1	SENATE FLOOR VERSION		
2	February 12, 2018 AS AMENDED		
3	SENATE BILL NO. 1156 By: Quinn		
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5			
6	[travel insurance - limited lines producers -		
7	licensure - Travel Insurance Act - applicability - certain license - conditions for certain license -		
8	compensation - compliance - tax - Travel Protection Plans - Unfair Trade Practices Act - marketing		
9	procedures - rules - Insurance Adjuster Licensing Act - promulgate rules - repealers - codification -		
10	effective date]		
11			
12	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:		
13	SECTION 1. AMENDATORY 36 O.S. 2011, Section 1435.20, as		
14	last amended by Section 1, Chapter 145, O.S.L. 2014 (36 O.S. Supp.		
15	2017, Section 1435.20), is amended to read as follows:		
16	Section 1435.20. A. A limited lines producer may receive		
17	qualification for a license in one or more of the following		
18	categories:		
19	1. Prepaid legal liability insurance, which means the		
20	assumption of an enforceable contractual obligation to provide		
21	specified legal services or to reimburse policyholders for specified		
22	legal expenses, pursuant to the provisions of a group or individual		
23	policy;		
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Crop - insurance providing protection against damage to
 crops from unfavorable weather conditions, fire or lightning, flood,
 hail, insect infestation, disease or other yield-reducing conditions
 or perils provided by the private insurance market, or that is
 subsidized by the Federal Crop Insurance Corporation, including
 Multi-Peril Crop Insurance;

3. Car rental - insurance offered, sold or solicited in
connection with and incidental to the rental of rental cars for a
period of two (2) years, whether at the rental office or by
preselection of coverage in master, corporate, group or individual
agreements that:

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- a. is nontransferable,
- b. applies only to the rental car that is the subject ofthe rental agreement, and
- 15 c. is limited to the following kinds of insurance:
- 16 (1) personal accident insurance for renters and other
 17 rental car occupants, for accidental death or
 18 dismemberment, and for medical expenses resulting
 19 from an accident that occurs with the rental car
 20 during the rental period,
 - (2) liability insurance that provides protection to the renters and other authorized drivers of a rental car for liability arising from the
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- 1operation or use of the rental car during the2rental period,
- 3 (3) personal effects insurance that provides coverage
 4 to renters and other vehicle occupants for loss
 5 of, or damage to, personal effects in the rental
 6 car during the rental period,
- 7 (4) roadside assistance and emergency sickness
 8 protection insurance, or
 - (5) any other coverage designated by the Insurance Commissioner.

A car rental limited lines license issued to a rental or leasing company shall authorize any employee or authorized representative of the rental or leasing company to sell or offer coverage at each location at which the rental or leasing company operates. Employees or authorized representatives are not required to be individually licensed;

4. Credit - credit life, credit disability, credit property, 17 credit unemployment, involuntary unemployment, mortgage life, 18 mortgage guaranty, mortgage disability, guaranteed automobile 19 protection insurance, or any other form of insurance offered in 20 connection with an extension of credit that is limited to partially 21 2.2 or wholly extinguishing that credit obligation and that is designated by the Insurance Commissioner as limited line credit 23 24 insurance;

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9

1 5. Surety - insurance or bond that covers obligations to pay 2 the debts of, or answer for the default of another, including 3 faithlessness in a position of public or private trust. For purpose of limited line licensing, surety does not include surety bail 4 5 bonds; and 6. Travel - insurance coverage for personal risks incident 6 planned travel, including, but not limited to: 7 a. interruption or cancellation of trip or event, 8 9 loss of baggage or personal effects, b. damages to accommodations or rental vehicles, or 10 11 d. sickness, accident, disability or death occurring 12 during travel. Travel insurance does not include major medical plans, which 13 provide comprehensive medical protections for travelers with trips 14 15 lasting six (6) months or longer, including, but not limited to, 16 those working overseas as expatriate or military personnel deployed overseas. 17 An insurance producer or limited lines producer may 18 Β. 1. solicit applications for and issue travel accident policies or 19 baggage insurance by means of mechanical vending machines supervised 20 by the insurance producer or limited lines producer only if the 21 Insurance Commissioner shall determine that the form of policy to be 2.2 sold is reasonably suited for sale and issuance through vending 23

machines, that use of vending machines for the sale of policies

SENATE FLOOR VERSION - SB1156 SFLR

(Bold face denotes Committee Amendments)

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1 would be of convenience to the public, and that the type of vending 2 machine to be used is reasonably suitable and practical for the sale 3 and issuance of policies. Policies so sold do not have to be 4 countersigned.

5 2. The Commissioner shall issue to the insurance agent or limited insurance representative a special vending machine license 6 for each such machine to be used. The license shall specify the 7 name and address of the insurer and licensee, the kind of insurance 8 9 and type of policy to be sold, and the place where the machine is to 10 be in operation. The license shall expire, be renewable, and be 11 suspended or revoked coincidentally with the insurance agent license 12 or limited representative license of the licensee. The license fee for each vending machine shall be that stated in the provisions of 13 Section 1435.23 of this title. Proof of existence of the license 14 15 shall be displayed on or about each machine in such manner as the 16 Commissioner may reasonably require.

17 SECTION 2. NEW LAW A new section of law to be codified 18 in the Oklahoma Statutes as Section 6710 of Title 36, unless there 19 is created a duplication in numbering, reads as follows:

20 This act shall be known and may be cited as the "Travel 21 Insurance Act".

22 SECTION 3. NEW LAW A new section of law to be codified 23 in the Oklahoma Statutes as Section 6711 of Title 36, unless there 24 is created a duplication in numbering, reads as follows:

SENATE FLOOR VERSION - SB1156 SFLR (Bold face denotes Committee Amendments)

A. The requirements of the act shall apply to travel insurance
 where policies and certificates are delivered or issued for delivery
 in this state. It shall not apply to cancellation fee waivers and
 travel assistance services, except as expressly provided herein.

B. All other applicable provisions of this state's insurance
laws shall continue to apply to travel insurance except that the
specific provisions of this act shall supersede any general
provisions of law that would otherwise be applicable to travel
insurance.

10 SECTION 4. NEW LAW A new section of law to be codified 11 in the Oklahoma Statutes as Section 6712 of Title 36, unless there 12 is created a duplication in numbering, reads as follows:

13 As used in this act, the term:

14 1. "Aggregator site" means a website that provides access to
 15 information regarding insurance products from more than one insurer,
 16 including product and insurer information, for use in comparison
 17 shopping;

"Blanket travel insurance" means a policy of travel
 insurance issued to any eligible group providing coverage for
 specific classes of persons defined in the policy, with coverage
 provided to all members of the eligible group without a separate
 charge to individual members of the eligible group;

3. "Cancellation fee waiver" means a contractual agreement
between a supplier of travel services and its customer to waive some

1 or all of the nonrefundable cancellation fee provisions of the 2 supplier's underlying travel contract, with or without regard to the 3 reason for the cancellation or form of reimbursement. A 4 cancellation fee waiver is not insurance;

4. "Commissioner" means the Oklahoma Insurance Commissioner;
5. "Eligible group" means, solely for the purposes of travel
insurance, two (2) or more persons who are engaged in a common
enterprise, or have an economic, educational or social affinity or
relationship, including but not limited to any of the following:

10 any entity engaged in the business of providing travel a. 11 or travel services, including but not limited to tour 12 operators, lodging providers, vacation property owners, hotels and resorts, travel clubs, travel 13 agencies, property managers, cultural exchange 14 15 programs and common carriers or the operator, owner or lessor of a means of transportation of passengers, 16 including but not limited to airlines, cruise lines, 17 railroads, steamship companies and public bus 18 carriers, wherein with regard to any particular travel 19 or type of travel or travelers, all members or 20 customers of the group must have a common exposure to 21 risk attendant to such travel, 2.2

- b. any college, school or other institution of learning
 covering students, teachers or employees or
 volunteers,
- 4 c. any employer covering any group of employees,
 5 volunteers, contractors, Board of Directors,
 6 dependents or guests,
- d. any sports team, camp or sponsor thereof covering
 participants, members, campers, employees, officials,
 supervisors or volunteers,
- e. any religious, charitable, recreational, educational
 or civic organization or branch thereof covering any
 group of members, participants or volunteers,
- f. any financial institution or financial institution
 vendor, or parent holding company, trustee or agent of
 or designated by one or more financial institutions or
 financial institution vendors, including
 accountholders, credit card holders, debtors,
 guarantors or purchasers,
- 19 g. any incorporated or unincorporated association,
 20 including labor unions, having a common interest,
 21 constitution and bylaws and organized and maintained
 22 in good faith for purposes other than obtaining
 23 insurance for members or participants of such
 24 association covering its members,

SENATE FLOOR VERSION - SB1156 SFLR (Bold face denotes Committee Amendments)

- h. any trust or the trustees of a fund established,
 created or maintained for the benefit of and covering
 members, employees or customers, subject to the
 Insurance Commissioner authorizing the use of a trust
 and the state's premium tax provisions in Section 5 of
 this act of one or more associations meeting the above
 requirements of this paragraph,
- any entertainment production company covering any
 group of participants, volunteers, audience members,
 contestants or workers,
- j. any volunteer fire department, ambulance, rescue,
 police, court or any first aid, civil defense or other
 such volunteer group,
- 14 k. preschools, daycare institutions for children or
 15 adults and senior citizen clubs,
- any automobile or truck rental or leasing company 16 1. covering a group of individuals who may become 17 renters, lessees or passengers defined by their travel 18 status on the rented or leased vehicles. The common 19 carrier, the operator, owner or lessor of a means of 20 transportation or the automobile or truck rental or 21 leasing company is the policyholder under a policy to 2.2 which this paragraph applies, or 23
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1 any other group where the Commissioner has determined m. 2 that the members are engaged in a common enterprise, 3 or have an economic, educational or social affinity or relationship, and that issuance of the policy would 4 5 not be contrary to the public interest; 6. "Fulfillment materials" means documentation sent to the 6 purchaser of a travel protection plan confirming the purchase and 7 providing the coverage and assistance details of the travel 8 9 protection plan; 7. "Group travel insurance" means travel insurance issued to 10 11 any eligible gGroup; 8. "Limited lines travel insurance producer" means any of the 12 following: 13 licensed managing general agent or third party 14 a. administrator, 15 licensed insurance producer, including a limited lines 16 b. producer, or 17 travel administrator; с. 18 9. "Offer and disseminate" means providing general information, 19 including a description of the coverage and price, as well as 20 processing the application and collecting premiums; 21 10. "Travel administrator" means a person who directly or 2.2 indirectly underwrites, collects charges, collateral or premiums 23 from or adjusts or settles claims on residents of this state, in 24

1 connection with travel insurance, except that a person shall not be considered a travel administrator if the only actions of the person 2 3 are those that would otherwise cause the person to be considered a travel administrator are among the following: 4 5 a. a person working for a travel administrator whose activities are subject to the supervision and control 6 of the travel administrator, 7 an insurance producer selling insurance or engaged in 8 b. 9 administrative and claims-related activities within the scope of the license of the producer, 10 11 с. a travel retailer offering and disseminating travel 12 insurance and registered under the license of a limited lines travel insurance producer in accordance 13 with this act, 14 15 d. an individual adjusting or settling claims in the normal course of practice or employment of the 16 individual as an attorney at law and who does not 17 collect charges or premiums in connection with 18 insurance coverage, or 19 a business entity that is affiliated with a licensed 20 e. insurer while acting as a travel administrator for the 21 direct and assumed insurance business of an affiliated 2.2 insurer; 23

1 11. "Travel assistance services" means noninsurance services 2 that may be distributed by limited lines travel insurance producers 3 or other entities, and for which there is no indemnification for the travel protection plan customer based on a fortuitous event, nor any 4 5 transfer or shifting of risk that would constitute the business of insurance. Travel assistance services include, but are not limited 6 to: security advisories; destination information; vaccination and 7 immunization information services; travel reservation services; 8 9 entertainment; activity and event planning; translation assistance; 10 emergency messaging; international legal and medical referrals; 11 medical case monitoring; coordination of transportation 12 arrangements; emergency cash transfer assistance; medical prescription replacement assistance; passport and travel document 13 replacement assistance; lost luggage assistance; concierge services; 14 and any other service that is furnished in connection with planned 15 travel that is not related to the adjudication of a travel insurance 16 claim, unless otherwise approved by the Commissioner in a travel 17 insurance filing. Travel assistance services are not insurance and 18 not related to insurance; 19

20 12. "Travel insurance" means insurance coverage for personal21 risks incident to planned travel, including:

- 22 a. interruption or cancellation of trip or event,
- 23 b. loss of baggage or personal effects,
- 24 c. damages to accommodations or rental vehicles,

SENATE FLOOR VERSION - SB1156 SFLR (Bold face denotes Committee Amendments)

- d. sickness, accident, disability or death occurring
 during travel,
 - e. emergency evacuation,
 - f. repatriation of remains, or
- 5 g. any other contractual obligations to indemnify or pay 6 a specified amount to the traveler upon determinable 7 contingencies related to travel as approved by the 8 Commissioner.

9 Travel insurance does not include major medical plans that provide 10 comprehensive medical protection for travelers with trips lasting 11 longer than six (6) months, including but not limited to those 12 working or residing overseas as an expatriate, or any other product 13 that requires a specific insurance producer license;

14 13. "Travel protection plans" means plans that provide one or 15 more of the following: travel insurance, travel assistance services 16 and cancellation fee waivers; and

"Travel retailer" means a business entity that makes, 14. 17 arranges or offers planned travel and may offer and disseminate 18 travel insurance as a service to its customers on behalf of and 19 under the direction of a limited lines travel insurance producer. 20 SECTION 5. NEW LAW A new section of law to be codified 21 in the Oklahoma Statutes as Section 6713 of Title 36, unless there 2.2 is created a duplication in numbering, reads as follows: 23

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1 A. The Insurance Commissioner may issue a limited lines travel 2 insurance producer license to an individual who or business entity 3 that has filed with the Commissioner an application for such license in a form and manner prescribed by the Commissioner. The limited 4 5 lines travel insurance producer shall be licensed to sell, solicit or negotiate travel insurance through a licensed insurer. No person 6 may act as a limited lines travel insurance producer or travel 7 insurance retailer unless properly licensed or registered, 8 9 respectively.

B. A travel retailer may offer and disseminate travel insurance under a limited lines travel insurance producer business entity license only if:

The limited lines travel insurance producer or travel
 retailer provides to purchasers of travel insurance:

15	a.	a description of the material terms or the actual
16		material terms of the insurance coverage,
17	b.	a description of the process for filing a claim,
18	с.	a description of the review or cancellation process
19		for the travel insurance policy, and
20	d.	the identity and contact information of the insurer
21		and limited lines travel insurance producer;

At the time of licensure, the limited lines travel insurance
 producer shall establish and maintain a register on a form
 prescribed by the Commissioner of each travel retailer that offers

SENATE FLOOR VERSION - SB1156 SFLR

(Bold face denotes Committee Amendments)

1 travel insurance on behalf of the limited lines travel insurance. 2 The register shall be maintained and updated by the limited lines 3 travel insurance producer and shall include the name, address and contact information of the travel retailer and an officer or person 4 5 who directs or controls the operations of the travel retailer and the federal tax identification number of the travel retailer. 6 The limited lines travel insurance producer shall submit the register to 7 the Insurance Department upon reasonable request. The limited lines 8 9 travel insurance producer shall also certify that the registered 10 travel retailer complies with 18 U.S.C. § 1033. The grounds for the 11 suspension, revocation and the penalties applicable to resident 12 insurance producers, pursuant to Section 1435.13 of Title 36 of the Oklahoma Statutes, shall be applicable to the limited lines travel 13 insurance producers and travel retailers; 14

3. The limited lines travel insurance producer has designated one of its employees, a designated responsible producer, who is a licensed individual producer as the person responsible for the compliance with the travel insurance laws and regulations applicable to the limited lines travel insurance producer and its registrants;

The designated responsible producer, president, secretary,
 treasurer and any other officer or person who directs or controls
 the limited lines travel insurance producer's insurance operations
 comply with the fingerprinting requirements applicable to insurance

1 producers in the resident state of the limited lines travel 2 insurance producer;

5. The limited lines travel insurance producer has paid all
applicable insurance producer licensing fees as set forth in Section
1435.23 of Title 36 of the Oklahoma Statutes; and

The limited lines travel insurance producer requires each 6 6. employee and authorized representative of the travel retailer whose 7 duties include offering and disseminating travel insurance to 8 9 receive a program of instruction or training, which is subject to 10 the discretion of the Commissioner to review and approve. The 11 training material shall, at a minimum, contain adequate instructions 12 on the types of insurance offered, ethical sales practices and required disclosures to prospective customers. 13

14 C. Any travel retailer offering or disseminating travel 15 insurance shall make available to prospective purchasers brochures 16 or other written materials that have been approved by the travel 17 insurer. Such materials shall include information which, at a 18 minimum:

Provides the identity and contact information of the insurer
 and the limited lines travel insurance producer;

21 2. Explains that the purchase of travel insurance is not 22 required in order to purchase any other product or service from the 23 travel retailer; and

3. Explains that an unlicensed travel retailer is permitted to provide only general information about the insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the travel retailer or to evaluate the adequacy of the customer's existing insurance coverage.

8 D. A travel retailer employee or authorized representative who9 is not licensed as an insurance producer may not:

Evaluate or interpret the technical terms, benefits and
 conditions of the offered travel insurance coverage;

Evaluate or provide advice concerning existing insurance
 coverage for a prospective purchaser; or

14 3. Hold himself, herself or itself out as a licensed insurer,
15 licensed producer or insurance expert.

E. Notwithstanding any other provision in law, a travel 16 retailer whose insurance-related activities, and those of its 17 employees and authorized representatives, are limited to offering 18 and disseminating travel insurance on behalf of and under the 19 direction of a limited lines travel insurance producer meeting the 20 conditions stated in this act, is authorized to receive related 21 compensation, upon registration by the limited lines travel 2.2 insurance producer as described in paragraph 2 of subsection B of 23 this section. 24

F. As the insurer designee, the limited lines travel insurance
 producer is responsible for the acts of the travel retailer and
 shall use reasonable means to ensure compliance by the travel
 retailer with this act.

5 SECTION 6. NEW LAW A new section of law to be codified 6 in the Oklahoma Statutes as Section 6714 of Title 36, unless there 7 is created a duplication in numbering, reads as follows:

A. A travel insurer shall pay premium tax, as provided in
9 Section 624 of Title 36 of the Oklahoma Statutes, on travel
10 insurance premiums paid by any of the following:

An individual primary policyholder who is a resident of this
 state;

A primary certificate-holder who is a resident of this state
 who elects coverage under a group travel insurance policy; or

3. A blanket travel insurance policyholder that is a resident, 15 or has its principal place of business or the principal place of an 16 affiliate or subsidiary that has purchased blanket travel insurance 17 in this state for eligible blanket group members, subject to any 18 apportionment rules which apply to the insurer across multiple 19 taxing jurisdictions or that permits the insurer to allocate premium 20 on an apportioned basis in a reasonable and equitable manner in 21 those jurisdictions. 2.2

B. A travel insurer shall:

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Document the state of residence or principal place of
 business of the policyholder or certificate-holder, as required in
 Subsection A of this section; and

2. Report as premium only the amount allocable to travel
insurance and not any amounts received for travel assistance
services or cancellation fee waivers.

7 SECTION 7. NEW LAW A new section of law to be codified 8 in the Oklahoma Statutes as Section 6715 of Title 36, unless there 9 is created a duplication in numbering, reads as follows:

10 Travel protection plans may be offered for one price for the 11 combined features that the travel protection plan offers in this 12 state if:

The travel protection plan clearly discloses to the consumer
 at or prior to the time of purchase that it includes travel
 insurance, travel assistance services and cancellation fee waivers
 as applicable, and provides information and an opportunity at or
 prior to the time of purchase for the consumer to obtain additional
 information regarding the features and pricing of each; and

- 19 2. The fulfillment materials:
- 20a.describe and delineate the travel insurance, travel21assistance services and cancellation fee waivers in22the travel protection plan, and
- b. include the applicable travel insurance disclosuresand the contact information for persons providing

SENATE FLOOR VERSION - SB1156 SFLR (Bold face denotes Committee Amendments)

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travel assistance services and cancellation fee waiver.

3 SECTION 8. NEW LAW A new section of law to be codified 4 in the Oklahoma Statutes as Section 6716 of Title 36, unless there 5 is created a duplication in numbering, reads as follows:

A. All persons offering travel insurance to residents of this
state are subject to the Unfair Trade Practices Act at Sections 1201
through 1219 of Title 36 of the Oklahoma Statutes, except as
otherwise provided in this section. In the event of a conflict
between this act and other provisions of Title 36 of the Oklahoma
Statutes regarding the sale and marketing of travel insurance and
travel protection plans, the provisions of this act shall control.

B. Offering or selling a travel insurance policy that could never result in payment of any claims for any insured under the policy is an unfair trade practice under Section 1203 of Title 36 of the Oklahoma Statues.

17 C. Marketing.

All documents provided to consumers prior to the purchase of
 travel insurance, including but not limited to sales materials,
 advertising materials and marketing materials, shall be consistent
 with all travel insurance policy documents, including but not
 limited to, forms, endorsements, policies, rate filings and
 certificates of insurance.

2. Travel insurance policies or certificates that contain pre existing condition exclusions must clearly disclose the exclusion in
 the fulfillment materials of the coverage.

3. Policyholders or certificate holders shall have a minimum of 4 5 ten (10) days from the later of the date of purchase of a travel protection plan or the delivery of the fulfillment materials of the 6 plan to review and cancel the policy or certificate for a full 7 refund of the travel protection plan price, unless the insured has 8 9 either started the covered trip or has filed a claim under the 10 travel insurance coverage. For the purposes of this paragraph, 11 sending documentation confirming the purchase and providing the 12 coverage and assistance details of the travel protection plan, as applicable, to a physical or electronic mail address provided by the 13 purchaser of a travel protection plan shall constitute delivery of 14 the travel protection plan's fulfillment materials. 15

4. The company shall disclose in the policy fulfillment and
documentation whether the travel insurance is primary or secondary
to other applicable coverage.

19 5. Where travel insurance is marketed directly to a consumer 20 through a website of the insurer or by others through an aggregator 21 site, it shall not be an unfair trade practice or other violation of 22 law where an accurate summary or short description of coverage is 23 provided on the web page, so long as the consumer has access to the 24 full provisions of the policy through electronic means.

D. Unless otherwise permitted by state or federal law, no person offering travel insurance or travel protection plans on an individual or group basis may do so using negative option or optout, which would require a consumer to take an affirmative action to deselect coverage such as unchecking a box on an electronic form when they purchase a trip.

E. It shall not be an unfair trade practice to include blanket
travel insurance coverage with the purchase of a trip, provided the
coverage is not marketed as free.

10 SECTION 9. NEW LAW A new section of law to be codified 11 in the Oklahoma Statutes as Section 6717 of Title 36, unless there 12 is created a duplication in numbering, reads as follows:

A. Notwithstanding any other provisions law, no person shall act or represent itself as a travel administrator in this state unless that person:

16 1. Is a licensed producer for property insurance in this state 17 with an inland marine line of authority;

Holds a valid managing general agent license in this state;
 or

3. Holds a valid third-party administrator license in this
 state.

B. A travel administrator and its employees are exempt from thelicensing requirements of the Insurance Adjuster Licensing Act

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pursuant to Sections 6201 et seq. of Title 36 of the Oklahoma
 Statutes.

3 SECTION 10. NEW LAW A new section of law to be codified 4 in the Oklahoma Statutes as Section 6718 of Title 36, unless there 5 is created a duplication in numbering, reads as follows:

6 Travel insurance may be provided under an individual policy or7 under a group or master policy.

8 SECTION 11. NEW LAW A new section of law to be codified 9 in the Oklahoma Statutes as Section 6719 of Title 36, unless there 10 is created a duplication in numbering, reads as follows:

11 The Insurance Commissioner may promulgate rules to implement the 12 provisions of this act.

SECTION 12. REPEALER Section 3, Chapter 145, O.S.L.
2014, Section 4, Chapter 145, O.S.L. 2014, Section 5, Chapter 145,
O.S.L. 2014, Section 6, Chapter 145, O.S.L. 2014, Section 7, Chapter
145, O.S.L. 2014 and Section 8, Chapter 145, O.S.L. 2014 (36 O.S.
Supp. 2017, Sections 6680, 6681, 6682, 6683, 6684 and 6685), are
hereby repealed.

SECTION 13. This act shall become effective November 1, 2018.
COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT AND INSURANCE
February 12, 2018 - DO PASS AS AMENDED
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