

CALIFORNIA DEPARTMENT OF INSURANCE
RH-395
Title 10, Chapter 5, Subchapter 3, Article 7.3
California Code of Regulations Sections 2393 - 2398

Effective Date: October 13, 2001

Section 2393 - Purpose

These regulations establish standards for reporting under the Slavery Era Insurance Policies statute. California Insurance Code Sections 13810, 13811, 13812 and 13813 became effective on January 1, 2001 and require insurers to provide certain information and data to the California Department of Insurance and direct the Department to provide public access to the data.

NOTE: Authority cited: Sections 12921 and 12926, Insurance Code. Reference: Sections 13810, 13811, 13812 and 13813, Insurance Code.

Section 2394 – Definitions

- (a) The term “insurer” means any insurer licensed and doing business in California on or after January 1, 2001.
- (b) The term “predecessor corporation” means a corporation in the reporting insurer’s family tree that existed prior in time to the reporting corporation.
- (c) The term “reporting insurer”, means an insurer which has been designated by its holding company to submit a consolidated report which is responsive to these regulations.
- (d) The term “slave” means a person wholly subject to the will of another, having no freedom of action and whose person and services were wholly under the control of another, and who was in a state of enforced compulsory service to another.
- (e) The term “slaveholder” means owners of slaves; owners of business enterprises using slaves; owners of slave-carrying vessels or other means of transporting slaves; merchants and/or financiers dealing in the purchase, sale, or financing of the business of slaves and slavery; slave dealers and slave brokers.
- (f) The term “slaveholder insurance policies” means policies issued to or for the benefit of slaveholders to insure them against the death of, or injury to, human property.
- (g) The term “slavery era” means prior to 1865.

NOTE: Authority cited: Section 12921(a), Insurance Code. Reference: Sections 1215(f), 13810(e), 13811, 13812 and 13813, Insurance Code.

Section 2395 - Who is required to submit a Report

(a) Every insurer must report to the Commissioner regarding slaveholder insurance policies that it wrote either directly or through a predecessor corporation during the slavery era.

(b) A consolidated report may be submitted by the reporting insurer's holding company on behalf of all members of the holding company required to file a report. A consolidated report shall designate one insurer as the reporting insurer for purposes of compliance with CCR Title 10, Sections 2393 through 2398 and shall specify which insurers are included in the report. Insurers choosing to file a consolidated report must comply with all other requirements of these regulations.

NOTE: Authority cited: Section 12921(a), Insurance Code. Reference: Sections 13810, 13811, 13812 and 13813, Insurance Code.

Section 2396 - Report Format

(a) The report shall be submitted on letterhead of the reporting insurer, dated, signed and verified as provided in California Code of Regulations, Title 10, Section 2683.22, by an officer of the insurer who has the authority to bind the insurer (this person shall be the contact person for the purpose of implementing these regulations), with paragraphs numbered as follows:

(1) Insurer Identification

This paragraph shall state the name, address, telephone number, fax number, e-mail address, NAIC number and website URL, if any, for the main office of the insurer making the report.

(2) Contact Person

This paragraph shall state the name, address, telephone number, fax number and e-mail address for the insurer's Contact Person as set forth in California Code of Regulations Title 10 Section 2278.3(a).

(3) Research methodology

This section of the report shall contain the following information:

A description of the methods employed by the insurer to identify and compile the records and information that are responsive to this regulation. This section shall include a description of the research which was conducted at the insurer's own facility as well as a description of research which was conducted at other facilities known to the insurer, if any. If the insurer has found no data responsive to this statute, it shall so state.

(4) Names of Slaves:

The insurers shall submit information regarding the names of slaves alphabetically as follows: last name, first name, name of slaveholder, beneficiary and/or policyholder, county (or parish), state, any other identifying information. It is the insurers' responsibility to compile the information required herein.

(5) Names of Slaveholders:

The insurers shall submit the information regarding the names of slaveholders alphabetically as follows: last name, first name, county (or parish), state, any other identifying information. It is the insurers' responsibility to compile the information required herein.

(6) Policy information:

The insurer shall provide copies of all records and documents regarding insurance policies issued to slaveholders that provided coverage for damage to or death of slaves. If these records are in any language other than English, the insurer shall provide a copy of the document together with a certified translation.

(b) Reports shall be submitted on paper (an original plus one copy). The sections of the reports outlined in 2396(a)(4) and (a)(5) shall also be submitted in the electronic format approved by the Commissioner. The electronic format (Circular SEIR-2001) is available on the Department's website at www.insurance.ca.gov. Reports shall be mailed to the Department of Insurance at the address listed below. Faxed reports will not be accepted.

Slavery Era Insurance Registry
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, California 94105

NOTE: Authority cited: Section 12921(a), Insurance Code. Reference: Sections 13810, 13811, 13812 and 13813 Insurance Code.

Section 2397- Time for submission

The report shall be received at the Department on or before October 15, 2001. If the Commissioner determines that a report is incomplete, the Commissioner may require additional reports, as necessary, consistent with the requirements of Sections 13810, 13811, 13812 and 13813, Insurance Code and these regulations.

Any insurer that submits a report indicating that it has information responsive to the relevant statute and these regulations which has not been provided, must inform the Department as to the reason that the required information has not been provided and when the required information will be submitted. Insurers that fail to submit all of the information required herein on or before October 15, 2001 must submit progress reports on the first day of every month thereafter until the required information has been submitted. The required information shall be submitted no later than December 14, 2001. The progress reports shall contain an updated research methodology as required in section 2396(a)(3) of these regulations.

NOTE: Authority cited: Section 12921, Insurance Code. Reference: Sections 13810, 13811 and 13812, Insurance Code.

Section 2398 - Establishment of the Slavery Era Insurance Policy Registry

Pursuant to California Insurance Code Section 13811, the Department shall establish and report to the Legislature and make available to the public, all information received from insurers pursuant to California Insurance Code Sections 13810, 13811, 13812 and 13813 and these regulations. The lists of names of slaves and names of slaveholders and other slavery era insurance policy information shall be known as the Slavery Era Insurance Policy Registry and shall be accessible to the public at the Department's Public Viewing Rooms in Los Angeles and in San Francisco and/or pursuant to any other means as the Commissioner shall deem appropriate.

NOTE: Authority cited: Section 12921 (a), Insurance Code. Reference: Sections 13810, 13811, 13812 and 13813 Insurance Code.