

**DEPARTMENT OF INSURANCE****Legal Division**

45 Fremont Street, 24th Floor  
San Francisco, CA 94105

**INVITATION TO PRE-NOTICE PUBLIC DISCUSSIONS**

**TO:** Certain Interested and Affected Parties

**DATE:** April 28, 2010

**RE:** Pre-notice Public Discussions on Proposed Regulations  
Re: Electronic Filing  
Meeting date: Monday, May 24, 2010 – 11 a.m.

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Pursuant to California Government Code Section 11346.45, California Insurance Commissioner Steve Poizner will hold pre-notice public discussions to gather information concerning the adoption of proposed amendments to the California Code of Regulations, as follows:

1) Title 10, Chapter 5, Subchapter 2, Article 1, "Document Submission and Approval Procedures; Fees." The Commissioner is considering amendments to 10 California Code of Regulation sections 2200 through 2218.10 to require that all forms filed with the Policy Approval Bureau and Actuarial Office be filed electronically through the System for Electronic Rate and Form Filing (SERFF) of the National Association of Insurance Commissioners (NAIC) for life, health, disability income, long-term care, variable annuity, and other form filings.

The amendment to the existing regulation(s), and any necessary additional regulation, would be added to existing regulations based on the authority set forth in Insurance Code section 10191 and the references set forth in Insurance Code sections 779.8, 779.10, 779.13, 795.5, 10205, 10225, 10270.1, 10270.2, 10270.3, 10270.5, 10270.57, 10270.9, 10270.93, 10271, 10290, 10291, 10291.5, 10292, 10506, 10507.2, 10717, 11066, 11069, 11522.

2) Title 10, Chapter 5, Subchapter 3, Article 1.5, "Applications Submitted Electronically." The Commissioner is considering adopting regulations to require that all applications that are submitted to the Department's Corporate Affairs Bureau be submitted via the Department's Online Assistance System for Insurer Submittals ("OASIS") pursuant to Insurance Code sections 132, *et seq.*, 717, *et seq.*, 810, 827, 881, 922.4, 922.5, 1011(c), 1104.9, 1215, *et seq.*, 1652, 1765, 10113.2, 11520, *et seq.*, 11595, 11691, *et seq.*, 12160, *et seq.*, 12250, *et seq.*, 12389, *et seq.*

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You are hereby invited to participate in these informational pre-notice public discussions. The purpose of these discussions is to gather information and to provide certain interested and affected persons with an opportunity to present statements or comments to the Commissioner concerning the adoption of the regulation(s) described above. The Commissioner also seeks information from any interested or affected party.

Public discussions will be held on the following date, at the times and location specified below:

Date: Monday, May 24, 2010

Location: State of California  
Department of Insurance  
22<sup>nd</sup> Floor Hearing Room  
45 Fremont Street  
San Francisco, CA 94105

Time: 11:00 a.m. to 5:00 p.m. (concluding earlier if the participants in attendance have completed their comments)

The facility to be used for these public discussions is accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the undersigned by May 12, 2010 in order to make special arrangements.

Participants should be prepared to present specific comments on, and/or regulation language for, the regulation(s) under consideration at the scheduled public discussions.

All persons are invited to submit written statements.

Please be advised that participation in these pre-notice discussions will be in addition to, and not in substitution for, any participation in a formal rulemaking process. This invitation to pre-notice public discussions does not constitute a Notice of Proposed Action under the Administrative Procedure Act. Consequently, comments (oral or written) received in connection with these pre-notice discussions will not be included in a rulemaking file, which will not be opened until the time a formal notice is issued. Similarly, the Department of Insurance is not required to respond to comments received before that time. For this reason, if a rulemaking file is subsequently opened and you wish to have comments included in the rulemaking file or to require the Department to respond to comments as part of the process by which it adopts a proposed regulation, you must present your comments during the formal public comment period according to the procedures outlined in the Notice of Proposed Action at the time that document is issued, regardless of whether the comments have been made in connection with these pre-notice

public discussions. The Commissioner welcomes your participation in these discussions and the opportunity to consider all of the information provided.

All inquiries regarding the proposed regulations under consideration and the pre-notice public discussions should be directed to either Jack Hom or Bruce Hinze, whose contact information appears below.

The Department asks participants to *RSVP* by May 17, 2010. Persons who respond and provide e-mail addresses will be provided by e-mail with any additional written material the Department may prepare in advance of the May 24, 2010 meeting.

Thank you.

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<p>Bruce Hinze Staff Counsel III Policy Approval Bureau California Department of Insurance 45 Fremont Street, 24th Floor San Francisco, CA 94105 Phone: (415) 538-4392 Fax: (415) 904-5896 <b>E-mail: <a href="mailto:HinzeB@insurance.ca.gov">HinzeB@insurance.ca.gov</a></b></p>	<p>Jack Hom Staff Counsel III Corporate Affairs Bureau California Department of Insurance 45 Fremont Street, 24th Floor San Francisco, CA 94105 Phone: (415) 538-4129 Fax: (415) 904-5896 <b>E-mail: <a href="mailto:HomJ@insurance.ca.gov">HomJ@insurance.ca.gov</a></b></p>
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