

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1375, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 6, line 35, delete "(A)".
- 2 Page 6, line 35, strike "pay a reinstatement fee of one hundred
- 3 dollars (\$100)".
- 4 Page 6, line 36, strike "plus current fees; or", begin a new line
- 5 double block indented and insert:
- 6 **"(A) satisfy the requirements of IC 27-1-15.5-7.1(b);**
- 7 **and"**.
- 8 Page 6, line 37, after "satisfaction" insert **"the laws portion of "**.
- 9 Page 6, line 38, after "applicant" insert **"under**
- 10 **IC 27-1-15.5-4(g)(5)"**.
- 11 Page 12, line 9, strike "to the legislative services agency".
- 12 Page 12, line 10, delete "and, upon request, to the public".
- 13 Page 13, line 1, strike "or renewal".
- 14 Page 14, line 19, strike "form:" and insert **"filing:"**.
- 15 Page 14, line 20, strike "form," and insert **"filing,"**.
- 16 Page 14, line 24, strike "form," and insert **"filing,"**.

- 1 Page 14, line 27, strike "filed a form" and insert "**made a filing**".
- 2 Page 14, line 28, strike "form" and insert "**filing**".
- 3 Page 14, line 29, after "issue" insert "**or use**".
- 4 Page 14, line 29, strike "form or use it" and insert "**filing**".
- 5 Page 14, line 35, strike "form filed" and insert "**filing**".
- 6 Page 14, line 37, strike "the form".
- 7 Page 14, line 37, strike "it" and insert "**the filing**".
- 8 Page 15, between lines 2 and 3, begin a new paragraph and insert:
- 9 "SECTION 9. IC 27-12-3-5 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. **(a) Except as**
- 11 **provided in subsection (b)**, the receipt of proof of financial
- 12 responsibility and the surcharge constitutes compliance with section 2
- 13 of this chapter:
- 14 (1) as of the date on which they are received; or
- 15 (2) as of the effective date of the policy;
- 16 if this proof is filed with and the surcharge paid to the department of
- 17 insurance not later than ninety (90) days after the effective date of the
- 18 insurance policy. ~~If proof of financial responsibility and the payment~~
- 19 ~~of the surcharge is not made within ninety (90) days after the policy~~
- 20 ~~effective date, compliance occurs on the date when proof is filed and~~
- 21 ~~the surcharge is paid.~~
- 22 **(b) If an insurer files proof of financial responsibility and**
- 23 **makes payment of the surcharge to the department of insurance at**
- 24 **least ninety-one (91) days but not more than one hundred eighty**
- 25 **(180) days after the policy effective date, the health care provider**
- 26 **is in compliance with section 2 of this chapter, if the insurer**
- 27 **demonstrates to the satisfaction of the commissioner that the**
- 28 **insurer:**
- 29 **(1) received the premium and surcharge in a timely manner;**
- 30 **and**
- 31 **(2) failed to transmit the surcharge in a timely manner.**
- 32 **(c) If the commissioner accepts a filing as timely under**
- 33 **subsection (b), the filing must be accompanied by a penalty amount**
- 34 **as follows:**
- 35 **(1) Ten percent (10%) of the surcharge, if the proof of**
- 36 **financial responsibility and surcharge are received by the**
- 37 **commissioner at least ninety-one (91) days and not more**
- 38 **than one hundred twenty (120) days after the original**

- 1 **effective date of the policy.**
- 2 **(2) Twenty percent (20%) of the surcharge, if the proof of**
- 3 **financial responsibility and surcharge are received by the**
- 4 **commissioner at least one hundred twenty-one (121) days**
- 5 **and not more than one hundred fifty (150) days after the**
- 6 **original effective date of the policy.**
- 7 **(3) Fifty percent (50%) of the surcharge, if the proof of**
- 8 **financial responsibility and surcharge are received by the**
- 9 **commissioner at least one hundred fifty-one (151) days and**
- 10 **not more than one hundred eighty (180) days after the**
- 11 **original effective date of the policy.".**
- 12 Renumber all SECTIONS consecutively.
 (Reference is to HB 1375 as introduced.)

and when so amended that said bill do pass.

Representative Fry