

RULES AND REGULATIONS

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 139]

Prohibited Phrases

The Insurance Department (Department) rescinds Chapter 139 (relating to prohibited phrases) as set forth at 38 Pa.B. 1960 (April 26, 2008).

Statutory Authority

The rescission is adopted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 422 and 412) and section 354 of The Insurance Company Law of 1921 (40 P. S. § 477b).

Comments and Response

Notice of proposed rulemaking was published at 38 Pa.B. 1960 with a 30-day comment period. No comments were received during the 30-day comment period. During its regulatory review, the Independent Regulatory Review Commission (IRRC) did not submit comments to the Department.

Affected Parties

The rescission of the regulations affect insurers doing the business of insurance in this Commonwealth.

Fiscal Impact

There is no fiscal impact as a result of the rescission.

Paperwork

The rescission will affect all licensed insurers domiciled in this Commonwealth, but no additional paperwork requirements will be imposed.

Effectiveness/Sunset Date

The rescission will become effective upon final-form publication in the *Pennsylvania Bulletin*. As this is a rescission, no sunset date has been assigned.

Contact Person

Questions regarding this final-form rulemaking, should be directed to Peter J. Salvatore, Regulatory Coordinator, Bureau of Administration, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. In addition, questions may be e-mailed to psalvatore@state.pa.us or faxed to (717) 705-3873.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the proposed rulemaking on April 16, 2008, to IRRC and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee (Committees). In addition to the submitted the proposed rulemaking, IRRC has provided the Commission and the

Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of that material is available to the public upon request.

In preparing these final-form regulations, the Department considered all comments received from IRRC, the Committees and the public. These final-form regulation were deemed approved by the Committees on November 5, 2008. In accordance with section 5(g) of the Regulatory Review Act, the rescission of the regulations was deemed approved by IRRC effective November 5, 2008.

Findings

The Commissioner finds that:

(1) Public notice of intention to adopt this rulemaking as amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code, are amended by rescinding §§ 139.1—139.3 to read as set forth at 38 Pa.B. 1960.

(b) The Commissioner shall submit this order and 38 Pa.B. 1960 to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Commissioner shall certify this order and 38 Pa.B. 1960 and deposit them with the Legislative Reference Bureau as required by law.

(d) The rescission of the regulations adopted by this order shall take effect upon final publication in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

Fiscal Note: Fiscal Note 11-237 remains valid for the final adoption of the subject regulations.

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 6429 (November 29, 2008).)

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