

ADOPTED



CHANGES TITLE

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1305

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H1305-ARG-60 [v.1]

Page 1 of 2

Comm. Sub. [YES]
Amends Title [YES]
H1305-PCS11032-RG-52

Date 8/5/ ,2009

Senator Rand

1 moves to amend the bill on page 1, line 5 through page 2, line 3,
2 by rewriting the lines to read: "HURRICANES ON THE NORTH CAROLINA INSURANCE
3 INDUSTRY, AND TO MAKE OTHER CHANGES.";

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5 and on page 9, line 15,
6 by deleting "Effective January 1, 2010, the" and substituting "The";

7
8 and on page 9, lines 33-42, by rewriting the lines to read:
9 "~~(e) Notwithstanding subsection (a) of this section, the Association may, subject to the~~
10 ~~prior approval of the Commissioner, adopt a schedule of special surcharges relating to~~
11 ~~homeowners' insurance policies issued by the Association pursuant to G.S. 58-45-30(d). Such~~
12 ~~schedule may reflect any differences in risk that can be demonstrated to have a probable effect~~
13 ~~on losses or expenses. Notwithstanding subsections (a) and (b) of this section, the provisions of~~
14 ~~G.S. 58-36-10(1), 36-15(a), 58-36-20, and 58-36-25 shall apply to such filings.~~";

15
16 and on page 15, lines 15-16,
17 by inserting between those lines a new section to read:

18 "**SECTION 4. 58-36-20(a) reads as rewritten:**
19 '(a) At any time within 50 days after the date of any filing, the Commissioner may give
20 written notice to the Bureau specifying in what respect and to what extent the Commissioner
21 contends the filing fails to comply with the requirements of this Article and fixing a date for
22 hearing not less than 30 days from the date of mailing of such notice. Once begun, hearings
23 must proceed without undue delay. At the hearing the burden of proving that the proposed rates
24 are not excessive, inadequate, or unfairly discriminatory is on the Bureau. At the hearing the
25 factors specified in G.S. 58-36-10 shall be considered. If the Commissioner after hearing finds
26 that the filing does not comply with the provisions of this Article, he may issue his order
27 determining wherein and to what extent such filing is deemed to be improper and fixing a date
28 thereafter, within a reasonable time, after which the filing shall no longer be effective. Any
29 order issued after a hearing shall be issued within 45 days after the completion of the hearing. If
30 no order is issued within 45 days after the completion of the hearing, the filing shall be deemed
31 to be approved. Any order of disapproval under this section must be entered within 210 days
32 after the date the filing is received by the Commissioner."

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