

Model Tribal Insurance Act

An Act of the
_____ **Tribe / Nation,**

Tribal Seal Here

Treaty of _____

Model Tribal Insurance Act

_____ TRIBE / NATION INSURANCE ACT

CHAPTER ONE

Section 100 Title

This law shall be known and may be cited as the _____ Insurance Act. This law may also be cited as “the _____ Insurance Code” or “the _____ Insurance Ordinance.”

Section 101 Supremacy of _____ Tribe / Nation Constitution

In the event of any ambiguity or conflict between the wording of any statute, ordinance, code, or act, and the Tribe / Nation Constitution, the wording of the Constitution shall take precedence and control.

Section 102 Sovereign Immunity Not Waived

Nothing in this Insurance Act should be construed or interpreted as a waiver of the _____ Tribe / Nation’s sovereign immunity. Any such waiver would require an unequivocal express waiver from the Tribal Council or the U.S. Congress.

Section 103 Attorney General May Perform Duties of Insurance Commissioner

The position and function of Commissioner may be performed by the Attorney General of the _____ Tribe / Nation. The Commissioner is authorized to commit _____ Tribe / Nation to a paid membership in the Tribal Association of Insurance Commissioners, Inc. (“TAIC”) and to be himself or herself a participating member of TAIC on behalf of _____ Tribe / Nation.

Section 104 Compliance Required

No person shall transact the business of insurance within the jurisdiction of the _____ TRIBE / Nation without complying with the applicable provisions of this Act.

Section 105 Application to Insurers

All provisions of this Act shall apply to all insurers transacting the business of insurance as defined by this Act. The Insurance Commissioner has the authority to waive any and all provisions, and an exception to the application of this Act may be provided to the _____ TRIBE / Nation where this would be in the best interests of the Nation and its members.

Section 106 Existing Actions, Violations

Repeal by this Act of any law shall not affect or abate any right heretofore accrued, action or proceeding heretofore commenced, or any unlawful act heretofore committed under such laws and punishment or deprivation of license or authority as a consequence thereof as provided by such laws; but all proceedings hereafter taken, with respect thereto, shall conform to the applicable provisions of this Act insofar as possible. All such laws shall be deemed to continue in force to the extent made necessary by this provision.

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Section 107 Particular Provisions Prevail

Provisions of this Act relative to a particular kind of insurance or a particular type of insurer or to a particular matter shall prevail over provisions relating to insurance in general or insurers in general or to such matter in general. The determination of a type of insurance or insurer is the decision of the Insurance Commissioner, and shall be considered the final decision.

Section 108 General Penalty

In addition to any other penalty which may be applicable thereto, either under this Act or otherwise, violation of any provision of this Act shall constitute a misdemeanor of which the charge shall not be punishable by more than a \$500.00 fine.

Section 109 Forum and Venue For Dispute Resolution

_____ TRIBE / Nation tribal law will apply to all disputes under this Insurance Act, except where the _____ TRIBE / Nation specifically and expressly allows other tribal law, federal law, or state law to be used as guidance. All disputes will be resolved in the tribal courts of the _____ TRIBE / Nation, or in the Insurance Court of Indian Country, or, where agreed among the parties, by special mediation or arbitration proceedings approved by the Attorney General of the _____ TRIBE / Nation. Litigants in the _____ TRIBE / Nation Tribal Court or the Insurance Court of Indian Country shall pay the prevailing filing fees and other fees proscribed by the Attorney General and / or the Clerk of the _____ TRIBE / Nation Tribal Court or the Clerk of the Insurance Court of Indian Country.

CHAPTER TWO

Section 201 Insurance Department

The “Insurance Department” of the _____ TRIBE / Nation is hereby created. The Department shall consist of the Insurance Commissioner, any Deputy Insurance Commissioners appointed by the Insurance Commissioner, and any administrative staff appointed by the Insurance Commissioner. The powers and duties of the Insurance Commissioner shall be those created by this Act.

Section 202 Insurance Commissioner

The office of the “Insurance Commissioner” is hereby created. The Insurance Commissioner shall have the authority as set forth in this Act and shall delegate some or all of the duties to a Deputy and / or administrative staff as approved by the Chief or Tribal Council. The Insurance Commissioner shall serve as term of three (3) years, with successive or additional terms permitted at the discretion of the Chief or Tribal Council.

- A At any time when a vacancy occurs in the office of the Commissioner, the office shall be filled by appointment by the Chief or Tribal Council. Once the office of Commissioner is vacated, the Chief shall, within a reasonable time, name an appointee to fill the position, and shall so notify the Chief or Tribal Council. This process shall continue until a person is appointed and properly approved by the Chief or Tribal Council. If there is a Deputy Insurance Commissioner at the time of vacancy, the Chief or Tribal Council may appoint that Deputy to be the new Insurance Commissioner.

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- B An Interim Commissioner may be selected by the Chief any time a vacancy in the office of Commissioner exists. Such Interim Commissioner shall fill the position until the Chief or Tribal Council provides the approval regarding the Chief's appointment of a person to fill the position. An Interim Commissioner shall serve at the pleasure of the Chief.
- C A Commissioner may be removed from office prior to the expiration of the term only for neglect of duty and/or malfeasance and/or other acts that would render the Commissioner unqualified for the position. Removal shall be made by the Chief or a majority vote of the Tribal Council after providing notice of such removal to the Commissioner.
- D The minimum requirements for appointment as a Commissioner shall consist of at least one (1) of the following:
 - 1. A Bachelor's degree or higher in any related field, with law degree preferred;
 - 2. Minimum two (2) years' experience in the insurance field;
 - 3. Demonstrated knowledge of the business of insurance.
- E The Insurance Commissioner shall not have a financial interest, directly or indirectly, in any insurer or insurance transaction, except as a policyholder or claimant; except this shall be allowed with full disclosure to the Chief and/or Tribal Council.
- F. The Commissioner shall be compensated at a rate, or by such means, as set by the Chief and/or Tribal Council.
- G. In the event of a vacancy in the office of the Insurance Commissioner, and until a new Insurance Commissioner has been appointed, any insurance companies operating with a Certificate of Authority under _____ TRIBE / Nation law may be regulated in accordance with the model laws and suggested rules and regulations of the TAIC.

Section 203 Official Seal of Insurance Commissioner

The Insurance Commissioner shall have an official seal, which shall be distinguished by the words "Insurance Commissioner – _____ TRIBE / Nation" inscribed in the circular band surrounding the remainder of the device, and which seal shall be and become the official seal of his office; and the same may be renewed whenever necessary. If the Insurance Commissioner is also the Attorney General, then the seal of "Attorney General – _____ TRIBE / Nation" will be sufficient for these purposes. Every certificate and other document or paper executed by the Insurance Commissioner in the pursuance of any authority conferred upon him by law, and sealed with the seal of his office, and all copies or photographic copies of papers certified by him and authenticated by said seal, shall, in all cases, be evidence equally and in like manner as the original thereof, and shall have the same force and effect as the original would in any suit or proceedings in any court of this Nation.

Section 204 Examination and Audit of Foreign Companies

- A Whenever the Insurance Commissioner deems it prudent for the protection of policyholders within the tribal jurisdiction, he shall, in like manner, visit and examine or cause to be visited and examined by some competent person whom he may appoint for that purpose, any foreign or alien insurer applying for admission or already admitted to do business within the jurisdiction of the _____ TRIBE / Nation. Examinations may include market conduct examinations. The examination of an alien insurer shall include business wherever written in the world, except as otherwise required by the Commissioner. For the

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purpose aforesaid, the Commissioner or his authorized representative, or the person making the examination, shall have free access to all the books and papers of the insurer that relate to this business, and to the books and papers kept by any of its agents; and may summon and administer the oath to, and examine as witnesses, the directors, officers, trustees and agents of any such company, and any person or persons relative to its affairs, transactions and condition. Any insurer examined under the provisions of this Article shall pay the proper charges, including reasonable and necessary travel expenses, including plane flights, train trips, auto trips, etc., hotel rooms, meals, and other reasonable and necessary expenses incurred in such examination, including the actual expense of the Commissioner or the expenses and compensation of assistants employed therein. All expenses incurred in such examination shall be verified by affidavit, and a copy shall be filed and kept in his office.

- B Whoever, without justifiable cause, neglects, upon due summons, to appear and testify before the Insurance Commissioner or deputy or person appointed by him, as provided in this Article; and whoever obstructs the Insurance Commissioner, his authorized representative or examiner in his examination of insurers, shall be guilty of a misdemeanor, and punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).
- C In lieu of making his own examination, the Insurance Commissioner may accept a full report of the last recent examination of a foreign or alien insurer, certified to by the insurance supervisory official of another Indian nation or tribe, state, territory, commonwealth, or district of the United States, or of a foreign insurance regulator recognized by the Insurance Commissioner and/or the Tribal Association of Insurance Commissioners.

Section 205 Reports on Financial Condition

- A The Insurer shall file financial statements and an annual report on a form prescribed by the Commissioner, with the Commissioner for review annually on or before the last week of March. Such statements shall include all current holdings, any other Certificates of Authority (“COA”), and the current financial condition of the Insurer. Such statements shall be subscribed and sworn to by the president and the secretary, and other proper officers of the company. Failure of any insurer to execute and file such statements or exhibits as required herein shall constitute cause, after notice and hearing, for censure, suspension, or revocation of to transact any insurance business within the jurisdiction of the _____ TRIBE / Nation or a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each occurrence; or both censure, suspension, or revocation, and fine. The Commissioner shall set such cause for hearing; and if he finds that the facts warrant, he shall order said censure, suspension, or revocation of the COA of the insurer found to be in default or said fine, or both said censure, suspension or revocation, and fine. Willful violations, after notice and hearing, may subject the insurer to both censure, suspension or revocation of certificate and a fine of not less than One Hundred Dollars (\$100.00) or not more than Five Thousand Dollars (\$5,000.00) for each violation. The Commissioner may establish rules or regulations to carry out the purposes of this Section.

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B If the Insurer provides such financial statements to the Tribal Association of Insurance Commissioners or another State or Indian Tribe, the Commissioner shall accept those submissions in accordance with the filing requirements of this section.

C Insurers shall use the forms provided by the Commissioner when applying for a COA.

Section 206 Rates

The Commissioner shall have authority to set and determine any and all rates, and collect any and all voluntary assessments, including voluntary premium assessments, fees and licenses, pursuant to this Act.

Section 207 Fees and Licenses

A The Insurance Commissioner shall collect the following fees and licenses:

- | | |
|--|----------|
| 1. Rating organizations, license application | \$100.00 |
| 2. Insurance Company or Reinsurance Company license application | \$100.00 |
| 3. Miscellaneous: | |
| Sealed Certificate of Authority to Transact the Business of Insurance | \$ 50.00 |
| Each transaction of filing additional documents | \$ 30.00 |
| 4. For each rate filing request: | |
| (a) For an individual insurer | \$ 50.00 |
| (b) For an approved rating organization: | |
| (1) Basic Fee | \$ 50.00 |
| (2) Additional fee for each member or subscriber insurer
(not to exceed \$500.00) | \$ 25.00 |
| 5. Annual Report Filing Fee, rating organization, insurer or
Reinsurer | \$ 50.00 |

B All (1) voluntary premium assessments shall be paid as policies are written on a policy-by-policy basis, rather than accrual on a bordereau system and/or paid on some interval basis; and (2) all other fees and licenses collected by the Commissioner, as provided in this Section, shall be paid to the _____ TRIBE / Nation on a weekly basis. The fees, licenses, and voluntary assessments imposed by the Commissioner upon persons, firms, associations, or corporations licensed pursuant to this Section shall be payment in full with respect thereto of, and in lieu of all demands for any and all other license fees, license voluntary assessments, business privilege voluntary assessments, business privilege fees, licenses and voluntary assessments imposed by the Insurance Ordinance. Voluntary premium assessments shall be calculated after deducting from the direct premiums subject to the voluntary assessment the amounts paid to policyholders as return premiums which shall include dividends on unabsorbed premiums or premium deposits returned or credited to policyholders.

C Any costs incurred by the Commissioner in the process of review and analysis of a filing shall be assessed against the company or organization making the filing.

CHAPTER THREE

Section 301 General Qualifications to Obtain a Domestic License in the _____ TRIBE / Nation and Maintain Reserve

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- A To qualify for and hold authority to transact insurance in the _____ TRIBE / Nation, an insurer must be otherwise in compliance with all provisions of this Act and with its charter powers, and must be incorporated pursuant to tribal, federal or state law; except, that no foreign or alien insurer shall be authorized to transact insurance in the _____ TRIBE / Nation which does not maintain reserves or guarantees from individuals or companies, as required by _____ TRIBE / Nation law applicable to the kind or kinds of insurance transacted by such insurer; or,
- B To qualify for and hold authority to transact insurance in the _____ TRIBE / Nation, the Commissioner may deem insurers qualified to hold authority to transact insurance if the insurer successfully completed the application process on forms required by the Commissioner; and the Commissioner, in his sole discretion, deems the insurer worthy of a Certificate of Insurance from _____ TRIBE / Nation.

Section 302 Capital Funds or Minimum Surplus Required

- A The _____ TRIBE / Nation offers a stepped program for those seeking to do business under its tribal law. To qualify for authority to incorporate an insurance company or to transact any one or more kinds of insurance, an insurer shall possess and maintain, after the effective date of this Act, surplus in regard to policyholders, which is defined as the aggregate of the capital and surplus in an amount not less than (a) for the first year of operation under _____ TRIBE / Nation law, Five Hundred Dollars (\$500.00, or guarantees from individuals or companies in the same amount, or a combination of the two; and (b) for years two through five, One Thousand Dollars (\$1,000.00), by way of reserves and/or guarantees; and (c) after year five, One Million, Five Hundred Thousand Dollars (\$1,500,000.00) in reserves and/or guarantees.
- B Under _____ TRIBE / Nation law, a company limited by capital and a company limited by guarantee shall be accorded the same standing and status.
- C Wherever the language paid-in capital, capital, capital stock or a similar term (if a stock company) or surplus, expendable surplus or a similar term (if a mutual or reciprocal insurer), reserve or guarantee is used elsewhere in this Act, the term *surplus* in regard to policyholders may be used interchangeably when applicable.

Section 303 Application for Certificate of Authority (“COA”)

To apply for an original COA, an insurer shall file with the Commissioner its application therefore showing its name, location of its office or principal office in the United States (if an alien insurer), kinds of insurance to be transacted, date of organization or incorporation, form of organization, state, tribal lands or country of domicile, name and address of its registered agent for service of process, and such additional information as the Commissioner may reasonably require, together with the following applicable documents:

- A If a foreign or alien insurer, a copy of its corporate charter with all amendments thereto certified by the public officer with whom the originals are on file in the state, tribal jurisdiction or country of domicile.
- B A copy of its by-laws, as amended, certified by its secretary or other officer having custody thereof.
- C Copy of its annual statement as of December 31 last preceding.

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- D Copy of report of the last examination, if any, made of the insurer, certified by the insurance supervisory official of its place of domicile or of entry into the United States.
- E If a foreign or alien insurer, appointment of the Commissioner as its attorney-in-fact or registered agent to receive service of legal process on its behalf.
- F If a foreign or alien insurer, a certificate of the public official having supervision of insurance in its place, state, tribal jurisdiction or country of domicile showing that it is authorized to transact the kinds of insurance proposed to be transacted in the _____ TRIBE / Nation.
- G If an alien insurer, a copy of the appointment and authority of its United States manager, certified by its officer having custody of its records.
- H If a foreign or alien insurer, certificate as to deposit if to be tendered pursuant to tribal, federal and/or state law.

Section 304 Issuance or Refusal of Certificate

- A If under completion of application the Commissioner finds that the insurer has met the requirements for and is entitled thereto under this Act, he shall issue to the insurer a proper Certificate of Authority; if he does not so find, the Commissioner shall issue his order refusing such certificate. The Commissioner may issue a certificate to an Insurer who is providing insurance to the _____ TRIBE / Nation or a _____ TRIBE / Nation entity. The Commissioner shall act upon an application for a Certificate of Authority within thirty (30) days after its completion.
- B The Certificate, if issued, shall specify the kind or kinds of insurance the insurer is authorized to transact insurance within the jurisdiction of the _____ TRIBE / Nation. At the insurer's request, the Commissioner may issue a Certificate of Authority limited to particular types of insurance included within a kind of insurance as defined in this Act.

Section 305 Expiration, Renewal or Amendment of Certificate

- A All Certificates of Authority shall expire at midnight on the last day of March. If the insurer qualifies therefore, its Certificate shall be renewed annually. Provided, however, that any certificate of authority shall continue in full force and effect until the new Certificate is issued or specifically refused; however, the continuance shall not exceed a period of six (6) months.
- B The Commissioner may amend a Certificate of Authority at any time to accord with changes in the insurer's charter or insuring powers.

Section 306 Report of Premiums, Fees and Voluntary assessments-Payment-Penalties

- A Every domestic insurer hereinafter referred to in this Article as an "insurance company," or "company," shall, annually, on or before the last day of March, report under oath of the president or secretary or other chief officer of such company, to the Commissioner, the total amount of gross or direct written premiums fees charged during the preceding calendar year, or since the last return of such direct written premiums was made by such company, from insurance of every kind issued pursuant to this Act. Every such insurer shall, at the same time, pay to the Commissioner:
- B An annual license fee, as prescribed by this ordinance; and

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- C The rate of voluntary premium assessments for all entities subject to the voluntary assessments shall be for all policies sold or renewed, at the rate reflected in Table Number 1 on the last page of this Act. If any insurance company or other entity liable for the voluntary assessments levied pursuant to the provisions of this Section fails to remit such voluntary assessments in a timely manner, it shall remain liable therefore, together with interest thereon, at an annual rate equal to the average United States Treasury Bill rate of the preceding calendar year as certified by the _____ TRIBE / Nation Chief or Treasurer on the first regular business day in January of each year, plus four percentage points.
- D Any domestic insurer failing to make such returns and payments promptly and correctly shall forfeit and pay to the Insurance Commissioner, in addition to the amount of the voluntary assessments and fees and interest, the sum of Five Hundred Dollars (\$500.00), or an amount equal to one percent (1%) of the unpaid amount, whichever is greater; and the company so failing or neglecting for sixty (60) days shall thereafter be debarred from transacting any business of insurance within the jurisdiction of the _____ TRIBE / Nation until the voluntary assessments, fees and penalties are fully paid, and the Insurance Commissioner shall revoke the license or Certificate of Authority granted to the agent or agents of that company to transact business within the jurisdiction of the _____ TRIBE / Nation.

Section 307 The Insurance Commissioner Shall Refuse to Renew or Shall Revoke or Suspend an Insurer's COA:

- A If such action is required by any provision of this Act or regulation, suggested rule, or model law of the TAIC that has been adopted by the _____ TRIBE / Nation; or
- B If the insurer no longer meets the requirements for the authority originally granted, on account of deficiency in assets or otherwise.

CHAPTER FOUR

Section 401 Authorized Reinsurance

- A Except as provided for in Subsection C of this Section, an insurer shall reinsure its risks, or any part thereof, only in solvent insurers having surplus to policyholders not less in amount than the paid-in capital required under this Act of a domestic stock insurer authorized to transact like kinds of insurance.
- B An insurer shall so reinsure in such alien insurers only as either (1) are authorized to transact insurance in at least one state of the United States; or (2) have in the United States a duly authorized attorney-in-fact to accept service of legal process against the insurer as to any liability which might arise on account of such reinsurance.
- C No credit shall be allowed, as an asset or as a deduction from liability, to any ceding insurer for reinsurance, nor increase the amount it is authorized to have at risk unless:
 - 1. the reinsurance is with insurers either authorized to do business in the _____ TRIBE / Nation; or

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2. it is demonstrated by the ceding insurer to the satisfaction of the Commissioner that such reinsurer maintains the standards and meets the financial requirements applicable to an admitted insurer; or to the extent of deposits by or funds withheld from the reinsurer pursuant to express provision therefore in the reinsurance contract as security for the payment of the obligations hereunder, if such deposits or funds are held subject to withdrawal by, and under the control of, the ceding insurer, or are placed in trust for such purposes in a bank which is a member of the Federal Reserve System if withdrawals from the trust cannot be made without the consent of the ceding insurer.

Section 402 Jurisdiction of Insurance Commissioner under _____ TRIBE / Nation Insurance Act

- A Unless otherwise provided for by law or exempted by the provisions of this Act, any person or other entity which provides coverage within the jurisdiction of the _____ TRIBE / Nation shall be presumed to be subject to the jurisdiction of the Commissioner, unless the person or other entity shows that, while providing coverage, the person or entity is subject to the jurisdiction of another agency of the _____ TRIBE / Nation or another Indian Tribe, any state within the United States or any subdivision of a state, or the federal government; and shall comply with the requirements of this Act.
- B A person or entity may show that it is subject to the jurisdiction of another agency of the _____ TRIBE / Nation or another Indian Tribe, any state within the United States or any subdivision of a state, or the federal government by providing to the Commissioner the certificate, license, or other document issued by the other governmental agency which permits or qualifies the person or entity to provide those services.
- C Any person or entity which is unable to show that it is subject to the jurisdiction of another agency of the _____ TRIBE / Nation or another Indian Tribe, any state within the United States or any subdivision of a state, or the federal government shall be required to comply with the provisions of this Act in order to transact insurance within the jurisdiction of the _____ TRIBE / Nation.

CHAPTER FIVE

Section 501

- A. Application Fraud – its shall be a misdemeanor for any applicant for insurance from one or more insurers licensed under this Insurance Act to make a false or misleading statement in the application for insurance, including surety.
- B. Claim Fraud – it shall be a misdemeanor for any claimant under an insurance policy or surety bond from one or more insurers or sureties licensed under this Insurance Act who makes a false or misleading statement in pursuance of the proceeds of a policy or bond when making claim against said policy or bond.

CHAPTER SIX

Section 601 Effective Date

- A. This Title and Act shall be in full force and effect according to its terms from and after the date of enactment by the _____ Tribal Council.
- D. Legislative History –

TABLE NUMBER 1

Multi-Year Stepped Voluntary Premium Assessment Rate

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
.X	.X1	.X2	.X3	.X4	.X5	.X6	.X7	.X8	X9

TABLE NUMBER 2

Definition of Terms in this Insurance Act

Accident and Health Insurance – is against bodily injury, disablement, or death by accident or accidental means, or the expense thereof; or against disablement or expense resulting from sickness, and every insurance appertaining thereto.

Admiralty Insurance – insurance protection for accidents and other events on the open seas.

Boiler and Machinery Insurance – is insurance against any liability and loss or damage to property or interest resulting from accidents to or explosion of boilers, pipes, pressure containers, machinery or apparatus, and to make inspection of and issue certificates of inspection upon boilers, machinery and apparatus of any kind, whether or not insured.

CAMN Nation – the CAMN Nation and/or its commissions, agencies and boards under the direct authority of the CAMN Nation Chief and/or Tribal Council, and all lands within its jurisdiction as not limited by federal law.

Casualty Insurance – includes vehicle insurance as defined in this chapter, and accident and health insurance as defined in this chapter, of this Article; and in addition, includes:

Charter –articles of incorporation, or agreement, of association, or other basic constituent document of a corporation, subscribers’ agreement and power of attorney of a reciprocal insurer, or underwriters’ agreement and power of attorney of a Lloyd’s insurer.

Commissioner – when used with reference to administration of this law, “Insurance Commissioner” or “Commissioner” means the Insurance Commissioner of the CAMN Nation (see Insurance Commissioner).

Coverage – refers to protections under an insurance policy. It is intended that certain coverage may come within the definition of two or more kinds of insurance as referenced in this Act, and the fact that such a coverage is included within one definition shall not exclude coverage as to any other kind of insurance within the definition of which such coverage likewise reasonable is included. In this way, definitions are not mutually exclusive.

Credit Insurance – insurance against or damage resulting from failure of debtors to pay their obligations to the insured.

Domestic Insurer – an insurer formed under the laws of the CAMN Nation.

E&O Insurance – see Errors and Omissions Insurance

Entertainment Insurance – insurance coverage for cancellation of events, and can contain coverages similar to CGL, property, and other insurances.

Errors and Omissions Insurance – another phrase for malpractice insurance

Excess Insurance – provides coverages at amounts higher than already existing policies.

Fidelity Insurance – insurance guaranteeing the honesty or fidelity of persons holding positions of public or private trust (see Surety Insurance). Often requires a finding of manifest intent to steal or cause harm to a third party.

Foreign Insurer – includes all other insurers formed under the laws of another tribal government or a state government.

Glass Insurance – insurance against loss or damage to glass, including its lettering, ornamentation, and fittings.

Health Insurance -

Indian Tribe – an Indian tribe, nation, pueblo, Rancheria or tribal organization, whether or not recognized by a state or federally recognized by the United States Government. Various definitions are used in different contexts by courts and others.

Insurance – a contract whereby one undertakes to indemnify another or to pay a specified amount upon determinable contingencies.

Insurance Commissioner – when used with reference to administration of this law, “Insurance Commissioner” or “Commissioner” means the Insurance Commissioner of the CAMN Nation. May include a Deputy Commissioner appointed by the Insurance Commissioner. May be performed by the Attorney General.

Legal Malpractice Insurance – insurance against legal liability of the insured for failure to meet the standard of care for legal representation of a client in or out of court. A product gaining wider acceptance by practitioners in Indian tribal courts, Courts of Indian Offenses, Code of Federal Regulation (“CFR”) Courts, and other Indian Country legal tribunals.

Life Insurance -

Miscellaneous Insurance – insurance against any other kind of loss, damage or liability properly a subject of insurance, and not within any other kind of insurance as defined in this Article, if such insurance is not disapproved by the Commissioner as being contrary to law or public policy.

Person – an individual, company, insurer, association, organization, society, reciprocal or inter-insurance exchange, partnership, syndicate, business trust, trust, guarantee, corporation, Lloyd’s association, Lloyd’s insurer, surety, reinsurer, and entity, and association, group or department of underwriters.

Personal Property Floater Insurance – insurance upon personal effects against loss or damage from any cause.

Property Insurance – insurance on real or personal property of every kind, and interest therein, against loss or damage from any or all hazard or cause, and against loss consequential upon such loss or damage, other than non-contractual legal liability for any such loss or damage. Property insurance shall also include miscellaneous insurance as defined by this ordinance.

Marine Insurance – includes:

- A Insurance against any and all kinds of loss or damage to vessels, craft, aircraft, cars, automobiles and vehicles of every kind, as well as all goods, freight, cargoes, merchandise, effects, disbursements, profits, moneys, bullion, precious stones, securities, choses in action, evidence of debt, valuable papers, bottomry and respondentia interests, and all other kinds of property and interests therein, in respect to, appertaining to, or in connection with any and all risks or perils of navigation, transit or transportation, including war risks, on or under any seas or other waters, on land or in the air, or while being assembled, packed, crated, baled, compressed or similarly prepared for shipment, or while awaiting the same or during any delays, storage, transshipment or reshipment incident thereto, including marine builders' risks and all personal property floater risks;
- B Insurance against any and all kinds of loss or damage to person or to property in connection with or appertaining to a marine, inland marine, transit or transportation insurance, including liability for loss of or damage to either, arising out of or in connection with the construction, repair, operation, maintenance or use of the subject matter of such insurance (but not including life insurance or surety bonds, nor insurance against loss by reason of bodily injury to the person arising out of the ownership maintenance or use of automobiles);
- C Insurance against any and all kinds of loss or damage to precious stones, jewelry, gold, silver and other precious metals, whether used in business or trade or otherwise, and whether the same be in course of transportation or otherwise;
- D Insurance against any and all kinds of loss or damage to bridges, tunnels and other instrumentalities of transportation and communication (excluding buildings, their furniture and furnishings, fixed contents and supplies held in storage) unless fire, tornado, sprinkler leakage, hail, explosion, earthquake, riot or civil commotion or any or all of them are the only hazards to be covered;
- E Insurance against any and all kinds of loss or damage to piers, wharves, docks and slips, excluding the risks of fire, tornado, sprinkler leakage, hail, explosion, earthquake, riot and civil commotion, and each of them;
- F Insurance against any and all kinds of loss or damage to other aids to navigation and transportation, including dry docks and marine railways, dams and appurtenant facilities for the control of waterways; and
- G Marine protection and indemnity insurance which is insurance against, or against legal liability of the insured for loss, damage or expense arising out of, or incident to, the ownership, operation, chartering, maintenance, use, repair or construction of any vessel, craft or instrumentality in use in ocean or inland waterways, including liability of the insured for personal injury, illness or death, or for loss of or damage to the property of another person.

Maritime Insurance – insurance protection involving shipping on the open seas.

Medical Malpractice Insurance – insurance against legal liability of the insured, and against loss, damage, or expense incidental to a claim of such liability, and including medical, hospital, surgical, and funeral benefits to injured persons, irrespective of legal liability of the insured, arising out of the death, injury, or disablement of any person, or arising out of damage to the economic interest of any person, as the result of negligence in rendering expert, fiduciary, or professional services.

Morbidity Insurance -

Surety Insurance – includes:

- A Fidelity Insurance, which is insurance guaranteeing the fidelity of persons holding positions of public or private trust.
- B Insurance guaranteeing the performance of contracts, other than insurance policies, and guaranteeing and executing bonds, undertakings and contracts of suretyship. Includes construction bonds such as performance bonds and payment bonds. Includes supply bonds. Includes appeal, or supersedeas, bonds.
- C Insurance indemnifying banks, bankers, brokers, financial or moneyed corporations or associations against loss resulting from any cause, of bills of exchange, notes, bonds, securities, evidences of debt, deeds, mortgages, warehouse receipts, or other valuable papers, documents, money, precious metals and articles made therefrom, jewelry, watches, necklaces, bracelets, gems, precious and semiprecious stones, including any loss while the same are being transported in armored motor vehicles, or by messenger, but not including any other risks of transportation or navigation; also, insurance against loss or damage to such an insured's premises or to his furnishings, fixtures, equipment, safes and vaults therein, caused by burglary, robbery, theft, vandalism or malicious mischief, or any attempt thereat.

Title Insurance – insurance of owners of property or others having an interest therein, or liens or encumbrances thereon, against loss by encumbrance, or defective titles, invalidity, or adverse claim to title.

Transacting Insurance – with respect to insurance includes any of the following:

1. Solicitation and inducement of insurance.
2. Preliminary negotiations of insurance.
3. Effectuation of a contract of insurance.
4. Transaction of matters subsequent to effectuation of the contract and arising out of it.

Umbrella Insurance – a policy of insurance that provides different or additional coverages, and/or limits on top of other policies.

Vehicle Insurance – insurance against loss of or damage to any land vehicle or aircraft or any draft or riding animal or to property while contained therein or thereon or being loaded or unloaded therein or therefrom, from any hazard or cause, and against any loss, liability or expense resulting from or incident to ownership, maintenance or use of any such vehicle, aircraft or animal; together with insurance against accidental death or accidental injury to individuals, including the named insured, while in, entering, alighting from, adjusting, repairing, cranking, or caused by being struck by a vehicle, aircraft or draft or riding animal.

Workers' Compensation Insurance – is insurance of the obligations accepted by, imposed upon, or assumed by employers for death, disablement, or injury of employees.