

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1858

Session of
1984

INTRODUCED BY MANDERINO, PETRARCA, J. L. WRIGHT, KUKOVICH,
WARGO, OLASZ, DeWEESE, BALDWIN, TIGUE, SEVENTY, MARKOSEK,
HUTCHINSON, VAN HORNE, GEIST, MRKONIC, COSLETT, STEVENS,
LUCYK, MISCEVICH, DALEY, F. E. TAYLOR, KASUNIC, JAROLIN,
STEIGHNER, STUBAN, STEWART, WOZNIAK, BELARDI, CAWLEY,
LIVENGOD, MICHLOVIC, McCALL, SWEET AND CLARK, JANUARY 25,
1984

SENATOR FISHER, ENVIRONMENTAL RESOURCES AND ENERGY, IN SENATE,
AS AMENDED, MAY 21, 1984

AN ACT

1 Amending the act of August 23, 1961 (P.L.1068, No.484),
2 entitled, as reenacted and amended, "An act to provide for
3 the creation and administration of a Coal and Clay Mine
4 Subsidence Insurance Fund within the Department of
5 Environmental Resources for the insurance of compensation for
6 damages to subscribers thereto; declaring false oaths by the
7 subscribers to be misdemeanors; providing penalties for the
8 violation thereof; and making an appropriation," providing
9 for applications for additional insurance; AND providing for <—
10 automatic increases for inflation.; ~~and providing insurance~~ <—
11 ~~availability for structures under construction.~~

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. The act of August 23, 1961 (P.L.1068, No.484),
15 entitled, as reenacted and amended, "An act to provide for the
16 creation and administration of a Coal and Clay Mine Subsidence
17 Insurance Fund within the Department of Environmental Resources
18 for the insurance of compensation for damages to subscribers
19 thereto; declaring false oaths by the subscribers to be

1 misdemeanors; providing penalties for the violation thereof; and
2 making an appropriation," reenacted and amended November 27,
3 1972 (P.L.1243, No.278), is amended by adding sections to read:

4 Section 7.1. Application for an Increase in Insurance.--

5 Additions in the amount of insurance, up to the allowable
6 limits, may be made at any time by the subscriber by submitting <—
7 a written statement to that effect to the board or to any of its <—
8 agents. Upon receipt of the subscriber's written statement by
9 the board or any of its agents, the board shall have thirty <—
10 SIXTY days from the day the request was received to reinspect <—
11 the structure. If reinspection occurs within the thirty-day <—
12 SIXTY-DAY period and the structure passes the reinspection, the <—
13 new amount of insurance shall be effective from the date of
14 reinspection. If reinspection does not occur within the thirty- <—
15 day SIXTY-DAY period, the new amount of insurance shall be <—
16 effective from the date the subscriber's written request for
17 additional insurance was received by the board or any of its
18 agents, but the additional coverage will be null and void if the
19 applicant fails to remit the premium payment within twenty days
20 from the day the bill for additional premium is postmarked.

21 (1) Such additional insurance may be subjected to later
22 reductions, and premiums adjusted accordingly, if the board
23 determines that the added insurance raises the total amount of
24 insurance in excess of the current market value of the structure
25 OR CURRENT STATUTORY LIMITS, WHICHEVER IS LESS. <—

26 (2) The additional insurance shall be void if, upon
27 reinspection of the structure, the board determines that (I) <—
28 mine subsidence damage occurred prior to the request of the
29 subscriber for additional insurance OR (II) THE SUBSCRIBER'S <—
30 UNREASONABLE ACTIONS OR INACTIONS ARE RESPONSIBLE FOR THE

1 FAILURE TO REINSPECT THE INSURED STRUCTURE WITHIN SIXTY DAYS OF
2 THE BOARD'S RECEIPT OF THE WRITTEN REQUEST FOR AN INCREASE IN
3 THE AMOUNT OF COVERAGE.

4 Section 7.2. Automatic Inflation Protection Increase.--The
5 board shall make available to all subscribers an annual
6 inflation protection option on the anniversary date of each
7 policy to uniformly increase subscribers' coverage, and shall
8 allow thirty days for subscribers to elect this option. In any
9 case, the option shall not be made available more than once
10 annually. An inflation protection increase shall not be subject
11 to a reinspection of the structure.

12 Section 12.1. Insurance for Structures under Construction. <—
13 The board shall make available mine subsidence insurance to
14 owners of structures under construction. Such insurance shall
15 have a term of no more than eighteen months, or until the
16 structure is eighty percent complete, whichever is first.

17 Section 2. (a) Insofar as it applies to section 12.1 of the
18 act, section 1 of this act shall take effect in six months.

19 (b) The remainder of this act shall take effect immediately.

20 SECTION 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY. <—