Annual renewal fee for reinsurance
9 intermediary-manager.....\$ 100
10 d) Annual renewal fee for reinsurance
11 intermediary-broker.....\$ 75
12 e) Designation of Commissioner as Agent
13 for service of process for non-resident
14 manager or broker.....\$ 75

15 SECTION 18. AMUSEMENT RIDES OR ATTRACTIONS: PERMITTEES.

16 Filing of all calendar year applications for
17 operator permits commencing March 1, 1994
18 (and March 1st annually thereafter).....\$ 50

19 SECTION 19. COURSE PROVIDERS FOR AGENT PRE-LICENSING AND CONTINUING
20 EDUCATION: ANNUAL REGISTRATION AND FEES.

21 (a) Annual Registration. Pursuant to Act 652 of 1993, all approved
22 course providers for agent pre-licensing and continuing education shall
23 register on September 1st annually with the Department on forms
24 prescribed by the Insurance Commissioner. The first annual registration
25 after the effective date of this Rule shall be on September 1, 1993.
26 Each registration in 1993 and annually thereafter shall be accompanied
27 by payment of the fees payable to the Trust Fund in the type and amount
28 as specified below. On and after May 15, 1993, which was the effective
29 date of the prior emergency rule, first time registrants to be an
30 approved course provider for agent pre-licensing and/or continuing
31 education shall pay the Trust Fund fee at time of filing the application
32 for approval. Other statutory fees due and payable by course providers,
33 if any, shall be paid as other applicable laws provide. These fees are
34 considered to be Category A Fees as defined in Section 4.

35 (b) Fees.

36 (1) Pre-Licensing Education.

37 (A) Each original registration
38 of a course provider for
39 agent pre-licensing education.....\$ 100
40 (B) Each annual renewal of course
41 providers for agent pre-licensing
42 education, per course provider.....\$ 100

43 (2) Continuing Education.

44 (A) Each original registration
45 of a course provider for agent continuing
46 education.....\$ 100
47 (B) Each annual renewal of course
48 providers for agent continuing
49 education, per course provider.....\$ 100

1 (3) It is to be understood, however, that in no event shall any
 2 pre-licensing and/or continuing education course provider be required to
 3 pay more than one (1) course provider fee per type of approved course
 4 under Rule 31 and Rule 52 within a single calendar year, i.e. in excess
 5 of \$200 annually, after the initial year of approval and registration
 6 for each course, pre-licensure or continuing education. Providers
 7 initially registered and paying Rule 57 fees per this Section for the
 8 first time in a calendar year will not be required to pay the annual
 9 renewal fee in that same year, but will be expected to commence renewal
 10 payments at the regular time in the next succeeding calendar year.

11 SECTION 20. MANAGING GENERAL AGENTS.

- 12 a) Filing application for initial licensure.....\$1500
- 13 b) Filing application for annual renewal
- 14 of licensure.....\$ 500

15 SECTION 21. "INACTIVE" AND "RETIRED" AGENTS.

16 Commencing on and after January 1, 1994, and when new rules and
 17 regulations are available pursuant to Act 901 of 1993, resident agents
 18 who desire to assume "inactive" or "retired" status, and who have been
 19 approved for either category by the Commissioner, may maintain the
 20 status by paying to The State Insurance Department Trust Fund at time of
 21 application for such status the administrative and financial regulation
 22 fee set forth in Section 6 of this Rule and Regulation; thereafter, the
 23 inactive or retired agent shall submit his annual renewal fee no later
 24 than July 1 annually, subject to expiration of "inactive" or "retired"
 25 status and companion license if not timely paid. It is to be understood
 26 that in no event shall any agent electing either inactive or retired
 27 status be required to pay more than one such fee in any one calendar
 28 year.

29 SECTION 22. MISCELLANEOUS FEES.

- 30 a) Department Compilations to Survey, Questionnaire,
- 31 Report and Data Compilation Requests (excluding
- 32 government agencies).....\$ 250
- 33 b) Filing and processing of Security
- 34 Deposit releases, various Licensees.....\$ 150
- 35 c) Filing substitute securities
- 36 for Security Deposit, various Licensees.....\$ 100
- 37 d) Filing each Motor Vehicle Service Contract.....\$ 50
- 38 e) Initial and/or annual renewal of registration as
- 39 Notary Bond Surety Corporation.....\$ 50
- 40 f) Initial registration on Department mailing
- 41 list for receipt of bulletins, rules and
- 42 regulations (excluding all licensees, registrants,
- 43 permittees, and government agencies).....\$ 35
- 44 g) Annual renewal fee per each name maintained
- 45 on Department mailing list for receipt of bulletins,
- 46 rules and regulations payable annually on or before
- 47 March 1st (excluding all licensees, registrants,
- 48 permittees, and government agencies).....\$ 35

- 1 h) Service of Process, 2 copies of each legal pleading
- 2 or process, per insurer, other licensee, or other
- 3 entity doing business in Arkansas under statutes
- 4 requiring Commissioner's service duties per
- 5 transaction.....\$ 25
- 6 i) Security deposit confirmations, per confirmation.....\$ 10
- 7 j) Certificates of Compliance, per certificate.....\$ 5
- 8 k) Hard copy printout of one Microfiche page.....\$ 1

9 SECTION 23. DATA PROCESSING SERVICES.

10 HARD COPY OR MAGNETIC; FEES NOT TO EXCEED AMOUNTS BELOW:

11 (a) Licensed Company Listings

		Foreign	Domestic
12			
13	1. All Companies.....\$1,500	....\$1,400	....\$ 100
14	2. Property & Casualty Cos...\$ 750	....\$ 650	....\$ 100
15	3. Life and Disability Cos. .\$ 750	....\$ 650	....\$ 100
16	4. Fraternal Benefit Society.\$ 50		
17	5. Farmers Mutual Aid Assn...\$ 50		
18	6. Title Insurers\$ 50		
19	7. MET's & MEWA's\$ 250		
20	8. Third Party Administrator.\$ 150		
21	9. Purchasing Groups.....\$ 250		
22	10. Risk Retention Groups.....\$ 50		
23	11. Surplus Lines Insurers....\$ 250		
24	12. Health Maintenance Org....\$ 25		
25	13. Auto Clubs or Assn's.....\$ 50		
26	14. Surety Insurers\$ 25		
27	15. Notary Bond Surety Cos....\$ 10		

28 (b) Licensed Agent Listings

		Resident	Non-resident
29	1. All Agents.....\$1,500	....\$1,000	....\$ 500
30	2. Life Agents.....\$ 750	....\$ 500	....\$ 250
31	3. Disability Agents.....\$ 750	....\$ 500	....\$ 250
32	4. Multiline Agents.....\$ 750	....\$ 500	....\$ 250
33	5. Brokers.....\$ 250	....\$ 50	....\$ 200
34	6. Solicitors.....\$ 250		
35	7. Consultants.....\$ 250		
36	8. RRG Agents.....\$ 50		
37	9. Purchasing Group Brokers..\$ 50		
38	10. Adjusters.....\$ 250		
39	11. Surplus Line Brokers.....\$ 50		
40	12. Managing General Agents...\$ 50		

41 (c) Agency Listings

		w/Appointments	w/o Appts.
42	1. All Agencies.....\$1,500	....\$ 500	

43 (d) Continuing Education Listings

		w/courses	w/o courses
44	1. Approved Providers.....\$ 500	....\$ 350	

1 If partial lists of licensees or if licensees of a limited line or
2 category are requested, the Commissioner may charge a reasonable fee of
3 less than the foregoing fees.

4 SECTION 24. TRUST FUND DEPOSIT REQUIRED.

5 (a) All fees imposed pursuant to this Rule and Regulation in
6 conformity with Act 652 of 1993, Act 901 of 1993, Act 787 of 1993, or
7 other Arkansas Code or rule provisions, SHALL BE DUE AND PAYABLE TO THE
8 STATE INSURANCE DEPARTMENT TRUST FUND. Fees paid pursuant to this Rule
9 shall be forwarded c/o the Arkansas Insurance Department, University
10 Tower Building, 1123 South University Avenue, Suite 400, Little Rock,
11 Arkansas 72204; and whenever possible directed to the specific Division
12 of the Department handling the filing, or as otherwise directed by the
13 Department.

14 (b) All of the fees required by this Rule shall be payable by
15 COMPANY, AGENT OR AGENCY CHECKS, PERSONAL, CERTIFIED OR CASHIER'S
16 CHECKS, CASH OR MONEY ORDERS. These fees are additional to any other
17 fee, tax, premium tax, assessment, fine or penalty payable to, for, or
18 on behalf of the State of Arkansas, the Insurance Department, any other
19 State Agency, any State Guaranty Fund, any Assigned Risk Plan, any Trust
20 Fund other than The State Insurance Department Trust Fund, or other
21 payee. As noted above, where both current Code and the "new" 1993 Acts
22 and Rules require a fee as to the same product, filing or service, both
23 current and "new" fees may be combined in one payment payable to THE
24 STATE INSURANCE DEPARTMENT TRUST FUND.

25 For Service of Process fees, the Department will accept a law firm
26 check as well as the client's check or money order payable to THE STATE
27 INSURANCE DEPARTMENT TRUST FUND for service on a single insurer or
28 multiple insurers in the correct amount per pleading or process.

29 (c) Upon collection and receipt, the Insurance Commissioner shall
30 deposit each and every one of the fees and any penalties thereon
31 required by this Rule directly into the Trust Fund with the proviso that
32 those fees owing pursuant to current Code which are not to be deposited
33 into the Trust Fund will be re-directed to the appropriate accounts and
34 that all accounts will be reconciled by the Insurance Department at
35 least on a monthly basis.

36 (d) ALL FEES AND PENALTIES IMPOSED UNDER THIS RULE ARE CUMULATIVE AND
37 IN ADDITION TO ANY OTHER LICENSURE, EXAM, APPOINTMENT, OR REGISTRATION
38 FEE, TAX, PREMIUM TAX, ASSESSMENT, FINE OR PENALTY REQUIRED BY THE
39 PROVISIONS OF ANY OTHER ARKANSAS CODE OR RULE SECTION. STATUTORY OR
40 RULE FEES UNRELATED TO THIS RULE 57 SHALL BE DEPOSITED IN THE STATE
41 TREASURY AS THOSE UNRELATED LAWS OR RULES MANDATE. TO THAT EXTENT THE
42 PROVISIONS OF THIS RULE ARE NOT DESIGNED TO OR INTENDED TO AFFECT,
43 INTERFERE WITH OR OTHERWISE SUPERSEDE OTHER FEE OR PENALTY COLLECTIONS
44 AND DEPOSITS PURSUANT TO OTHER ARKANSAS LAW OR RULE PROVISIONS.

45 SECTION 25. SCRIVENERS' ERRORS. The Commissioner may, in his
46 discretion, waive any fee set forth in this Rule and Regulation for the
47 filing of any document or thing, including but not necessarily limited
48 to policy forms and endorsements and rate filings, if he determines that
49 such filing is, in fact, a re-filing made solely to correct scriveners'
50 errors. In such event, nonetheless, the Commissioner may charge a
51 reasonable "processing fee" which shall not exceed \$50.

1 SECTION 26. PENALTIES. (a) GENERAL. Upon failure of the applicant,
2 licensee, registrant, permittee, or other person to pay the fees
3 required by Acts 653, 901, and 787 of 1993, by this Rule and Regulation,
4 and by other applicable laws or to pay them timely when due, absent an
5 extension granted by the Commissioner, the Commissioner may after notice
6 and a hearing and in his reasonable discretion, deny the license,
7 registration or permit or Certificate of Authority requested (or renewal
8 license, registration, permit or Certificate of Authority requested) in
9 his order, or may order suspension or revocation of the delinquent
10 person's license, permit, registration or Certificate of Authority. If
11 the Commissioner orders a suspension, it shall continue until all fees
12 and penalties are remitted to The State Insurance Department Trust Fund,
13 up to a full twelve (12) months, at which time the Commissioner may in
14 his discretion order continuation of the suspension for an additional
15 twelve (12) months, or may order revocation or cancellation of the
16 license, registration, permit, or Certificate of Authority for
17 violations of his Order and this Rule and Regulation. All such
18 licensees, registrants and permittees upon written request shall have
19 the right and shall be granted a hearing before the Commissioner or his
20 designee, pursuant to Ark. Code Ann. §23-61-303 (b).

21 (b) INSURERS. Absent the Commissioner's approval of a time extension
22 for good cause shown on or before the due date, all licensed insurers
23 failing timely to report and/or pay the fees when due shall be subject
24 to an automatic penalty of One Hundred Dollars (\$100) a day for each day
25 of delinquency, payable to The State Insurance Department Trust Fund.

26 (c) PROFESSIONAL BAIL BOND COMPANIES. Each professional bail bond
27 company failing to report and/or pay its quarterly and annual fees when
28 due pursuant to Acts 652 and 901 of 1993 and this Rule and Regulation,
29 absent a time extension granted by the Commissioner for good cause
30 shown, shall be assessed a monetary penalty of One Hundred Dollars
31 (\$100) a day for each day of delinquency, as required in Section 8 of
32 this Rule as authorized by Act 901 of 1993. The Commissioner, or his
33 statutory successor per Act 500 of 1993 upon the Commissioner's
34 petition, may file a claim for such fees and any penalties due thereon
35 against the security deposit of the professional bail bond company, up
36 to the limits of the deposit.

37 (d) AGENTS, BROKERS, SOLICITORS, ADJUSTERS, CONSULTANTS, SURPLUS LINE
38 BROKERS, RRG AGENTS AND PG BROKERS, TPA's AND OTHER LICENSEES,
39 REGISTRANTS AND PERMITTEES AS TO FEES IMPOSED BY THIS RULE AND
40 REGULATION. If the periodic administrative and regulatory fees required
41 of the enumerated applicants for licensure, current licensees,
42 registrants and permittees listed in this Rule are not paid when due,
43 absent a time extension granted by the Commissioner for good cause
44 shown, the fee payable to The State Insurance Department Trust Fund
45 shall be twice the sum which would otherwise be due. The Commissioner
46 may in such event and without prior hearing deny licensure or renewal
47 licensure or registration or renewal registration whereupon it shall be
48 unlawful for any such licensee, registrant or permittee to conduct
49 business for Arkansas risks.

50 (e) INACTIVE OR RETIRED AGENTS. If "inactive" or "retired" resident
51 agents, as authorized under Section 8 of Act 652 of 1993 and Section 24
52 of Act 901 of 1993 and described in Section 21 of this Rule and

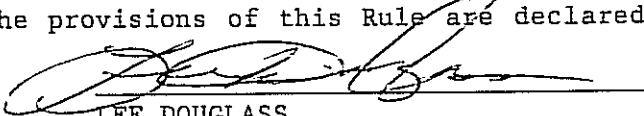
1 Regulation, do not pay their annual fees upon a timely basis, absent
2 extensions granted by the Commissioner for good cause shown, the special
3 inactive or retired licensure status and companion license shall be,
4 ipso facto, immediately cancelled and expired.

5 (f) CIVIL OR ADMINISTRATIVE ACTION. The Commissioner on behalf of
6 The State Insurance Department Trust Fund may pursue any civil cause of
7 action for collection of the fees and penalties due under this Rule, or
8 may pursue any claims against a security deposit as the Commissioner is
9 entitled to make, or may reject or refuse to accept or disapprove any
10 companion filing or license request, or may pursue any combination of
11 these remedies as appropriate.

12 In the event the Commissioner pursues a civil cause of action on
13 behalf of The State Insurance Department Trust Fund, he shall be
14 entitled to request and recover all costs of collection, including
15 reasonable attorney fees and expenses, if and as incurred.

16 (g) DOCTRINE OF ELECTION OF REMEDIES. The doctrine of election of
17 remedies shall not be imposed against the Commissioner; i.e. he is
18 entitled to seek all appropriate administrative and judicial remedies in
19 protection of The State Insurance Department Trust Fund and the public
20 interest.

21 SECTION 27. SEVERABILITY. If any provision of this Rule or the
22 application thereof to any person or circumstance is held invalid, such
23 invalidity shall not affect other provisions or applications of this
24 Rule which can be given effect without the invalid provisions or
25 application and, to this end, the provisions of this Rule are declared
26 to be severable.

27 

28 LEE DOUGLASS
29 INSURANCE COMMISSIONER

30 9-10-93
31 SEPTEMBER 10, 1993

054.00.93--002



ARKANSAS
INSURANCE
DEPARTMENT

400 University Tower Building
1123 South University Ave.
Little Rock, Arkansas 72204

Lee Douglass
Insurance Commissioner

501-686-2900

May 7, 1993

Arkansas Secretary of State
State Capitol Building
State Capitol Grounds
Little Rock, AR 72201
Attn.: Arkansas Register Office

FILED

MAY 10 1993

W. J. "BILL" MCCUEN
SECRETARY OF STATE

and

BY

Arkansas State Library
100 Capital Mall Building
State Capitol Grounds
Little Rock, AR 72201
Attn.: Ms. Mary Brewer

RE: The Department's Normal Filing Procedures on Rules and Regulations, pursuant to the Arkansas Administrative Procedure Act, as amended by Act 1106 of 1993:

- 1) 5-15-93 Emergency Adoption of New Rule and Regulation 56: "Companies Financial Regulation Fees"; Scheduled for Public Hearing on Permanent Rule 56 on June 2, 1993;
- 2) 5-15-93 Emergency Adoption of New Rule and Regulation 57: "Insurance Department Administrative and Regulatory Fees"; Scheduled for Public Hearing on Permanent Rule 56 on June 2, 1993

Dear Colleagues:

1) Enclosed for your review and processing is Emergency Rule and Regulation 56, "Companies Financial Regulation Fees", adopted effective May 15, 1993 by Commissioner Douglass pursuant to new Arkansas Act 652 of 1993 as to Department funding. I have sent the Arkansas Register two (2) certified copies of Rule 56, and copies of the Commissioner's Bulletin announcing the adoption of Rule 56 for its short tenure. See also invoice Form "CFRF" (4-93) included with the packet for the insurance companies to use in payment of this annual fee. I have enclosed 15 certified copies of emergency Rule 56 for the State Library as required, along with other mailout documents we are sending on this Rule to our licensees.

Rule 56 will expire pursuant to the Administrative Procedure Act in 120 days, or by September 12, 1993, unless the Commissioner adopts it as a permanent rule and regulation after notice and a public hearing. Therefore the Commissioner has scheduled a Public Hearing to consider adoption of Rule 56 as a permanent rule on June 2, 1993 in our Department hearing room at our offices. Enclosed are copies of that Notice of Public Hearing for your records.

2) Enclosed for your review and processing is Emergency Rule and Regulation 57, "Insurance Department Administrative and Regulatory Fees", adopted effective May 15, 1993 by Commissioner Douglass pursuant to new Acts 652, 901 and 787 of 1993 also as to Department funding. I have sent the Arkansas Register two (2) copies of Rule 57, and copies of the Commissioner's bulletins to various industry segments announcing the adoption of Rule 57 for its short tenure. Also included are some payment forms, such as Form "ALF 35" and "TPA 1", and Forms "B-1" and "B-2" for use by different licensees or registrants. I have enclosed 15 certified copies of Rule 57 for the State Library as required, as well as other mailout documents for your review.

Rule 57 will expire per the APA in 120 days, i.e. by September 12, 1993 unless the Commissioner adopts it as a permanent rule after notice and a Public Hearing. Therefore, the Commissioner has scheduled a Public Hearing to consider permanent adoption of Rule 57 on June 2, 1993 in the Department's hearing room in our offices. Enclosed are copies each of various Notices of Public Hearing we are sending to various licensees, or professions affected by some new fee imposed in this miscellaneous fee rule.

Please advise if I can assist you with any of this information. Thank you as always for your kind cooperation. While I know only final rules and orders and decisions of the Commissioner are required, I thought it might be of public interest and helpful to you all to have the other documents being mailed to our licensees and others describing some of the major sections of these new emergency rules.

Sincerely,



Jean Langford
Chief Counsel
686-2999

JL:msc

Enclosures

FILED

MAY 10 1993

W. J. "BILL" MOJEN
SECRETARY OF STATE

BY _____