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**OFFICE OF THE LIEUTENANT GOVERNOR
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M E M O R A N D U M

TO: Chip Wagoner, AAC Contact
Department of Commerce, Community and Economic Development

FROM: Scott Meriwether
Special Assistant 
907.465.4081

DATE: February 24, 2015

RE: Filed Permanent Regulations: Division of Insurance

Regulations re: the meaning of "year of adoption" in AS 21.42.160 (3 AAC 31.200; 3 AAC 31.250(a); 3 AAC 31.299)

Attorney General File:	JU2014200464
Regulation Filed:	February 24, 2015
Effective Date:	March 26, 2015
Print:	Register 213, April 2015

cc with enclosures: Micaela Fowler, Commerce, Community and Economic Development
Linda Miller, Department of Law
Dean Williams, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

ORDER RA 14-02 ADOPTING CHANGES TO
REGULATIONS OF THE DIVISION OF INSURANCE

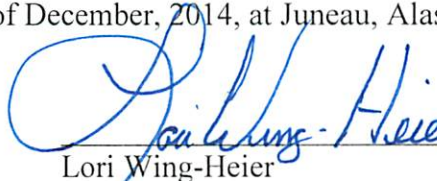
The attached 4 pages of regulations, dealing with clarification of the term "year of adoption" in AS 21.42.160 are hereby adopted and certified to be a correct copy of the regulation changes that the Division of Insurance adopts (3 AAC 31.200, 3 AAC 31.250, and 3 AAC 31.299) under the authority of AS 21.06.090; AS 21.42.120; AS 21.42.123; AS 21.42.125; AS 21.57.080; AS 21.66.450; AS 21.84.255; AS 21.86.070; AS 21.87.180; and AS 21.96.080. after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Division of Insurance paid special attention to the cost to private persons of the regulatory action being taken.

The regulations adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor.

DATED this 10th day of December, 2014, at Juneau, Alaska.



Lori Wing-Heier
Director
Division of Insurance
Department of Commerce, Community, and
Economic Development

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

Feb 24, 2015, at 10:18A m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Effective March 26, 2015

Register 213, April 2015

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Title 3. Commerce, Community, and Economic Development.

Part 2. Division of Insurance.

Chapter 31. Miscellaneous.

Article 1. Filing Procedure for Forms, Rates, Manuals, Rating Plans, and Rules.

3 AAC 31.200 is amended to read:

3 AAC 31.200. Applicability and scope. 3 AAC 31.200 - 3 AAC 31.299 [3 AAC 31.200 – 3 AAC 31.250] apply to all persons who are required to file forms, rates, manuals, rating plans, rules, policies, certificates, or other documents under AS 21.39.040, AS 21.54.015; [AS] 21.39.041, 21.39.210, 21.39.220; AS 21.42.120, 21.42.123, 21.42.125; AS 21.57.080; AS 21.66.370, 21.66.450; AS 21.84.255; AS 21.86.070; AS 21.87.180, or 21.87.190. (Eff. 12/4/94, Register 132; am 11/12/2006, Register 180; am 3 / 26 / 2015, Register 213)

Authority:	AS 21.06.090	AS 21.42.120	AS 21.66.450
	AS 21.39.040	AS 21.42.123	AS 21.84.255
	AS 21.39.041	AS 21.42.125	AS 21.86.070
		<u>AS 21.54.015</u>	
	AS 21.39.210	AS 21.57.080	AS 21.87.180
	AS 21.39.220	AS 21.66.370	AS 21.87.190

3 AAC 31.250(a) is amended to read:

(a) In addition to the requirements under 3 AAC 31.200 – 3 AAC 31.225, a form filing must include a unique form number on each form. Each form must also have printed on it the year of adoption of the form. The year of adoption appearing on the form is the year of the

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effective date of the filing in which the new, revised, or replacement form was authorized or approved by the director for use by the insurer in this state for the particular program, product, and line of business to which the filing applied, unless one of the following applies:

(1) if the year of the effective date of the filing in which the new, revised, or replacement form was authorized or approved by the director for use by the insurer in this state is different than the year of the effective date initially requested in that filing, and the effective date initially requested complies with AS 21.42.123(c), AS 21.42.125(b), or 3 AAC 29.525, the initially requested effective date may be considered the year of adoption of the forms in the filing;

(2) if a form has been previously authorized or approved by the director for use by the insurer in this state for another program or product or under another line of business and is not a revision to or replacement of a form currently authorized or approved for use in the particular program, product, and line of business to which the filing applies, the year of adoption of the previously authorized or approved form may be considered the form's year of adoption for the particular program, product, and line of business to which the filing applies;

(3) if a form has been previously authorized or approved by the director for use in this state by an insurer with the same National Association of Insurance Commissioners' group number and is not a revision to or replacement of a form currently authorized or approved by the director for use by the insurer making the filing, the year of adoption of the previously authorized or approved form may be considered the form's year of adoption for the insurer making the filing;

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(4) if a form is used by the insurer in multiple states, is not a revision to or replacement of a form currently authorized or approved by the director for use in this state, and includes a year the form was adopted in another state or an edition date year, the year the form was adopted in another state or edition date year appearing on the multistate form may be considered the form's year of adoption in this state; ~~or~~

(5) if a form has been filed by a licensed rating organization and has been authorized or approved by the director for use in this state, the year of adoption on the applicable rating organization form may be considered the form's year of adoption, but only if the form has not been modified and one of the following applies:

(A) the insurer is a member of, or subscriber to, the rating organization and has authorized the director to accept the form filings of the rating organization on the insurer's behalf, regardless of whether the insurer makes a filing with the director requesting an effective date for implementation of the rating organization filing that does not coincide with the effective date of the applicable rating organization filing; ~~or~~

(B) the insurer makes a filing to adopt the form, without modification, by reference to the applicable rating organization form filing.

(Eff. 11/12/2006, Register 180; am 3 / 26 / 2015, Register 213)

Authority:	AS 21.06.090	AS 21.42.125	AS 21.86.070
		<u>AS 21.42.160</u>	
	AS 21.42.120	AS 21.66.450	AS 21.87.180
	AS 21.42.123		

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to Article 2

3 AAC 31 is amended by adding a new section to read:

3 AAC 31.299. Definitions. In 3 AAC 31.200 – 3 AAC 31.299, unless the context

requires otherwise,

~~(1)~~ "replacement form" or "revised form"

(1)

~~(A)~~ means a form with the same basic content or effect as a currently

authorized or approved form and that will be used in place of the currently authorized or approved form, regardless of whether the form number is being revised;

(2)

~~(B)~~ does not include a form

(A)

~~(i)~~ with changes limited to a change in the insurer's logo on the

insurer's own form; or

(B)

~~(ii)~~ defined under 3 AAC 31.221(d)(2) or (3). (Eff.

3 / 26 / 2015, Register 213)

Authority:	AS 21.06.090	AS 21.57.080	AS 21.86.070
	AS 21.42.120	AS 21.66.450	AS 21.87.180
	AS 21.42.123	AS 21.84.255	AS 21.96.080
	AS 21.42.125		