

§ 58-2-255. Electronic insurance communications and records.

(a) Definitions. – The following definitions apply in this section:

- (1) Communications. – Notices, offers, disclosures, documents, forms, information, and correspondence, including an identification card, required or permitted to be provided to a party in writing under the insurance laws of this State or that are otherwise provided by an insurer, including, but not limited to, notices pertaining to the cancellation, termination, or nonrenewal of insurance.
- (2) Delivered by electronic means. – Any of the following:
 - a. Delivery to an electronic mail address or an electronic account at which a party has consented to receive electronic communications.
 - b. Displaying information, or a link to information, as an essential step to completing the transaction to which such information relates.
 - c. Providing notice to a party at the electronic mail address or an electronic account at which the party has consented to receive notice of the posting of a communication on an electronic network or site.
- (2a) Health benefit plan. – As defined in G.S. 58-3-167.
- (2b) Health benefit plan sponsor. – A person, other than a regulated entity, who establishes, adopts, or maintains a health benefit plan that covers residents of this State, including a plan established, adopted, or maintained by an employer or jointly by an employer and one or more employee organizations, an association, a committee, a joint board of trustees, or any similar group of representatives who establish, adopt, or maintain a health benefit plan.
- (3) Insurer. – As defined in G.S. 58-1-5(3).
- (4) Party. – A recipient of any communications defined in this section. "Party" includes an applicant, policyholder, insured, claimant, member, provider, or beneficiary.

(b) When any insurance law of this State requires a communication to be provided to a party in writing, signed by a party, provided by means of a specific delivery method, or retained by an insurer, those requirements are satisfied if the insurer complies with Article 40 of Chapter 66 of the General Statutes.

(c) Verification of communications delivered by electronic means shall constitute proof of mailing in civil and administrative proceedings and under the insurance laws of this State.

(d) Nothing in this section affects requirements related to the content or timing of any communication required under the insurance laws of this State.

(e) A recording of an oral communication between an insurer and a party that is reliably stored and reproduced by an insurer shall constitute an electronic communication or record. When a communication is required under the insurance laws of this State to be provided in writing, the communication provided in accordance with this subsection shall satisfy the requirement that the communication be in writing. When a communication is required under the insurance laws of this State to be signed, a recorded oral communication in which a party agrees to the terms stated in the oral communication shall satisfy the requirement.

(f) A health benefit plan sponsor may, on behalf of any individual enrolled in the plan, provide consent for all communications related to the plan to be delivered by electronic means, unless such action is prohibited under any applicable provisions of the federal Employee Retirement and Income Security Act of 1974 (ERISA).

(g) Before consenting on behalf of an individual covered by a plan, as described in subsection (f) of this section, the health benefit plan sponsor shall confirm that the covered individual routinely uses electronic communications during the normal course of employment.

(h) Before delivering communications by electronic means, an insurer must:

- (1) Give the covered individual the opportunity to opt out of delivery by electronic means.
- (2) Send the communications by U.S. Mail if the insurer becomes aware the electronic mail address at which the covered individual consented to receive communications is no longer valid.
- (3) Maintain a record of the communications delivered by electronic means.
- (4) Comply with all applicable provisions of Article 40 of Chapter 66 of the General Statutes.
 - (i) Covered individuals may withdraw their consent to receive communications by electronic means at any time.
 - (j) No insurer shall cancel, refuse to issue, or refuse to renew any policy because an individual refuses to agree to receive communications delivered by electronic means. (2013-413, s. 13(b); 2017-150, s. 2; 2024-29, s. 5.)