

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1858 Session of
2007

INTRODUCED BY DeLUCA, BELFANTI, BIANCUCCI, CLYMER, CALTAGIRONE,
FABRIZIO, FREEMAN, GEORGE, HENNESSEY, HERSHEY, HORNAMAN,
KOTIK, KULA, O'NEILL, MAHONEY, MANN, MARKOSEK, MURT, MELIO,
OLIVER, READSHAW, REICHLEY, SAYLOR, SIPTROTH, SOLOBAY AND
GODSHALL, SEPTEMBER 27, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 13, 2008

AN ACT

1 Amending the act of September 2, 1961 (P.L.1232, No.540),
2 entitled "An act providing for the regulation of credit life
3 insurance and credit accident and health insurance;
4 conferring powers and imposing duties on the Insurance
5 Commissioner and prescribing penalties," further providing
6 for premiums and refunds.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 8(b) of the act of September 2, 1961
10 (P.L.1232, No.540), known as the Model Act for the Regulation of
11 Credit Life Insurance and Credit Accident and Health Insurance,
12 is amended to read:

13 Section 8. Premiums and Refunds.--* * *

14 (b) The following shall apply:

15 (1) Each individual policy or group certificate shall
16 provide a notice that in the event of termination of the
17 insurance, including by renewing or refinancing the covered
18 indebtedness, prior to the [scheduled maturity date of the

1 indebtedness any refund of an amount paid by the debtor for
2 insurance] original expiration date of that insurance coverage:

3 (i) that the debtor may be entitled to a refund of unearned
4 premium;

5 (ii) that the person who is the holder of the underlying
6 debt instrument on the date the debt terminates shall provide
7 notice to the insurer of the termination of the debt no later
8 than sixty days after the termination, which notice shall
9 include the name of the debtor and the payoff date of the
10 underlying debt and any relevant contact information for the
11 debtor known to the holder; and

12 (iii) that any refund of an amount paid by the debtor for
13 insurance shall be paid or credited promptly to the person
14 entitled thereto after receipt of the notice required under
15 paragraph (1)(ii): Provided, however, That [the commissioner
16 shall prescribe a minimum refund and] no refund [which would be]
17 less than [such minimum] five dollars (\$5) need be made. The
18 formula to be used in computing such refund shall be filed with
19 and approved by the commissioner.

20 (2) In any claim or action asserted by an insured against an
21 insurer for failure to refund any unearned premium in accordance
22 with this section, the insurer shall be entitled to indemnity
23 from a holder of a debt instrument who failed to provide the
24 notice required under paragraph (1)(ii).

25 * * *

26 Section 2. The amendment of section 8(b) of the act shall
27 apply to individual policies or group certificates of credit
28 insurance delivered, issued for delivery or renewed no more than
29 120 days after the effective date of this act.

30 Section 3. This act shall take effect January 1, ~~2008~~ 2009. <—