

RULES AND REGULATIONS

Title 31—INSURANCE DEPARTMENT

INSURANCE DEPARTMENT

[31 PA CODE CH. 113]

Consent to Rate Filings

The Insurance Department (Department) hereby deletes Chapter 113, Subchapter A (relating to consent to rate filings) to read as set forth in Annex A.

Statutory Authority

The final-form rulemaking is adopted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412) and the Property and Casualty Filing Reform Act (40 P. S. §§ 710-1—710-19).

Comments and Response

Notice of proposed rulemaking was published at 29 Pa.B. 4446 (August 21, 1999) with a 30-day comment period. During the 30-day comment period, no comments were received. During its regulatory review, the Independent Regulatory Review Commission (IRRC) did not submit comments to the Department.

Affected Parties

The deletion of these sections will affect all insurers who are licensed to sell property and casualty insurance in this Commonwealth.

Fiscal Impact

State Government

There will be no increase in cost to the Department due to the deletion of Chapter 113.

General Public

There will be no fiscal impact to the public.

Political Subdivisions

The rulemaking will not impose additional costs on political subdivisions.

Private Sector

Insurance companies that do business in this Commonwealth and write property and casualty insurance policies using the consent to rate provision will not be required to submit the consent to rate form to the Department; thereby, saving the companies expenses associated with preparing and filing the consent to rate form.

Paperwork

The deletion of these sections is expected to decrease paperwork requirements for the affected parties because the deletion eliminates unnecessary reporting requirements for the insurance industry.

Effectiveness/Sunset Date

The rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. Because the rulemaking proposes to delete obsolete regulations, no sunset date has been assigned.

Contact Person

Questions regarding this rulemaking should be directed to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. In addition, questions or comments may be E-mailed to psalvato@ins.state.pa.us or faxed to (717) 772-1969.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 10, 1999, the Department submitted a copy of the rulemaking published at 29 Pa.B. 4446 to IRRC and to the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee for review and comment. In addition to the submitted rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of that material is available to the public upon request.

In preparing this final-form rulemaking, the Department considered all comments received from IRRC, the Committees and the public. This final-form rulemaking was deemed approved by the House and Senate Committees on December 13, 1999. In accordance with section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), IRRC met on December 16, 1999, and the rulemaking was deemed approved in accordance with section 5.1(e) of the Regulatory Review Act.

Findings

The Commissioner finds that:

(1) Public notice of intention to adopt this rulemaking as amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code, Chapter 113, are amended by deleting §§ 113.1—113.9 to read as set forth at 29 Pa.B. 4446.

(b) The Commissioner shall submit this order and 29 Pa.B. 4446 to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Commissioner shall certify this order and 29 Pa.B. 4446 and deposit them with the Legislative Reference Bureau as required by law.

(d) The order shall take effect upon final publication in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 30 Pa.B. 90 (January 1, 2000).)

Fiscal Note: Fiscal Note 11-194 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 00-96. Filed for public inspection January 14, 2000, 9:00 a.m.]
