

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NOS. 2337 & 2272

99TH GENERAL ASSEMBLY

6277H.02P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 354.150, 354.495, 374.115, 374.150, and 374.230, RSMo, and to enact in lieu thereof four new sections relating to insurance companies, with a delayed effective date.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 354.150, 354.495, 374.115, 374.150, and 374.230, RSMo, are  
2 repealed and four new sections enacted in lieu thereof, to be known as sections 354.150,  
3 354.495, 374.150 and 374.230, RSMo, to read as follows:

354.150. 1. Every health services corporation subject to the provisions of sections  
2 354.010 to 354.380 shall pay **[the following fees]** to the director ~~[for the administration and~~  
3 ~~enforcement of the provisions of this chapter:~~

4 ~~———(1) For filing the declaration required on organization of each domestic company, two~~  
5 ~~hundred fifty dollars;~~

6 ~~———(2) For filing statement and certified copy of charter required of foreign companies, two~~  
7 ~~hundred fifty dollars;~~

8 ~~———(3) For filing application to renew certificate of authority, along with all required annual~~  
9 ~~reports, including the annual statement, actuarial statement, risk-based capital report, report of~~  
10 ~~valuation of policies or other obligations of assurance, and audited financial report of any~~  
11 ~~company doing business in this state, one thousand five hundred dollars;~~

12 ~~———(4) For filing any paper, document, or report not filed under subdivision (1), (2), or (3)~~  
13 ~~of this section but required to be filed in the office of the director, fifty dollars each;~~

14 ~~———(5) For affixing the seal of office of the director, ten dollars;~~

15 ~~———(6) For accepting each service of process upon the company, ten dollars]~~ **the fees**  
16 **specified in section 374.230.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           2. Fees mandated in subdivision (1) of [~~subsection 1 of this section~~] **section 374.230**  
18 shall be waived if a majority shareholder, officer, or director of the organizing corporation is a  
19 member of the Missouri National Guard or any other active duty military, resides in the state of  
20 Missouri, and provides proof of such service to the secretary of state.

          354.495. Every health maintenance organization subject to sections 354.400 to 354.636  
2 shall pay to the director the [~~following fees~~:

3       ~~—— (1) For filing the declaration required on organization of each domestic company, two~~  
4 ~~hundred fifty dollars;~~

5       ~~—— (2) For filing statement and certified copy of charter required of foreign companies, two~~  
6 ~~hundred fifty dollars;~~

7       ~~—— (3) For filing application to renew certificate of authority, along with all required annual~~  
8 ~~reports, including the annual statement, actuarial statement, risk based capital report, report of~~  
9 ~~valuation of policies or other obligations of assurance, and audited financial report of any~~  
10 ~~company doing business in this state, one thousand five hundred dollars;~~

11       ~~—— (4) For filing any paper, document, or report not filed under subdivision (1), (2), or (3)~~  
12 ~~of this section but required to be filed in the office of the director, fifty dollars each;~~

13       ~~—— (5) For affixing the seal of office of the director, ten dollars;~~

14       ~~—— (6) For accepting each service of process upon the company, ten dollars]~~ **fees specified**  
15 **in section 374.230.**

          374.150. 1. All fees due the state under the provisions of the insurance laws of this state  
2 shall be paid to the director [~~of revenue~~] and deposited in the state treasury to the credit of the  
3 insurance dedicated fund unless otherwise provided for in subsection 2 of this section.

4           2. There is hereby established in the state treasury a special fund to be known as the  
5 "Insurance Dedicated Fund". The fund shall be subject to appropriation of the general assembly  
6 and shall be devoted solely to the payment of expenditures incurred by the department  
7 attributable to duties performed by the department for the regulation of the business of insurance,  
8 regulation of health maintenance organizations and the operation of the division of consumer  
9 affairs as required by law which are not paid for by another source of funds. Other provisions of  
10 law to the contrary notwithstanding, beginning on January 1, 1991, all fees charged under any  
11 provision of chapter 325, 354, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384 or 385 due  
12 the state shall be paid into this fund. The state treasurer shall invest moneys in this fund in the  
13 same manner as other state funds and any interest or earnings on such moneys shall be credited  
14 to the insurance dedicated fund. The provisions of section 33.080 notwithstanding, moneys in  
15 the fund shall not lapse, be transferred to or placed to the credit of the general revenue fund  
16 unless and then only to the extent to which the unencumbered balance at the close of the

17 biennium year exceeds two times the total amount appropriated, paid, or transferred to the fund  
18 during such fiscal year.

19 ~~[3. Notwithstanding provisions of this section to the contrary, five hundred thousand~~  
20 ~~dollars of the insurance dedicated fund shall annually be transferred and placed to the credit of~~  
21 ~~the state general revenue fund on July first beginning with fiscal year 2014.]~~

374.230. Every ~~[insurance company doing business in this state]~~ **individual or entity**  
2 **making a filing with the department described below** shall pay to the director ~~[of revenue]~~  
3 the following fees **and charges, to be paid into the insurance dedicated fund established**  
4 **under section 374.150:**

5 (1) For filing the declaration required on organization of each domestic company, ~~[two~~  
6 ~~hundred fifty]~~ **one thousand** dollars;

7 (2) For filing statement and certified copy of charter required of foreign companies, ~~[two~~  
8 ~~hundred fifty]~~ **one thousand** dollars;

9 (3) For filing application to renew certificate of authority, along with all required annual  
10 reports, including the annual statement, actuarial statement, risk-based capital report, report of  
11 valuation of policies or other obligations of assurance, and audited financial report annual  
12 statement of any company doing business in this state, ~~[one thousand five hundred]~~ **two**  
13 **thousand** dollars;

14 (4) ~~[For filing supplementary annual statement of any company doing business in this~~  
15 ~~state, fifty dollars]~~ **For filing the ORSA summary report required by sections 382.500 to**  
16 **382.550, or a preacquisition notification required by sections 382.040 through 382.060, or**  
17 **section 382.095, five hundred dollars;**

18 (5) **Unless otherwise specified in subdivision (4) or another section of law, for any**  
19 **filings required under chapter 382, two hundred fifty dollars;**

20 (6) For filing any paper, document, or report **for which a filing fee is not otherwise**  
21 **provided for in another section of law that is** not filed under subdivision (1), (2), ~~[or]~~ (3), (4),  
22 **or (5),** but required to be filed in the office of the director, ~~[fifty]~~ **one hundred fifty** dollars  
23 each[;] .

24 ~~[(6) For a copy of a company's certificate of authority or producer or agent license, ten~~  
25 ~~dollars;~~

26 ~~—— (7) For affixing the seal of office of the director, ten dollars;~~

27 ~~—— (8) For accepting each service of process upon the company, ten dollars.]~~

~~[374.115. Insurance examiners appointed or employed by the director of  
2 the department of insurance, financial institutions and professional registration  
3 shall be compensated according to the applicable levels established and published  
4 by the National Association of Insurance Commissioners.]~~

Section B. Section A of this act shall become effective on January 1, 2019.

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