

SB0032/597977/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 32
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Motor Vehicle Liability”; in the same line, strike “Scope of”; in line 4, after the first “of” insert “requiring an insurer to file a copy of a certain notice of cancellation of a policy or binder of workers’ compensation insurance with a certain designee of the Workers’ Compensation Commission; clarifying that provisions of law requiring an insurer to take certain actions before canceling or refusing to renew coverage under a policy of workers’ compensation insurance do not apply to the cancellation of the policy or a binder during a certain underwriting period;”; in line 8, strike “private passenger motor vehicle liability”; in line 9, after “insurance” insert “policies and binders”; after line 9, insert:

“BY repealing and reenacting, without amendments,

Article - Insurance

Section 12-106(b) and (c) and 27-613(b)(1), (c)(1) and (2), and (d)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)”;

and in line 12, after “Section” insert “12-106(f), 19-406, and”.

AMENDMENT NO. 2

On page 1, after line 17, insert:

“12-106.

(b) This section applies only to a binder or policy, other than a renewal policy, of personal insurance, commercial property insurance, and commercial liability insurance.

(Over)

(c) A binder or policy is subject to a 45-day underwriting period beginning on the effective date of coverage.

(f) (1) Except as provided in paragraph (2) of this subsection, a notice of cancellation under this section shall:

(i) be in writing;

(ii) have an effective date not less than 15 days after mailing;

(iii) state clearly and specifically the insurer's actual reason for the cancellation; and

(iv) be sent by a first-class mail tracking method to the named insured's last known address.

(2) A notice of cancellation under this section for nonpayment of premium shall:

(i) be in writing;

(ii) have an effective date of not less than 10 days after mailing;

(iii) state the insurer's intent to cancel for nonpayment of premium; and

(iv) be sent by a first-class mail tracking method to the named insured's last known address.

(3) WITH RESPECT TO A WORKERS' COMPENSATION INSURANCE POLICY OR BINDER, THE INSURER SHALL FILE A COPY OF THE NOTICE OF

CANCELLATION REQUIRED UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION WITH THE DESIGNEE OF THE WORKERS' COMPENSATION COMMISSION.

19-406.

(a) THIS SECTION DOES NOT APPLY TO THE CANCELLATION OF A POLICY OR BINDER OF WORKERS' COMPENSATION INSURANCE BY AN INSURER DURING THE 45-DAY UNDERWRITING PERIOD IN ACCORDANCE WITH § 12-106 OF THIS ARTICLE.

(B) Except for a cancellation for nonpayment of premium, an insurer may not cancel or refuse to renew a workers' compensation insurance policy before its expiration unless, at least 45 days before the date of cancellation or nonrenewal, the insurer:

(1) serves on the employer, by personal service or certified mail addressed to the last known address of the employer, a notice of intention to cancel or nonrenew the policy; and

(2) files a copy of the notice with the State Workers' Compensation Commission's designee.

[(b)](C) Notice under this section may be given:

(1) if the employer is a corporation, to an agent or officer of the corporation on whom legal process may be served; and

(2) if the employer is a partnership, to a partner.

[(c)](D) Notice under this section shall state when the cancellation or nonrenewal takes effect.

(Over)

[(d)](E) Whenever an employer receives a notice under this section, the employer immediately shall secure coverage in accordance with § 9–402 of the Labor and Employment Article that will be in effect when the cancellation takes effect.

[(e)](F) (1) The notice shall state the insurer’s actual reason for proposing the cancellation or nonrenewal of the policy.

(2) The Commissioner may not disallow a proposed action of an insurer because the statement of actual reason contains:

(i) grammatical, typographical, or other errors, if the errors are not material to the proposed action and are not misleading;

(ii) surplus information, if the surplus information is not misleading; or

(iii) erroneous information, if in the absence of the erroneous information there is a sufficient basis to support the proposed action.

[(f)](G) (1) At least 10 days before the date of cancellation of a workers’ compensation insurance policy for nonpayment of premium, the insurer shall send to the employer, by certificate of mail, a written notice of the intention to cancel for nonpayment of premium.

(2) An insurer shall file a copy of the notice sent under paragraph (1) of this subsection with the State Workers’ Compensation Commission’s designee.”.

On page 2, after line 4, insert:

“(b) (1) In accordance with this section, with respect to a policy of private passenger motor vehicle liability insurance or a binder of private passenger motor

vehicle liability insurance, if the binder has been in effect for at least 45 days, issued in the State to any resident of the household of the named insured, an insurer may:

(i) cancel or fail to renew the policy or binder; or

(ii) reduce coverage under the policy.

(c) (1) At least 45 days before the proposed effective date of the action, an insurer that intends to take an action subject to this section shall send written notice of its proposed action to the insured at the last known address of the insured:

(i) for notice of cancellation or nonrenewal, by certified mail; and

(ii) for all other notices of actions subject to this section, by a first-class mail tracking method.

(2) The notice must be in triplicate and on a form approved by the Commissioner.

(d) At least 10 days before the date an insurer proposes to cancel a policy for nonpayment of premium, the insurer shall send to the insured, by a first-class mail tracking method, a written notice of intention to cancel for nonpayment of premium.”.