

# SENATE BILL No. 1032

January 22, 2008, Introduced by Senators CHERRY, JACOBS, CLARK-COLEMAN, ANDERSON, BRATER, THOMAS, GLEASON, SCHAUER, HUNTER, SCOTT and CLARKE and referred to the Committee on Economic Development and Regulatory Reform.

A bill to amend 1956 PA 218, entitled  
"The insurance code of 1956,"  
by amending section 134 (MCL 500.134), as amended by 1990 PA 256.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 134. (1) Every certificate of authority or license in  
2 force immediately prior to January 1, 1957 and existing under any  
3 act repealed by this act is valid until its original expiration  
4 date, unless earlier terminated in accordance with this act.

5       (2) Any plan of operation adopted by an association or  
6 facility, and any premium or assessment levied against an insurer  
7 member of that association or facility, is hereby validated  
8 retroactively to the date of its original adoption or levy and  
9 ~~shall continue~~ **CONTINUES** in force and effect according to the terms  
10 of the plan of operation, premium, or assessment until otherwise  
11 changed by the commissioner or the board of directors of the

1 association or facility pursuant to this act.

2 (3) An association or facility or the board of directors of  
3 the association or facility is not a state agency and the money of  
4 an association or facility is not state money.

5 (4) ~~A-EXCEPT AS OTHERWISE PROVIDED IN SECTION 3104, A~~ record  
6 of an association or facility ~~shall be exempted~~ **IS EXEMPT** from  
7 disclosure pursuant to section 13 of the freedom of information  
8 act, ~~Act No. 442 of the Public Acts of 1976, being section 15.243~~  
9 ~~of the Michigan Compiled Laws 1976 PA 442, MCL 15.243.~~

10 (5) Any premium or assessment levied by an association or  
11 facility, or any premium or assessment of a similar association or  
12 facility formed under a law in force outside this state, is not a  
13 burden or special burden for purposes of a calculation under  
14 section 476a, and any premium or assessment paid to an association  
15 or facility shall not be included in determining the aggregate  
16 amount a foreign insurer pays to the commissioner under section  
17 476a.

18 (6) As used in this section, "association or facility" means  
19 an association of insurers created under this act and any other  
20 association or facility formed under this act as a nonprofit  
21 organization of insurer members, including, but not limited to, the  
22 following:

23 (a) The Michigan worker's compensation placement facility  
24 created under chapter 23.

25 (b) The Michigan basic property insurance association created  
26 under ~~section~~ **CHAPTER** 29.

27 (c) The catastrophic claims association created under chapter

1 31.

2 (d) The Michigan automobile insurance placement facility  
3 created under chapter 33.

4 (e) The Michigan life and health insurance guaranty  
5 association created under chapter 77.

6 (f) The property and casualty guaranty association created  
7 under chapter 79.

8 (g) The assigned claims facility created under section 3171.

9 Enacting section 1. This amendatory act does not take effect  
10 unless all of the following bills of the 94th Legislature are  
11 enacted into law:

12 (a) Senate Bill No. 1033.

13

14 (b) Senate Bill No. 1030.

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