

**HOUSE BILL No. 2089**

By Committee on Insurance

1-19

Proposed Amendment to HB 2089  
Senate Committee on Financial  
Institutions and Insurance  
March 8, 2023  
Prepared by Office of Revisor of Statutes

1 AN ACT concerning insurance; relating to prepaid service plans;  
2 certificates of registration; discontinuing annual registration fees for  
3 such plans; modifying the requirement to report individuals who solicit  
4 memberships on behalf of such plans from semi-annually to annually  
5 and upon application for registration; amending K.S.A. 40-4209 and  
6 repealing the existing section; also repealing K.S.A. 40-4203.  
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 40-4209 is hereby amended to read as follows: 40-  
10 4209. (a) (1) No person shall act as or hold such person out to be a prepaid  
11 service plan in this state unless such person holds a certificate of  
12 registration as a prepaid service plan issued by the commissioner of  
13 insurance. An application for such certificate may be made to the  
14 commissioner of insurance ~~on a form on forms~~ prescribed by the  
15 commissioner ~~and shall be accompanied by~~ and shall include: (A) *The*  
16 *completed application form; (B) a list of each individual who solicits*  
17 *memberships on behalf of such prepaid service plan; and (C) a filing fee*  
18 *of \$100.*

19 (2) The certificate of registration may be continued for successive  
20 annual periods by notifying the commissioner of such intent ~~and~~, paying  
21 an annual continuation fee of \$50 *and advising the commissioner of*  
22 *insurance of any additions to or deletions from the list of individuals who*  
23 *solicit memberships on behalf of such prepaid service plan since the last*  
24 *reporting date.*

25 (b) The certificate of registration shall be issued to or continued for a  
26 prepaid service plan by the commissioner of insurance unless the  
27 commissioner of insurance, after due notice and hearing, determines that  
28 the prepaid service plan is not competent, trustworthy, financially  
29 responsible or of good personal and business reputation, or has had a  
30 previous application for a certificate of registration denied for cause since  
31 ~~the effective date of this act July 1, 2023~~, or within five years of the date of  
32 application, whichever is later.

33 Sec. 2. K.S.A. 40-4203 and 40-4209 are hereby repealed.

34 Sec. 3. This act shall take effect and be in force from and after its  
35 publication in the ~~statute book~~ Kansas register