Unofficial Copy C4 2000 Regular Session (0lr1507)

ENROLLED BILL

-- Finance/Economic Matters --

Intro	oduced by Senator Baker					
	Read and Examined by Proofreaders:					
		Proofreader.				
	led with the Great Seal and presented to the Governor, for his approval this day of at o'clock,M.	Proofreader.				
		President.				
	CHAPTER					
1	AN ACT concerning					
2 3	Motor Vehicle Liability Insurance - Voluntary Cancellation of Policy - Surrender of Evidences of Registration Required Regulations					
	FOR the purpose of requiring an insurer to notify an owner of a motor vehicle who					
5						
6	insures the vehicle, that the owner must surrender all evidences of registration					
7 8	to the Motor Vehicle Administration before the insurer cancels the policy; prohibiting an insurer from canceling a policy of motor vehicle liability					
9	insurance under certain circumstances until the owner of the motor vehicle					
10	insured under the policy provides proof to the insurer that all evidences of					
11						
12						
13						
14						
15	certain manner that, if the insured fails to renew or replace motor vehicle					
16	insurance before the cancellation, a certain law provides that certain penalties					
17	may be assessed and that evidences of registration shall be surrendered and					

2	SENATE BILL 307					
1	that failure to surrender evidences of registration may result in suspension of					
2	certain registration privileges requiring the Motor Vehicle Administration, in					
3	consultation with the Maryland Insurance Administration and representatives of					
4	the automobile insurance industry, to adopt certain regulations establishing					
5	certain notification procedures; providing that certain regulations shall establish					
6	procedures that will be used by certain insurers to provide notification of certain					
7	penalties; and generally relating to the notification by an insurer of an insured					
8	that seeks to voluntarily cancel automobile liability insurance.					
9	BY adding to					
10	Article - Insurance					
11	Section 19 517					
12	Annotated Code of Maryland					
13	(1997 Volume and 1999 Supplement)					
14	BY repealing and reenacting, with amendments,					
15	Article - Transportation					
16						
17						
18						
19	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF					
	9 SECTION I. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 0 MARYLAND, That the Laws of Maryland read as follows:					
20	WART LAND, That the Laws of Maryland lead as follows.					
21	Article - Insurance					
22	19-517.					
23	(A) WHEN THE OWNER OF A MOTOR VEHICLE NOTIFIES AN INSURER THAT					
24	THE OWNER WISHES TO CANCEL VOLUNTARILY THE MOTOR VEHICLE LIABILITY					
25	INSURANCE POLICY THAT INSURES THE VEHICLE, THE INSURER SHALL NOTIFY THE					
26	OWNER THAT ALL EVIDENCES OF REGISTRATION FOR THAT MOTOR VEHICLE MUST					
27	BE SURRENDERED TO THE MOTOR VEHICLE ADMINISTRATION BEFORE THE INSURE					
28	CANCELS THE POLICY.					

- 29 (B) AN INSURER MAY NOT CANCEL A POLICY OF MOTOR VEHICLE LIABILITY
- 30 INSURANCE AT THE REQUEST OF THE OWNER OF THE MOTOR VEHICLE INSURED
- 31 UNDER THE POLICY UNTIL THE OWNER PROVIDES PROOF TO THE INSURER THAT ALL
- 32 EVIDENCES OF REGISTRATION FOR THAT MOTOR VEHICLE HAVE BEEN
- 33 SURRENDERED TO THE MOTOR VEHICLE ADMINISTRATION WITHIN 10 DAYS AFTER
- 34 AN INSURED NOTIFIES AN INSURER THAT THE INSURED WISHES TO CANCEL
- 35 VOLUNTARILY THE MOTOR VEHICLE LIABILITY INSURANCE POLICY THAT INSURES
- 36 THE INSURED'S VEHICLE, THE INSURER SHALL PROVIDE WRITTEN NOTICE TO THE
- 37 INSURED IN CLEAR AND SPECIFIC TERMS THAT IF THE INSURED FAILS TO RENEW OR
- 38 REPLACE THE MOTOR VEHICLE INSURANCE BEFORE THE CANCELLATION, § 17-106
- 39 OF THE TRANSPORTATION ARTICLE PROVIDES THAT:
- 40 <u>UNINSURED MOTORIST PENALTIES MAY BE ASSESSED, INCLUDING:</u>

SENATE BILL 307

14 vehicle unless the owner or prospective owner of the vehicle furnishes evidence 15 satisfactory to the Administration that the required security is in effect. 16 (b) The owner of a motor vehicle that is required to be registered in this State 17 shall maintain the required security for the vehicle during the registration period. 18 (C) THE ADMINISTRATION, IN CONSULTATION WITH THE MARYLAND 19 INSURANCE ADMINISTRATION AND REPRESENTATIVES OF THE AUTOMOBILE 20 INSURANCE INDUSTRY, SHALL ADOPT REGULATIONS THAT ESTABLISH 21 PROCEDURES TO BE USED BY AN INSURER TO PROVIDE TIMELY NOTIFICATION TO 22 AN INSURED OF THE PENALTIES THAT MAY BE IMPOSED IN ACCORDANCE WITH § 23 17-106 OF THIS SUBTITLE IF THE INSURED FAILS TO RENEW OR REPLACE A POLICY 24 OF MOTOR VEHICLE LIABILITY INSURANCE WITHOUT SURRENDERING THE 25 EVIDENCES OF REGISTRATION. 26 [(c)] (D) (1) In this subsection, "replacement vehicle" means a vehicle that is 27 loaned by an auto repair facility or a dealer, or that an individual rents temporarily, to 28 use while a vehicle owned by the individual is not in use because of loss, as "loss" is 29 defined in that individual's applicable private passenger automobile insurance policy 30 or because of breakdown, repair, service, or damage. 31 (2) Subject to paragraph (3) of this subsection, an owner of a replacement 32 vehicle may satisfy the requirement of subsection (a) of this section by maintaining the 33 required security described in § 17-103 of this subtitle that is secondary to any other 34 valid and collectible coverage and that extends coverage in amounts required under § 35 17-103(b) of this subtitle to the owner's vehicle while it is used as a replacement 36 vehicle.	1		(I)	\$150 FOR EACH VEHICLE WITHOUT THE REQUIRED SECURITY
### BEGINNING ON THE 31ST DAY; AND ### UP TO \$2,500 FOR EACH VIOLATION IN A 12 MONTH PERIOD; AND ### UP TO \$2,500 FOR EACH VIOLATION IN A 12 MONTH PERIOD; ### AND ### Control of the Surrender of the Surren	2	FOR A PERIOD OF	TO 30 1	DAYS;
### BEGINNING ON THE 31ST DAY; AND ### UP TO \$2,500 FOR EACH VIOLATION IN A 12 MONTH PERIOD; AND ### UP TO \$2,500 FOR EACH VIOLATION IN A 12 MONTH PERIOD; ### AND ### OTOR VEHICLE ADMINISTRATION AND FAILURE TO SURRENDER THE EVIDENCES OF REGISTRATION MAY RESULT IN SUSPENSION OF CURRENT AND FUTURE REGISTRATION PRIVILEGES. ### Article - Transportation ### IT 104. ### Article unless the owner or prospective owner of the vehicle furnishes evidence satisfactory to the Administration that the required security is in effect. ### CD IT The Owner of a motor vehicle that is required to be registered in this State shall maintain the required security for the vehicle during the registration period. ### (C) THE ADMINISTRATION, IN CONSULTATION WITH THE MARYLAND INSURANCE INDUSTRY, SHALL ADOPT REGULATIONS THAT ESTABLISH PROCEDURES TO BE USED BY AN INSURER TO PROVIDE TIMELY NOTIFICATION TO AN INSURANCE INDUSTRY, SHALL ADOPT REGULATIONS THAT ESTABLISH PROCEDURES TO BE USED BY AN INSURER TO PROVIDE TIMELY NOTIFICATION TO AN INSURANCE INDUSTRY, SHALL ADOPT REGULATIONS THAT ESTABLISH PROCEDURES TO BE USED BY AN INSURER TO PROVIDE TIMELY NOTIFICATION TO AN INSURANCE INDUSTRY, SHALL ADOPT REGULATIONS THAT ESTABLISH PROCEDURES TO BE USED BY AN INSURED FAILS TO RENEW OR REPLACE A POLICY OF MOTOR VEHICLE LIABLILTY INSURANCE WITHOUT SURRENDERING THE EVIDENCES OF REGISTRATION. #### (C) I ID (I) In this subsection, "replacement vehicle" means a vehicle that is loaned by an auto repair facility or a dealer, or that an individual rents temporarily, to use while a vehicle owned by the individual is not in use because of loss, as "loss" is defined in that individual's applicable private passenger automobile insurance policy or because of breakdown, repair, service, or damage. #### (2) Subject to paragraph (3) of this subsection, an owner of a replacement vehicle may satisfy the requirement of subsection (a) of this subsection by maintaining the required or the vehicle owned by the individual is not in use because of loss, as "loss"				
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- 1 provision on the face of the agreement, in at least 10 point bold type, that informs the
 2 individual that the coverage on the vehicle being serviced or repaired is primary
- 3 coverage for the replacement vehicle and the coverage maintained by the owner on the
- 4 <u>replacement vehicle is secondary.</u>
- 5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 6 October 1, 2000.