GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

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HOUSE DRH50390-MH-100 (03/27)

Short Title:	DOI Disaster Powers Apply to SHP-AB.	(Public)
Sponsors:	Representatives Wray and Goforth (Primary Sponsors).	
Referred to:		

A BILL TO BE ENTITLED

2	AN ACT AT THE REQUEST OF THE INSURANCE COMMISSIONER TO PROVID
3	TEACHERS AND STATE EMPLOYEES AND THEIR DEPENDENTS THE SAMI
4	PROTECTION IN DISASTER SITUATIONS AS OTHER INSURED PERSONS IN THIS
5	STATE.
6	The General Assembly of North Carolina enacts:
7	SECTION 1. G.S. 58-2-46 reads as rewritten:
8	"§ 58-2-46. State of disaster; automatic stay of proof of loss requirements; premium and
9	debt deferrals; loss adjustments for separate windstorm policies.
10	Whenever a state of disaster is proclaimed for the State or for an area within the State under
11	G.S. 166A-6 or whenever the President of the United States has issued a major disaster
12	declaration for the State or for an area within the State under the Stafford Act, 42 U.S.C.
13	5121, et seq., as amended:
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15	(2) As used in this subdivision, "insurance company" includes a servic
16	corporation, HMO, MEWA, surplus lines insurer, the State Health Plan for
17	Teachers and State Employees, together with any optional plans or program
18	operating under Part 2 of Article 3 of Chapter 135 of the General Statutes
19	and the underwriting associations under Articles 45 and 46 of this Chapter
20	All insurance companies, premium finance companies, collection agencies
21	and other persons subject to this Chapter shall give their customers whe
22	reside within the geographic area designated in the proclamation of
23	declaration the option of deferring premium or debt payments that are du
24	during the time period covered by the proclamation or declaration. Thi
25	deferral period shall be 30 days from the last day the premium or deb
26	payment may be made under the terms of the policy or contract. This
27	deferral period shall also apply to any statute, rule, or other policy of
28	contract provision that imposes a time limit on an insurer, insured, claiman
29	or customer to perform any act during the time period covered by th
30	proclamation or declaration, including the transmittal of information, with
31	respect to insurance policies or contracts, premium finance agreements, o
32	debt instruments when the insurer, insured, claimant, or customer resides o
33	is located in the geographic area designated in the proclamation of
34	declaration. Likewise, the deferral period shall apply to any time limitation
35	imposed on insurers under the terms of a policy or contract or provisions o



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1	law related to individuals who reside within the geographic area designated
2	in the proclamation or declaration. Likewise, the deferral period shall apply
3	to any time limitations imposed on insurers under the terms of a policy or
4	contract or provisions of law related to individuals who reside within the
5	geographic area designated in the proclamation or declaration. The
6	Commissioner may extend any deferral period in this subdivision, depending
7	on the nature and severity of the proclaimed or declared disaster. No
8	additional rate or contract filing shall be necessary to effect any deferral
9	period.
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11	SECTION 2. This act becomes effective July 1, 2009.