

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 1162
PROPOSED COMMITTEE SUBSTITUTE H1162-PCS50636-RD-38

Short Title: DOI Disaster Powers Apply to SHP-AB.

(Public)

Sponsors:

Referred to:

April 8, 2009

A BILL TO BE ENTITLED

AN ACT AT THE REQUEST OF THE INSURANCE COMMISSIONER TO PROVIDE
TEACHERS AND STATE EMPLOYEES AND THEIR DEPENDENTS THE SAME
PROTECTION IN DISASTER SITUATIONS AS OTHER INSURED PERSONS IN THIS
STATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-2-46 reads as rewritten:

**"§ 58-2-46. State of disaster; automatic stay of proof of loss requirements; premium and
debt deferrals; loss adjustments for separate windstorm policies.**

Whenever a state of disaster is proclaimed for the State or for an area within the State under
G.S. 166A-6 or whenever the President of the United States has issued a major disaster
declaration for the State or for an area within the State under the Stafford Act, 42 U.S.C. §
5121, et seq., as amended:

...

(2) As used in this subdivision, "insurance company" includes a service
corporation, HMO, MEWA, surplus lines insurer, the State Health Plan for
Teachers and State Employees, together with any optional plans or programs
operating under Part 2 of Article 3A of Chapter 135 of the General Statutes,
and the underwriting associations under Articles 45 and 46 of this Chapter.
All insurance companies, premium finance companies, collection agencies,
and other persons subject to this Chapter shall give their customers who
reside within the geographic area designated in the proclamation or
declaration the option of deferring premium or debt payments that are due
during the time period covered by the proclamation or declaration. This
deferral period shall be 30 days from the last day the premium or debt
payment may be made under the terms of the policy or contract. This
deferral period shall also apply to any statute, rule, or other policy or
contract provision that imposes a time limit on an insurer, insured, claimant,
or customer to perform any act during the time period covered by the
proclamation or declaration, including the transmittal of information, with
respect to insurance policies or contracts, premium finance agreements, or
debt instruments when the insurer, insured, claimant, or customer resides or
is located in the geographic area designated in the proclamation or
declaration. Likewise, the deferral period shall apply to any time limitations



* H 1 1 6 2 - P C S 5 0 6 3 6 - R D - 3 8 *

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

11"

12 **SECTION 2.** This act becomes effective July 1, 2009.