

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 182

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, after line 6, insert:

“(B) “ACTIVITIES OF DAILY LIVING” INCLUDES BATHING, CONTINENCE, DRESSING, EATING, TOILETING, AND TRANSFERRING.

(C) “CHRONICALLY ILL” MEANS THAT AN INDIVIDUAL:

(1) IS UNABLE TO PERFORM AT LEAST TWO ACTIVITIES OF DAILY LIVING;

(2) REQUIRES SUBSTANTIAL SUPERVISION TO PROTECT THE INDIVIDUAL FROM THREATS TO HEALTH AND SAFETY DUE TO SEVERE COGNITIVE IMPAIRMENT; OR

(3) HAS A LEVEL OF DISABILITY SIMILAR TO THAT DESCRIBED IN ITEM (1) OF THIS SUBSECTION.”;

and in lines 7, 10, 24, and 28, strike “(B)”, “(C)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, “(F)”, and “(G)”, respectively.

On page 3, in line 8, strike “(F)” and substitute “(H)”; after line 12, insert:

“(I) “TERMINALLY ILL” MEANS THAT AN INDIVIDUAL HAS AN ILLNESS OR SICKNESS THAT CAN REASONABLY BE EXPECTED TO RESULT IN DEATH IN 24 MONTHS OR LESS.”;

(Over)

and in lines 13 and 23, strike “(G)” and “(H)”, respectively, and substitute “(J)” and “(K)”, respectively.

On page 4, in lines 1, 8, and 10, strike “(I)”, “(J)”, and “(K)”, respectively, and substitute “(L)”, “(M)”, and “(N)”, respectively.

AMENDMENT NO. 2

On page 3, in line 18, after “INCLUDE” insert “:

(I)”;

and in line 22, after “PROVIDER” insert “; OR

(II) AN INDIVIDUAL WHO, ON BEHALF OF A VIATOR AND FOR A FEE, COMMISSION, OR OTHER VALUABLE CONSIDERATION, OFFERS OR ATTEMPTS TO NEGOTIATE NO MORE THAN ONE VIATICAL SETTLEMENT CONTRACT BETWEEN A VIATOR AND ONE OR MORE VIATICAL SETTLEMENT PROVIDERS IN A CALENDAR YEAR.”.

AMENDMENT NO. 3

On page 4, in line 30, strike “OF \$2,000” and substitute “SET BY THE COMMISSIONER”.

AMENDMENT NO. 4

On page 9, in line 10, before “IT” insert “(A)”; and after line 23, insert:

“(B) IT IS A VIOLATION OF THIS SUBTITLE FOR A PERSON TO ENTER INTO A VIATICAL SETTLEMENT CONTRACT WITHIN A 2-YEAR PERIOD COMMENCING WITH THE DATE OF ISSUANCE OF THE INSURANCE POLICY TO BE ACQUIRED UNDER THE VIATICAL SETTLEMENT CONTRACT UNLESS:

(1) THE VIATOR CERTIFIES TO THE VIATICAL SETTLEMENT PROVIDER THAT, WITHIN THE 2-YEAR PERIOD:

(I) THE POLICY WAS ISSUED ON THE VIATOR’S EXERCISE OF CONVERSION RIGHTS ARISING OUT OF A GROUP OR INDIVIDUAL POLICY;

(II) THE TOTAL TIME COVERED UNDER THE CONVERSION POLICY AND THE PRIOR POLICY IS AT LEAST 24 MONTHS;

(III) THE TIME COVERED UNDER THE GROUP POLICY IS CALCULATED WITHOUT REGARD TO ANY CHANGE IN INSURANCE CARRIERS; AND

(IV) THE COVERAGE UNDER THE GROUP POLICY HAS BEEN CONTINUOUS AND UNDER THE SAME GROUP SPONSORSHIP; OR

(2) THE VIATOR SUBMITS INDEPENDENT EVIDENCE TO THE VIATICAL SETTLEMENT PROVIDER THAT, WITHIN THE 2-YEAR PERIOD THE INSURED BECAME TERMINALLY OR CHRONICALLY ILL; OR

(3) THE VIATOR SUBMITS INDEPENDENT EVIDENCE TO THE VIATICAL SETTLEMENT PROVIDER THAT, WITHIN THE 2-YEAR PERIOD THE VIATOR OR INSURED DISPOSED OF OWNERSHIP INTERESTS IN A CLOSELY HELD CORPORATION.

(C) ANY COPIES OF CERTIFICATION OR INDEPENDENT EVIDENCE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE:

(1) SUBMITTED TO THE INSURER WHEN THE VIATICAL SETTLEMENT PROVIDER SUBMITS A REQUEST TO THE INSURER FOR VERIFICATION OF COVERAGE; AND

(2) ACCOMPANIED BY A LETTER OF ATTESTATION FROM THE VIATICAL SETTLEMENT PROVIDER THAT THE COPIES OF CERTIFICATION OR INDEPENDENT EVIDENCE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION ARE TRUE AND CORRECT COPIES OF THE DOCUMENTS RECEIVED BY THE VIATICAL SETTLEMENT PROVIDER.”.