



# SENATE BILL 452: NC Department of Insurance Omnibus.

2023-2024 General Assembly

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<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	April 27, 2023
<b>Introduced by:</b>	Sens. Johnson, Craven, Britt	<b>Prepared by:</b>	Kristen L. Harris
<b>Analysis of:</b>	Third Edition		Staff Attorney

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**OVERVIEW:** *Senate Bill 452 would make various changes to the insurance laws of North Carolina, as recommended by the Department of Insurance.*

**CURRENT LAW:** North Carolina's insurance laws are found in Chapter 58 of the General Statutes.

## **BILL ANALYSIS:**

### **PART I. SURPLUS LINES ACT CLARIFYING CHANGES**

**Section 1** would make clarifying changes and technical corrections to "The Surplus Lines Act" and incorporate model language from the National Association of Insurance Commissioners (NAIC).

### **PART II. TECHNICAL CORRECTIONS TO REFLECT COMPENDIUM NAME CHANGE**

**Section 2** would make a technical correction to change the publisher's name.

### **PART III. CHANGES RELATED TO THE INSURANCE GUARANTY ACT**

**Section 3** would make technical changes to the "Insurance Guaranty Association Act" and increase the Association's covered claim limit from \$300,000 to \$500,000. This section would be effective October 1, 2023, and apply to covered claims arising from orders of liquidation becoming final on or after that date.

### **PART IV. CHANGES RELATED TO TRANSACTIONS WITHIN AN INSURANCE HOLDING COMPANY SYSTEM**

**Section 4** would amend the "Insurance Holding Company System Regulatory Act" and incorporate model language from the NAIC. This section would be effective October 1, 2023 and apply to contracts issued, renewed, or amended on or after that date.

### **PART V. TECHNICAL CORRECTION TO REFLECT REPEAL OF PART 2 OF ARTICLE 38 AND ENACTMENT OF ARTICLE 38A OF CHAPTER 1 OF THE GENERAL STATUTES**

**Section 5** would make a technical correction to the "North Carolina Receivership Act."

### **PART VI. CHANGES RELATED TO THE ADMINISTRATION OF WORKERS' COMPENSATION LARGE DEDUCTIBLE POLICIES AND INSURED COLLATERAL IN LIQUIDATION PROCEEDINGS**

**Section 6** would add a new section to Article 30 (Insurers Supervision, Rehabilitation, and Liquidation) of Chapter 58 (Insurance) that would apply to workers' compensation large deductible policies issued by an insurer subject to an order of liquidation. Under certain circumstances, large deductible claims would be turned over to the North Carolina Insurance Guaranty Association or the foreign guaranty association for handling and administration. If a deductible claim is paid by a guaranty association, the association would have a right to reimbursement. A liquidator of the insurer would utilize collateral, when available,

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578

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to secure the obligation of the insured to fund or reimburse deductible claims or other secured obligations. This section would become effective October 1, 2023, and apply to insurance contracts issued, renewed, or amended on or after that date.

## **PART VII. TECHNICAL CORRECTION TO ADD OMITTED WORD**

**Section 7** would make a technical correction to G.S. 58-33-5. License required.

## **PART VIII. AMEND ON-SITE AUDIT REQUIREMENTS FOR THIRD-PARTY ADMINISTRATORS**

**Section 8** would allow an insurer to conduct a review of a third-party administrator's operations either on-site or virtually. Currently, the review must be done on-site.

## **PART IX. INCREASE OR IMPLEMENT CRIMINAL PENALTIES FOR CERTAIN VIOLATIONS**

**Section 9.(a)** would amend the penalties for when a person, with the intent to injure, defraud, or deceive an insurer or insurance claimant, either: 1) presents or causes to be presented a written or oral statement related to a claim for insurance payment or benefit knowing the statement is false or misleading, or 2) assists, abets, solicits, or conspires with another person to make a written or oral statement related to a claim for an insurance payment or benefit knowing it is false or misleading. Currently, the penalty is a Class H felony. **Section 9.(a)** would make it a Class H felony if the amount of the claim for payment or other benefit is less than \$100,000. If the amount of the claim for payment or other benefit is \$100,000 or more, a violation would be a Class C felony.

**Section 9.(b)** would make it a Class 1 misdemeanor to willfully and knowingly conduct business as a public adjuster in violation of Article 33A (Public Adjusters) of Chapter 58 (Insurance).

**Section 9.(c)** This section would be effective December 1, 2023, and apply to offenses committed on or after that date.

## **PART X. ADDITIONAL CERTIFICATE OF INSURANCE PROHIBITIONS**

**Section 10** would prohibit a person from knowingly preparing, issuing, requesting, or requiring a certificate of insurance that includes information not contained in the underlying insurance policy. This section would be effective October 1, 2023.

## **PART XI. AUTHORIZE INSURANCE PREMIUM CONVENIENCE FEES**

**Section 11** would allow an insurer to accept electronic payment of a premium and charge a convenience fee up to 4% of the electronic payment. This section would be effective October 1, 2023.

## **PART XII. INCREASE MINIMUM LIABILITY LIMITS FOR INSURANCE REQUIRED BY THE STATE**

**Sections 12.(a) through (d)** would increase the State's minimum per-person and per-accident motor vehicle liability insurance requirements for bodily injury from \$30,000 to \$50,000 and \$60,000 to \$100,000 and increase the minimum property damage insurance requirements from \$25,000 to \$50,000. Both uninsured and underinsured motorist coverage would be mandatory at \$50,000.

**Section 12.(e)** would increase the amount of money or securities a person could show to prove financial responsibility from \$85,000 to \$150,000.

**Sections 12.(f) and (g)** would apply the increased mandatory minimum motor vehicle bodily injury and property damage insurance limits to rental cars and the North Carolina Reinsurance Facility's policies.

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**Section 12.(h)** This section would be effective October 1, 2023, and apply to policies issued, amended, or renewed on or after that date.

**EFFECTIVE DATE:** Except as otherwise provided, this act would be effective when it becomes law.