

## **IC 27-1-20**

### **Chapter 20. Additional Provisions Pertaining to All Insurance Companies**

#### **IC 27-1-20-1**

##### **Insurance of deposited securities**

Sec. 1. The department, in the name of the State of Indiana, and for the benefit of the owners of all securities subject to negotiation by delivery, and deposited with the department or under its supervision, shall purchase and maintain insurance, in an aggregate amount not to exceed one million dollars, against loss from any cause that the department may deem appropriate.

*(Formerly: Acts 1935, c.162, s.248; Acts 1971, P.L.385, SEC.5.)*

#### **IC 27-1-20-2**

##### **Repealed**

*(Repealed by Acts 1971, P.L.1, SEC.8.)*

#### **IC 27-1-20-3**

##### **Eligibility of investments for deposit; existing investments**

Sec. 3. Eligible investments made or deposited prior to March 8, 1935, shall continue to be eligible for deposit, subject, however, to section 4 of this chapter.

*(Formerly: Acts 1935, c.162, s.250.) As amended by P.L.252-1985, SEC.87.*

#### **IC 27-1-20-4**

##### **Revaluation of investments omitting interest or dividends**

Sec. 4. If any investment when made or purchased conforms to the requirements of this law, or of any law of this state at the date of such deposit, it shall continue to be eligible for deposit for the full amount thereof so long as: (a) in the case of an interest-bearing investment, the interest is not in default for more than two (2) years; and (b) in the case of a dividend-paying investment, the dividends are not unpaid for more than two (2) years: Provided, however, That when there shall be a default in the payment of interest, or a failure to pay dividends, for a period of more than two (2) years, the commissioner may, if he deems it advisable, require the company to furnish reasonable proof of the then fair value of the investment and the same shall thereafter continue to be a proper investment and available for deposit for the fair value thus determined, not exceeding the amount due on any given promise to pay or the amount paid for a given share of stock.

*(Formerly: Acts 1935, c.162, s.251.)*

#### **IC 27-1-20-5**

##### **Deposit of securities acquired from foreign life insurer under reinsurance agreement**

Sec. 5. Nothing in this law shall prevent the deposit of securities and other evidences of ownership of property, acquired from a life insurance company domiciled in a foreign state or alien country by a domestic life insurance company under a reinsurance agreement approved by the department, provided such securities and property comply with the investment requirements of the state of incorporation of such reinsured company.

*(Formerly: Acts 1935, c.162, s.252.)*

#### **IC 27-1-20-6**

##### **Transfer of defaulted deposited securities to other depository under financial reorganization agreement; filing receipt; effect on deposit credit**

Sec. 6. If a life insurance company, in order to protect itself against loss on account of defaulted securities issued by a public or private corporation and deposited with the department in accordance with this article, enters into an agreement incidental to the financial reorganization of such corporation, and requiring a deposit of such securities with a committee or a depository designated in such agreement, such securities may be withdrawn from the deposit with the department and transferred to the committee or depository designated in such agreement without reducing the deposit credit of such company, provided that a proper receipt executed by the committee or depository be filed with the department within fifteen (15) days following the date such securities are withdrawn, or within such further period of time as the commissioner may in his discretion allow.

*(Formerly: Acts 1935, c.162, s.253.) As amended by P.L.252-1985, SEC.88.*

#### **IC 27-1-20-7**

##### **Withdrawal from deposit to pledge for loan; effect; redeposit**

Sec. 7. Nothing in this article shall prevent a life insurance company, with the commissioner's consent, from withdrawing investments from deposit for the purpose of pledging them for a loan or loans, in which case the difference between the deposit value of such investments and the amount of the obligation or obligations thereby secured shall, unless and until such pledge is foreclosed, continue as a deposit credit, and when such investments are offered for deposit they shall be reinstated in all respects to their former status as a deposit.

*(Formerly: Acts 1935, c.162, s.254.) As amended by P.L.252-1985, SEC.89.*

#### **IC 27-1-20-8**

##### **Deposits as a condition of doing business; definitions; securities; bank deposits with restricted withdrawal privileges**

Sec. 8. (a) The definitions set forth in this subsection apply

throughout this section:

- (1) "Broker dealer" means an entity that:
  - (A) is registered with and subject to the jurisdiction of the Securities and Exchange Commission;
  - (B) maintains membership in the Securities Investor Protection Corporation; and
  - (C) has a tangible net worth of at least two hundred fifty million dollars (\$250,000,000).
- (2) "Clearing corporation" means a corporation as defined in IC 26-1-8.1-102 except that with respect to securities issued by institutions organized or existing under the laws of any foreign country or securities used to meet the deposit requirements pursuant to the laws of a foreign country as a condition of doing business therein. "Clearing corporation" may include a corporation organized or existing under the laws of any foreign country and which is legally qualified under such laws to effect transactions in securities by computerized book entry.
- (3) "Direct participant" means a bank, trust company, or safety deposit company approved by the commissioner which maintains an account in its name in a clearing corporation and through which an insurance company participates in a clearing corporation.
- (4) "Federal Reserve book-entry system" means the computerized systems sponsored by the United States Department of the Treasury and certain agencies and instrumentalities of the United States for holding and transferring securities of the United States government and such agencies and instrumentalities, respectively, in Federal Reserve Banks through banks which are members of the Federal Reserve System, or which otherwise have access to such computerized systems.
- (5) "Member bank" means a national bank, state bank, or trust company which is a member of the Federal Reserve System and through which an insurance company participates in the Federal Reserve book-entry system.
- (6) "Securities" means instruments meeting the definition set forth in IC 26-1-8.1-102.

(b) Notwithstanding any other provision of law, a domestic insurance company may deposit or arrange for the safekeeping of securities held in or purchased for its general account and its separate accounts in a clearing corporation or the Federal Reserve book-entry system. When securities are deposited with a clearing corporation, certificates representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other securities deposited with such clearing corporation by any person, regardless of the ownership of such securities, and certificates representing securities of small denominations may be merged into one (1) or more certificates of

larger denominations. The records of any member bank or broker dealer through which an insurance company holds securities in the Federal Reserve book-entry system, and the records of any custodian through which an insurance company holds securities in a clearing corporation, shall at all times show that such securities are held for such insurance company and for which accounts thereof. Ownership of, and other interests in, such securities may be transferred by bookkeeping entry on the books of such clearing corporation or in the Federal Reserve book-entry system without, in either case, physical delivery of certificates representing such securities.

(c) Any Indiana law requiring an insurance company operating under the laws of Indiana to deposit assets with the department shall be deemed complied with if such deposit is made pursuant to a written agreement between the insurance company and any bank, trust company or a safety deposit company and approved by the commissioner which limits withdrawals to those sanctioned and approved by the department. Deposits so made shall be credited by the department as deposits in its possession on the basis of the insurance company's affidavit describing such deposits as to amount and nature.

(d) Notwithstanding any other provisions of law, securities eligible for deposit under the insurance law of this state relating to deposit of securities by an insurance company as a condition of commencing or continuing to do an insurance business in this state may be deposited with a clearing corporation or held in the Federal Reserve book-entry system. Securities deposited with a clearing corporation or held in the Federal Reserve book-entry system and used to meet the deposit requirements under the insurance laws of this state shall be under the control of the commissioner and shall not be withdrawn by the insurance company without the approval of the commissioner. Any insurance company holding such securities in such manner shall provide to the commissioner evidence issued by its custodian or a member bank through which such insurance company has deposited securities with a clearing corporation or held in the Federal Reserve book-entry system, respectively, in order to establish that the securities are actually recorded in an account in the name of the custodian or other direct participant or member bank and evidence that the records of the custodian, other participant, or member bank reflect that such securities are held subject to the order of the commissioner.

(e) The commissioner of insurance is authorized to promulgate rules and regulations governing the deposit by insurance companies of securities with clearing corporations and in the Federal Reserve book-entry system.

*(Formerly: Acts 1935, c.162, s.255; Acts 1945, c.175, s.5; Acts 1957, c.22, s.1.) As amended by Acts 1981, P.L.238, SEC.2; Acts 1982, P.L.164, SEC.1; P.L.255-1995, SEC.4; P.L.247-1995, SEC.24; P.L.11-2011, SEC.16.*

**IC 27-1-20-9****Substitution of securities on deposit; withdrawal of securities in excess of requirements**

Sec. 9. Companies shall have the right at any time to change their securities on deposit, by substituting for those withdrawn a like amount in other securities of the character provided for in this article, and whenever the net cash value of policies outstanding and in force against any company is less than the amount of securities then on deposit with the department, said company shall have the right to withdraw such excess, but at least twenty-five thousand dollars (\$25,000) shall remain on deposit.

*(Formerly: Acts 1935, c.162, s.256.) As amended by P.L.252-1985, SEC.90.*

**IC 27-1-20-10****Disposition of interest earned by securities on deposit**

Sec. 10. The department shall permit companies having on deposit with it stocks or bonds as security, to collect the interest accruing on such deposits, delivering to their authorized agents, respectively, the coupons or other evidences of interest as the same become due; but upon default by any company to deposit additional security as called for by the department or pending any proceedings for rehabilitation, liquidation or conservation of such company, the department shall collect the interest as it becomes due and add the same to the securities in its possession, or under its control, belonging to such company.

*(Formerly: Acts 1935, c.162, s.257.)*

**IC 27-1-20-11****Discontinuance of business; procedure for return of deposited securities**

Sec. 11. When any company determines to discontinue its business and ceases to do business in this state and desires to withdraw its deposit made in this state pursuant to this article, the department shall upon the application of the company and at the expense of the company give notice of such intention in a newspaper of general circulation in the state once a week for a period of four (4) weeks. After such publication it shall deliver to such company or its assigns the securities so deposited when it is satisfied upon examination and investigation made by it or under its authority and upon the oaths of the president or a vice president and the secretary or an assistant secretary of the company that all debts and liabilities of every kind due and to become due which the deposit was made to secure are paid and extinguished.

*(Formerly: Acts 1935, c.162, s.258.) As amended by P.L.252-1985, SEC.91.*

**IC 27-1-20-12**

### **Retaliatory provisions**

Sec. 12. (a) When, by the laws of any other state, any taxes, fines, penalties, licenses, fees, deposits of money or securities, or other obligations or prohibitions are imposed upon insurance companies of this or other states, or their agents, greater than are required by laws of this state, then the same obligations and prohibitions, of whatever kind, shall, in like manner for like purposes, be imposed upon all insurance companies of such states and their agents. All insurance companies of other nations, under this section, shall be held as of the state where they have elected to make their deposit and establish their principal agency in the United States.

(b) Whenever it shall be made to appear to the insurance commissioner that permission to transact business within any state of the United States, other than the state of Indiana, or within any foreign country, is refused to an insurance company organized under the laws of this state, after a certificate of the solvency and good management of such company has been issued to it by the insurance commissioner and after such company has complied with any reasonable laws of such other state or foreign country requiring deposits of money or securities with the government of such other state or foreign country, then and in every such case, the commissioner may forthwith cancel the authority of every insurance company organized under the laws of such other state or foreign country and licensed to do business in this state, and may refuse a certificate of authority to every such company thereafter applying to him for authority to do business in this state, until his certificate shall have been duly recognized by the government of such other state or foreign country.

*(Formerly: Acts 1935, c.162, s.259; Acts 1937, c.288, s.5.)*

### **IC 27-1-20-13**

#### **Fees of secretary of state**

Sec. 13. The fees payable to the secretary of the state by insurance companies which are organized or reorganized under the laws of this state or the laws of any other state, territory or insular possession of the United States or the District of Columbia shall be the same as the fees prescribed in chapter 219 of the Acts of the General Assembly of 1929.

*(Formerly: Acts 1935, c.162, s.262.)*

### **IC 27-1-20-14**

#### **Pension plan for officers and employees**

Sec. 14. Any insurance company organized under the laws of this state, in addition to the rights and powers conferred upon it by the law under which it was organized and/or under which it operates, shall have the power to establish a pension plan or system for the benefit of its officers and employees. Before such a plan or system is adopted by a company, it shall be submitted to and approved by

the commissioner of insurance.  
(Formerly: Acts 1935, c.162, s.262a.)

#### **IC 27-1-20-15**

##### **Automatic revocation of authority for failure to timely complete organization**

Sec. 15. If any company, whether organized under the provisions of this article or of any statute enacted prior to March 8, 1935, for the purpose of making any kind or kinds of insurance, does not complete its organization and proceed with the transaction of business, pursuant to the provisions of the statute under which it is organized, within a period of one (1) year after its articles of incorporation or its organization shall have been approved and filed in the office of the secretary of state, the approval so given shall be deemed to be revoked and such articles of incorporation or such organization shall be null and void.

(Formerly: Acts 1935, c.162, s.264.) As amended by P.L.252-1985, SEC.92.

#### **IC 27-1-20-16**

##### **Repealed**

(Repealed by P.L.1-1989, SEC.75.)

#### **IC 27-1-20-17**

##### **Repealed**

(Repealed by Acts 1978, P.L.2, SEC.2728.)

#### **IC 27-1-20-18**

##### **Repealed**

(Repealed by Acts 1976, P.L.122, SEC.1.)

#### **IC 27-1-20-19**

##### **Misrepresentation of funds available to pay losses or policy claims**

Sec. 19. No company doing business in this state or agent thereof shall state or represent by advertisement in any newspaper, periodical or magazine or by any sign, circular, card, policy of insurance or certificate of renewal thereof or otherwise that any funds or assets are in possession of such company which are not actually owned by it and available for the payment of losses and claims and held for the protection of its policyholders and creditors. Funds deposited by any company, under depository laws of this or other states, shall be considered as in the company's possession for the payment of losses or policy claims.

(Formerly: Acts 1935, c.162, s.267.)

#### **IC 27-1-20-20**

##### **Financial statement; requirements; violations; penalties**

Sec. 20. Except as otherwise provided in this section, every

advertisement or public announcement and every sign, circular or card issued or displayed by any domestic, foreign or alien company doing business in this state, purporting to make known its financial condition, shall state the amount of its paid-up capital, the assets owned, its liabilities, including therein the premium and loss reserves required by law, and the amount of net surplus of admitted assets over all its liabilities actually available for the payment of its losses and claims and held for the protection of its policyholders and shall correspond to the next preceding verified statement made to the department by such company. The foregoing shall not apply to a statement showing only the capital stock paid up and the surplus separately and combined, but such items shall not be in excess of the corresponding items shown on the verified statements made by such company to the department next preceding the making or issuing of the same. Every advertisement or public announcement and every sign, circular or card issued or displayed by an alien company doing business in this state, purporting to make known its financial condition, shall segregate and state separately the capital and assets held by its United States branch, the liabilities, including therein the premium and loss reserves required by law, and the amount of net surplus of assets over all its liabilities actually available for the payment of its losses and claims and held for the protection of its policyholders in the United States and shall correspond to the next preceding verified annual statement made by such company to the commissioner.

Despite any other provision of the laws of this state an insurer may, subject to requirements set forth by regulation promulgated by the Commissioner, publish financial statements or information based on financial statements prepared on a basis which is in accordance with requirements of a competent authority and which differs from the basis of the statements which have been filed with the Insurance Commissioner. Such differing financial statements or information based on financial statements shall not be made the basis for the application of provisions of any laws of this state not relating solely to the publication of financial information unless such provisions specifically so require.

For every willful violation of this section and section 19 of this chapter by any such company or by an agent thereof the company shall forfeit for the first offense to the state of Indiana the sum of five hundred dollars (\$500) and for every subsequent offense the sum of one thousand dollars (\$1,000), which, when recovered, shall be paid to the state treasurer.

*(Formerly: Acts 1935, c.162, s.268; Acts 1974, P.L.123, SEC.1.)*

#### **IC 27-1-20-21**

##### **Annual financial statement; microfilm copies**

Sec. 21. Every company doing business in this state shall file with the department on or before March 1 in each year a financial

statement for the year ending December 31 immediately preceding in a format in accordance with IC 27-1-3-13. For good and sufficient cause shown, the commissioner may grant to any individual company a reasonable extension of time not to exceed ninety (90) days within which such statement may be filed. Such statement shall be verified by the oaths of the president or a vice president and the secretary or an assistant secretary of the company. The statement of an alien company shall segregate and state separately its condition and transaction in the United States and such segregated and separated statement shall be verified by the oath of its resident manager or principal representative in the United States. The commissioner of insurance may, with the approval of the Indiana archives and records administration, authorize the destruction of such annual statements which have been on file for two (2) years or more and microfilm copies of which have been made and filed.

*(Formerly: Acts 1935, c.162, s.269; Acts 1957, c.124, s.1.) As amended by P.L.252-1985, SEC.94; P.L.159-1986, SEC.4; P.L.271-1987, SEC.3; P.L.3-1989, SEC.151; P.L.246-1989, SEC.1; P.L.130-1994, SEC.26; P.L.116-1994, SEC.36; P.L.1-1998, SEC.140; P.L.268-1999, SEC.8; P.L.171-2015, SEC.45.*

#### **IC 27-1-20-21.1**

##### **Repealed**

*(Repealed by P.L.1-1990, SEC.257.)*

#### **IC 27-1-20-21.2**

##### **Civil penalty; failure to comply with IC 27-1-20-21**

Sec. 21.2. The commissioner may impose a civil penalty of five hundred dollars (\$500) under IC 4-21.5-3 on an insurance company that fails to comply with section 21 of this chapter.

*As added by P.L.1-1990, SEC.258.*

#### **IC 27-1-20-21.3**

##### **Actuarial opinions**

Sec. 21.3. (a) Every domestic casualty insurance company, domestic fire and marine insurance company, and domestic life and health insurance company shall include an actuarial opinion as an additional part of the financial statement required under section 21 of this chapter. The commissioner shall adopt rules under IC 4-22-2 that:

- (1) prescribe the form and content of the actuarial opinion required by this section; and
- (2) establish minimum qualifications that an actuary must meet in order to provide the actuarial opinion required under this section.

(b) The actuarial opinion required by subsection (a) shall be included with every annual statement beginning with the statement for calendar year 1994.

*As added by P.L.1-1990, SEC.259. Amended by P.L.130-1994, SEC.27; P.L.116-1994, SEC.37; P.L.14-2000, SEC.57.*

#### **IC 27-1-20-22**

##### **Verification of accounts and reports**

Sec. 22. Whenever any provision of this article requires that there shall be filed any verified account, report, or other paper by any person, firm, or corporation, such account, report, or other paper shall be executed by the person or persons filing such account, report, or other paper or by the president or such other officer as may be designated by the board of directors of any corporation filing such account, report, or other paper, and the truth of the matters therein stated shall be sworn to under oath by such person or by such president or other officer, before a notary public or other officer duly qualified to administer oaths.

*(Formerly: Acts 1935, c.162, s.270.) As amended by P.L.252-1985, SEC.95.*

#### **IC 27-1-20-23**

##### **Remedies of receivership exclusive with department; exception in favor of judgment creditor**

Sec. 23. No order, judgment, or decree providing for an accounting or enjoining, restraining, or interfering with the operation of the business of any insurance company, association, or society, to which any provision of this article is applicable, or for the appointment of a temporary or permanent receiver thereof, shall be made or granted otherwise than upon the application of the department, except in an action by a judgment creditor or in proceedings supplemental to execution.

*(Formerly: Acts 1935, c.162, s.270a.) As amended by P.L.252-1985, SEC.96.*

#### **IC 27-1-20-24**

##### **Repealed**

*(Repealed by Acts 1978, P.L.2, SEC.2728.)*

#### **IC 27-1-20-25**

##### **Organization of new companies on Lloyds or assessment plan prohibited; surplus requirement for reciprocal plan**

Sec. 25. (a) A domestic company that organized after March 7, 1935, may not operate:

- (1) an insurance business on the assessment plan; or
- (2) an insurance business as Lloyds.

(b) A domestic company may not operate an insurance business on the reciprocal plan as an interinsurer or individual underwriter unless it has a surplus over all policy liabilities of not less than two hundred fifty thousand dollars (\$250,000).

*(Formerly: Acts 1935, c.162, s.272.) As amended by Acts 1977,*

*P.L.282, SEC.4.*

**IC 27-1-20-26**

**Exemption from article of a farm mutual insurance company**

Sec. 26. Except as provided in IC 27-5.1-2-8, the provisions of this article shall not apply to a farm mutual insurance company or any similar company organized and operating under IC 27-5 (before its repeal) or IC 27-5.1, nor shall any provision of this article be construed as repealing any provision of the statutes applicable to the companies and associations referred to in this section.

*(Formerly: Acts 1935, c.162, s.272a.) As amended by P.L.252-1985, SEC.97; P.L.129-2003, SEC.4.*

**IC 27-1-20-27**

**Exemption of domestic mutual fire insurance companies**

Sec. 27. The provisions of IC 27-1-5 through IC 27-1-19 and this chapter shall not apply to any domestic mutual fire insurance company or association licensed as of March 8, 1935, originally organized and operated by farmers to insure farm property.

*(Formerly: Acts 1935, c.162, s.272b.) As amended by P.L.252-1985, SEC.98.*

**IC 27-1-20-28**

**Exemption of interinsurance associations or reciprocal or interinsurance exchanges dealing with worker's compensation insurance**

Sec. 28. The provisions of this article shall not apply to any interinsurance association or reciprocal or interinsurance exchange organized under and by virtue of Acts 1915, c.106, as amended and supplemented, and formed and operating on or before January 1, 1991, for the sole purpose of writing worker's compensation insurance.

*(Formerly: Acts 1935, c.162, s.272c.) As amended by P.L.252-1985, SEC.99; P.L.28-1988, SEC.78; P.L.170-1991, SEC.26.*

**IC 27-1-20-29**

**Exemption of abstract and title insurance companies**

Sec. 29. Nothing contained in this article shall be construed to affect or apply to any corporation organized before March 8, 1935, under any law of this state which is authorized to engage in the making of abstracts of title to real estate and the issuing of certificates insuring or guaranteeing the titles to real estate.

*(Formerly: Acts 1935, c.162, s.272d.) As amended by P.L.252-1985, SEC.100.*

**IC 27-1-20-30**

**Rebate of premium or commission; unfair competition**

Sec. 30. (a) No company acting through its officers or members,

attorney-in-fact, or by any other party, no officer of a company acting on the officer's own behalf and no insurance producer, broker, or solicitor, personally or by any other party, shall offer, promise, allow, give, set off or pay, directly or indirectly, any rebate of or part of the premium payable on a policy, or any insurance producer's commission thereon, or earnings, profits, dividends or other benefits founded, arising, accruing, or to accrue thereon or therefrom, or any special advantage in date of policy or age of issue, or any paid employment or contract for services of any kind, or any other valuable consideration or inducement, to or for insurance on any risk in this state, now or hereafter to be written, or for or upon any renewal of any such insurance, which is not specified in the policy contract of insurance, or offer, promise, give, option, sell or purchase any stocks, bonds, securities, or property, or any dividends or profits accruing or to accrue thereon, or other thing of value whatsoever as inducement to insurance or in connection therewith, or any renewal thereof, which is not specified in the policy. Nothing in this section shall prevent a company which transacts industrial life insurance on a weekly payment plan from returning to policyholders who have made a premium payment for a period of at least one (1) year directly to the company at its home or district office a percentage of premium which the company would otherwise have paid for the weekly collection of such premium, nor shall this section be construed to prevent the taking of a bona fide obligation, with legal interest, in payment of any premium.

(b) No insured person or party or applicant for insurance shall directly or indirectly, receive or accept, or agree to receive or accept, any rebate of premium or of any part thereof, or all or any part of any insurance producer's or broker's commission thereon, or any favor or advantage, or share in any benefit to accrue under any policy of insurance, or any valuable consideration or inducement, other than such as are specified in the policy.

*(Formerly: Acts 1935, c.162, s.273.) As amended by Acts 1978, P.L.2, SEC.2713; P.L.178-2003, SEC.20.*

### **IC 27-1-20-31**

#### **Restrictions on interlocking directorates**

Sec. 31. Insurance corporations may have interlocking directorates, provided no person at the same time shall be a director in two (2) or more insurance corporations where the effect may be to substantially lessen competition generally or tend to create a monopoly. Whenever the commissioner of insurance has reason to believe that there is a violation of this section, he shall have the authority to proceed to an adjudication of the violation under IC 4-21.5-3.

*(Formerly: Acts 1935, c.162, s.273a; Acts 1949, c.90, s.1.) As amended by P.L.252-1985, SEC.101; P.L.7-1987, SEC.139.*

### **IC 27-1-20-32**

#### **Effect of captions**

Sec. 32. No caption of any section or set of sections of Acts 1935, c.162 shall in any way affect the interpretation of this article or any provision of this article.

*(Formerly: Acts 1935, c.162, s.275.) As amended by P.L.252-1985, SEC.102.*

### **IC 27-1-20-33**

#### **Annual statement convention blank, additional filings, and quarterly statements; filings with NAIC**

Sec. 33. (a) As used in this section, "insurer" refers to each:

- (1) domestic company;
- (2) foreign company; and
- (3) alien company;

that is authorized to transact business in Indiana.

(b) As used in this section, "NAIC" means the National Association of Insurance Commissioners.

(c) On or before March 1 of each year, an insurer shall file with the National Association of Insurance Commissioners and with the department a copy of the insurer's annual statement convention blank and additional filings prescribed by the commissioner for the preceding year. An insurer shall also file quarterly statements with the NAIC and with the department on or before May 15, August 15, and November 15 of each year in a form prescribed by the commissioner. The information filed with the NAIC under this subsection:

- (1) must be:
  - (A) in the same format; and
  - (B) of the same scope;as is required by the commissioner under section 21 of this chapter;
- (2) to the extent required by the NAIC, must include the signed jurat page and the actuarial certification; and
- (3) must be filed electronically in accordance with NAIC electronic filing specifications.

The commissioner may grant an exemption from the requirement of subdivision (3) to domestic companies that operate only in Indiana. If an insurer files any amendment or addendum to an insurer's annual statement convention blank or quarterly statement with the commissioner, the insurer shall also file a copy of the amendment or addendum with the NAIC. Annual and quarterly financial statements are deemed filed with the NAIC when delivered to the address designated by the NAIC for the filings regardless of whether the filing is accompanied by any applicable fee.

(d) The commissioner may, for good cause, grant an insurer an extension of time for the filing required by subsection (c).

(e) A foreign company that:

(1) is domiciled in a state that has a law substantially similar to subsection (c); and  
(2) complies with that law;  
shall be considered to be in compliance with this section.

(f) In the absence of actual malice:

(1) members of the NAIC;  
(2) duly authorized committees, subcommittees, and task forces of members of the NAIC;  
(3) delegates of members of the NAIC;  
(4) employees of the NAIC; and  
(5) other persons responsible for collecting, reviewing, analyzing, and disseminating information developed from the filing of annual statement convention blanks under this section;  
shall be considered to be acting as agents of the commissioner under the authority of this section and are not subject to civil liability for libel, slander, or any other cause of action by virtue of the collection, review, analysis, or dissemination of the data and information collected from the filings required by this section.

(g) The commissioner may suspend, revoke, or refuse to renew the certificate of authority of an insurer that fails to file the insurer's annual statement convention blank or quarterly statements with the NAIC or with the department within the time allowed by subsection (c) or (d).

*As added by P.L.121-1992, SEC.3. Amended by P.L.251-1995, SEC.16; P.L.91-1998, SEC.7; P.L.268-1999, SEC.9.*

#### **IC 27-1-20-34**

##### **Repealed**

*(As added by P.L.268-1999, SEC.10. Repealed by P.L.193-2006, SEC.33.)*

#### **IC 27-1-20-35**

##### **Insurer response to department request**

Sec. 35. (a) Except as otherwise provided in this title, a company shall respond to a written inquiry or request that:

(1) is made by the department; and  
(2) meets the requirements of subsection (b);  
not more than twenty (20) business days after the date the written inquiry or request is received by the company.

(b) A written inquiry or request described in subsection (a) must do all of the following:

- (1) Be addressed to the individual who holds the position that the company has designated as the position reasonably capable of processing such an inquiry or request.
- (2) Specify that the inquiry or request is made under this section.
- (3) Specify the penalty described in subsection (d) to which the company is subject for noncompliance with the inquiry or

request.

(4) Numerically list the questions to which a response is requested.

(c) The commissioner may, upon request of a company for extenuating circumstances, grant a company an extension of the period specified in subsection (a) or waive all or any part of a civil penalty described in subsection (d).

(d) The commissioner may assess against a company that does not comply with subsection (a) a civil penalty of one hundred dollars (\$100) per day of noncompliance. A civil penalty assessed under this subsection may not exceed three thousand dollars (\$3,000).

(e) The commissioner shall deposit a civil penalty collected under this section in the department of insurance fund established by IC 27-1-3-28.

*As added by P.L.81-2012, SEC.8.*

### **IC 27-1-20-36**

#### **Health insurer withdrawal from individual market**

Sec. 36. (a) As used in this section, "health insurance" means the kind of coverage provided under a health insurance plan.

(b) As used in this section, "health insurance plan" means any of the following:

(1) An individual policy of accident and sickness insurance (as defined in IC 27-8-5-1). However, the term does not include the coverages described in IC 27-8-5-2.5(a).

(2) An individual contract (as defined in IC 27-13-1-21).

(c) As used in this section, "insurer" is limited to a person that enters into, issues, or delivers a health insurance plan on an individual basis in Indiana.

(d) An insurer shall, at least one hundred eighty (180) days before withdrawing from the individual health insurance market in Indiana, provide to the department written notice of the insurer's intent to withdraw.

*As added by P.L.81-2012, SEC.9.*