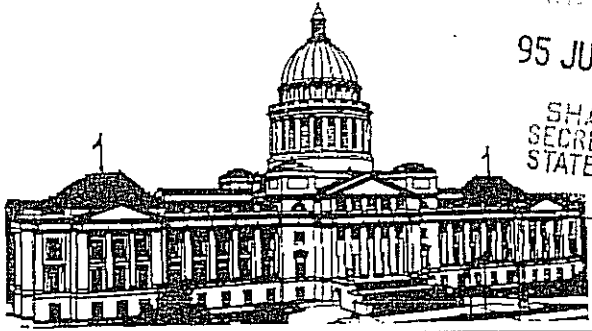


# ARKANSAS REGISTER

FILED  
AR. REGISTER DIV.

## Transmittal Sheet

95 JUN 21 PM 3:41



SHARON PRIEST  
SECRETARY OF STATE  
STATE OF ARKANSAS

W. J. "Bill" McCuen  
Secretary of State  
State Capitol Rm. 010  
Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date 6/21/95 Code Number 054.00.95--001

Name of Agency Arkansas Insurance Department

Department Legal Division, 686-2999

Contact Person Jean Langford, Chief Counsel

Statutory Authority for Promulgating Rules ACA §§ 23-61-108, 25-15-201, et seq.  
*Arkansas Act 852 of 1995*

Intended Effective Date	<u>Emergency</u>	<u>RULE 63</u>	<u>Permanent</u>	Date
<input checked="" type="checkbox"/> Emergency				<u>7-3-95</u>
<input type="checkbox"/> 20 Days After Filing				<u>7-20-95</u>
<input type="checkbox"/> Other				<u>6-26-95</u>
<u>7-1-95</u>				<u>Emergency N/A</u>
				<u>Emergency 7-1-95</u>

### CERTIFICATION OF AUTHORIZED OFFICER

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

Jean Langford  
Signature

Chief Counsel  
Title

6-21-95  
Date

EMERGENCY  
RULE AND REGULATION NO. 63  
TRUST FUND RELEASE FORMS FOR  
PREPAID FUNERAL BENEFITS CONTRACTS

FILED  
ARL REGISTER DIV.  
95 JUN 21 PM 3:41  
SHARON FRIEST  
SECRETARY OF STATE  
STATE OF ARKANSAS  
BY \_\_\_\_\_

11 SECTION

- 13 1. Purpose
- 14 2. Authority & Effective Date: Emergency Adoption
- 15 3. Applicability and Scope
- 16 4. Forms Adopted
- 17 5. Severability

19 SECTION 1. PURPOSE. The purpose of this Emergency Rule is to adopt  
20 forms for use in release of trust fund proceeds by Sellers of Prepaid  
21 Funeral Benefits Contracts maintaining licensure with the Arkansas  
22 Insurance Commissioner ("Commissioner") on and after July 1, 1995  
23 pursuant to the provisions of Arkansas Act 852 of 1993.  
24

25 SECTION 2. AUTHORITY & EFFECTIVE DATE: EMERGENCY ADOPTION. Authority  
26 for this Emergency Rule is given to the Insurance Commissioner for the  
27 State of Arkansas by Ark. Code Ann. §§23-61-108, 23-76-120, 25-15-204  
28 (b), et seq., and Act 852 of 1993, effective on and after July 1, 1995.  
29 It is hereby declared that the immediate adoption of this Rule is  
30 necessary to implement trust fund release provisions of Act 852 of  
31 1993, to prevent imminent peril to the health, safety or welfare of the  
32 citizens of this State. Therefore the provisions of this Emergency Rule  
33 shall become effective July 1, 1995, or immediately thereafter upon  
34 signature by the Commissioner and filing; and shall expire 120 days from  
35 its effective date, unless sooner replaced with a permanent Rule adopted  
36 by the Commissioner after public notice and a hearing.  
37

38 SECTION 4. APPLICABILITY AND SCOPE. This Emergency Rule shall apply to  
39 all persons engaged in the business of selling prepaid funeral benefits  
40 contracts under Ark. Code Ann. §§23-40-101, et seq., as amended by Act  
41 852 of 1993.  
42

43 SECTION 5. FORMS ADOPTED. On and after July 1, 1995, permittees under  
44 Ark. Code Ann. §§23-40-101, et seq., selling Prepaid Funeral Benefits  
45 Contracts shall duplicate and use the Forms attached as exhibits to this  
46 Emergency Rule for trust fund releases, as applicable. They are  
47 Seller's Affidavit of Contract Performance, Form FNL-C1; Seller's  
48 Affidavit for Cancellation, Form FNL-C2; and Affidavit and Request of  
49 Purchaser to Cancel, Form FNL-C3.  
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1 SECTION 6. SEVERABILITY. Any section or provision of this Emergency  
2 Rule held by a court to be invalid or unconstitutional will not affect  
3 the validity of any other section or provision of this rule.

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LEE DOUGLASS  
INSURANCE COMMISSIONER

BY: Ronald L. Sheffield  
RONALD L. SHEFFIELD  
DEPUTY COMMISSIONER

June 21, 1995  
DATE

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