

ALABAMA DEPARTMENT OF INSURANCE
INSURANCE REGULATION
ADMINISTRATIVE CODE

CHAPTER 482-1-003
PER DIEM SUBSISTENCE AND COMPENSATION INCURRED IN EXAMINATION OF
DOMESTIC INSURANCE COMPANIES AND OTHERS

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482-1-003-.01 Authority.

This chapter is adopted pursuant to Section 27-2-17, Code of Ala. 1975.

Author: Reyn Norman, Associate Counsel

Statutory Authority: Code of Ala. 1975, §§27-2-17, 27-2-20, et seq., 27-2-50, et seq., 36-7-20, 36-7-21.

History: New Rule: January 16, 2003; effective January 26, 2003. Filed with LRS January 16, 2003. Rule is not subject to the Alabama Administrative Procedure Act.

482-1-003-.02 Department Of Insurance Employees.

(1) Department of Insurance employees' daily rate of per diem and mileage allowance shall be the same as provided for other regularly employed personnel of the State, with the exception of Insurance Examiners or other persons designated by the Commissioner of Insurance for the purpose of examining insurers and other persons, companies, associations and agents under the provisions of Sections 27-2-20, 27-2-21, 27-2-22 and other pertinent sections of the Code of Ala. 1975, and those Examiners or other persons in the Receivership Division under the provisions of Sections 27-2-50 through 27-2-55.

(2) Compensation for such Examiners or persons designated by the Commissioner for conducting said examinations shall be their regular rate of pay, plus per diem in lieu of reimbursement for actual expenses. The per diem rates for intrastate and interstate travel shall be the latest version of the standard CONUS rates

published in table form from time to time by the National Association of Insurance Commissioners (NAIC) as part of the *NAIC's Classifications, Minimum Qualifications and Suggested Compensation for Zone Examiners*. The proper rate shall apply and be paid for each day an Examiner is engaged in his or her duties (including travel to and away from the place where such duties are performed) consistent with the manner in which per diem payments are calculated and made to non-Examiner State employees under Section 36-7-20, Code of Ala. 1975.

(3) The mileage allowance when traveling in privately-owned vehicles shall be the same as that allowed employees under the classified service of the State of Alabama as provided by Section 36-7-22, Code of Ala. 1975.

(4) Expenses incurred in commercial travel shall be reimbursed at actual cost.

(5)(a) The per diem rates set forth above in Paragraph (2) apply only to those Examiners and other persons who bill and receive payment for the examination fees from companies and persons being examined.

(b) In all other instances the per diem rates will be the same as for classified employees of the State of Alabama; said per diem being the rate set in Sections 36-7-20 or 36-7-21, Code of Ala. 1975.

Author: Reyn Norman, Associate Counsel

Statutory Authority: Code of Ala. 1975, §§27-2-17, 27-2-20, et seq., 27-2-50, et seq., 36-7-20, 36-7-21.

History: New Rule: August 1, 1957; effective August 1, 1957.

Amended: March 14, 1979; effective April 1, 1979. **Amended:** September 18, 1981; effective October 1, 1981. **Revised:** January 16, 2003; effective January 26, 2003. Filed with LRS January 16, 2003. Rule is not subject to the Alabama Administrative Procedure Act. **Amended:** Filed February 8, 2008; effective March 1, 2008. Filed with LRS February 8, 2008. Rule is not subject to the Alabama Administrative Procedure Act.

482-1-003-.03

Specially Designated Examiners And Actuaries.

Specially designated examiners' and actuaries' daily rate of subsistence shall be set by the Commissioner of Insurance in consonance with, and not to exceed, the prevailing rates recommended by the National Association of Insurance Commissioners and shall include travel expenses incurred in traveling to, and returning from, the place of examination of the company.

Author: Reyn Norman, Associate Counsel

Statutory Authority: Code of Ala. 1975, §§27-2-17, 27-2-20, et seq., 27-2-50, et seq., 36-7-20, 36-7-21.

History: New Rule: August 1, 1957; effective August 1, 1957.
Amended: March 14, 1979; effective April 1, 1979. **Amended:** September 18, 1981; effective October 1, 1981. **Amended:** January 16, 2003; effective January 26, 2003. Filed with LRS January 16, 2003. Rule is not subject to the Alabama Administrative Procedure Act.

482-1-003-.04 Billing And Payment.

(1) Billing by the Department for expenses, subsistence and compensation may be weekly, bi-weekly, or may be deferred until completion of the examination. All funds collected pursuant to appropriate statute and application of this chapter shall be promptly deposited to the credit of the Special Examination Revolving Fund in the State Treasury.

(2) Payment to the specially designated examiners and actuaries for their expenses, subsistence and compensation shall be made by the Commissioner of Insurance on State warrants drawn upon said Special Examination Revolving Fund.

Author: Reyn Norman, Associate Counsel

Statutory Authority: Code of Ala. 1975, §§27-2-17, 27-2-20, et seq., 27-2-50, et seq., 36-7-20, 36-7-21.

History: New Rule: August 1, 1957; effective August 1, 1957.

Amended: March 14, 1979; effective April 1, 1979. **Amended:** September 18, 1981; effective October 1, 1981. **Revised:** January 16, 2003; effective January 26, 2003. Filed with LRS January 16, 2003. Rule is not subject to the Alabama Administrative Procedure Act. **Revised:** February 8, 2008; effective March 1, 2008. Filed with LRS February 8, 2008. Rule is not subject to the Alabama Administrative Procedure Act.

482-1-003-.05 Separability.

If any provision of this chapter or the application thereof to any person or circumstances is for any reason held to be invalid, the remainder of the chapter and the application of its provisions to other persons or circumstances shall not be affected thereby.

Author: Reyn Norman, Associate Counsel

Statutory Authority: Code of Ala. 1975, §§27-2-17, 27-2-20, et seq., 27-2-50, et seq., 36-7-20, 36-7-21.

History: New Rule: January 16, 2003; effective January 26, 2003. Filed with LRS January 16, 2003. Rule is not subject to the Alabama Administrative Procedure Act.

482-1-003-.06 Effective Date.

This chapter shall be effective upon its approval by the Commissioner of Insurance, and upon its having been on file as a public document in the office of the Secretary of State for ten days.

Author: Reyn Norman, Associate Counsel

Statutory Authority: Code of Ala. 1975, §§27-2-17, 27-2-20, et seq., 27-2-50, et seq., 36-7-20, 36-7-21.

History: New Rule: August 1, 1957; effective August 1, 1957.

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