

STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
45 Fremont Street, 24th Floor
San Francisco, CA 94105

File No. REG-2008-00019

Date: September 8, 2008

**Proposed Adoption of California Code of Regulations, Sections 2308.1, 2308.2 and 2308.3
Filing of Financial Statements**

PROPOSED REGULATION TEXT

Section 2308.1 Electronic Filing of Annual and Quarterly Statements

(a) DESIGNATION: Effective with the 2008 annual statement filing due March 1, 2009, and for every annual and quarterly statement due thereafter, the Insurance Commissioner (“Commissioner”) designates the Internet-based financial filing system operated by the National Association of Insurance Commissioners (“NAIC”) as the filing system to receive and store electronic filings of annual and quarterly financial statements from all admitted insurers, as defined by Insurance Code Sections 23 and 24, on behalf of the Commissioner.

(b) USE OF NAIC ELECTRONIC FILING : All admitted insurers’ annual and quarterly financial statements shall be filed electronically with and transmitted to the NAIC, except as otherwise indicated in these rules. The following conditions relate to such electronic filings:

(1) When Filed: Solely for purposes of a filing made with the NAIC, a document is considered filed with the Commissioner when the filing is accepted by the NAIC.

(2) Confirmation of Filing: Admitted Foreign and Alien insurers, as defined by Insurance Code Sections 24, 27, and 1580, shall provide the Commissioner with a paper original of a properly executed Jurat page from the related financial statement filed electronically with the NAIC, as confirmation of each NAIC electronic filing, unless a paper original of such properly executed Jurat page is on file with its domestic regulator.

(3) Any financial statement required to be filed with the NAIC pursuant to this section that is not accepted for filing by the NAIC shall be filed in paper directly with the Commissioner in accordance with California Code of Regulations, Title 10, Section 2308.2.

NOTE: Authority cited: Sections 733, 900, 923, 931, Insurance Code; *CalFarm Insurance Company v. Deukmejian* (1989) 48 Cal.3d 805; and *20th Century Insurance Company v. Garamendi* (1994) 8 Cal. 4th 216. Reference: Section 733, 900, 903, 903.5, 923, 924, 931, 934, Insurance Code.

Section 2308.2 Paper Filing of Domestic Insurers’ Annual and Quarterly Statements

In addition to filing electronically with the NAIC, pursuant to California Code of Regulations, Title 10, Section 2308.1, admitted domestic insurers, as defined by Insurance Code Sections 24 and 26, shall file all annual and quarterly financial statements in paper directly with the Commissioner.

NOTE: Authority cited: Sections 733, 900, 923, Insurance Code; *CalFarm Insurance Company v. Deukmejian* (1989) 48 Cal.3d 805; and *20th Century Insurance Company v. Garamendi* (1994) 8 Cal. 4th 216. Reference: Section 733, 900, 903, 903.5, 923, 924, Insurance Code.

Section 2308.3 Paper and Electronic Filing of California Supplemental Financial Statements

All admitted insurers shall file their California supplemental financial statements in both electronic and paper form directly with the Commissioner.

NOTE: Authority cited: Sections 733, 900, 923, Insurance Code; *CalFarm Insurance Company v. Deukmejian* (1989) 48 Cal.3d 805; and *20th Century Insurance Company v. Garamendi* (1994) 8 Cal. 4th 216. Reference: Section 733, 900, 923, Insurance Code.

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