

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1162

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

Sponsors: Representatives Wray, Goforth (Primary Sponsors); Faison and Lucas.

Referred to: Insurance, if favorable, Appropriations.

April 8, 2009

1 A BILL TO BE ENTITLED
2 AN ACT AT THE REQUEST OF THE INSURANCE COMMISSIONER TO PROVIDE
3 TEACHERS AND STATE EMPLOYEES AND THEIR DEPENDENTS THE SAME
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:

14 ...

15 (2) As used in this subdivision, "insurance company" includes a service
16 corporation, HMO, MEWA, surplus lines insurer, the State Health Plan for
17 Teachers and State Employees, together with any optional plans or programs
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 who
22 reside within the geographic area designated in the proclamation or
23 declaration the option of deferring premium or debt payments that are due
24 during the time period covered by the proclamation or declaration. This
25 deferral period shall be 30 days from the last day the premium or debt
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 or
28 contract provision that imposes a time limit on an insurer, insured, claimant,
29 or customer to perform any act during the time period covered by the
30 proclamation or declaration, including the transmittal of information, with
31 respect to insurance policies or contracts, premium finance agreements, or
32 debt instruments when the insurer, insured, claimant, or customer resides or
33 is located in the geographic area designated in the proclamation or
34 declaration. Likewise, the deferral period shall apply to any time limitations
35 imposed on insurers under the terms of a policy or contract or provisions of
36 law related to individuals who reside within the geographic area designated
37 in the proclamation or declaration. Likewise, the deferral period shall apply



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

8 ..."

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