

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1162  
Committee Substitute Favorable 5/5/09

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  
imposed on insurers under the terms of a policy or contract or provisions of  
law related to individuals who reside within the geographic area designated  
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.