

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 152 Session of 2017

INTRODUCED BY M. QUINN, DeLUCA, PICKETT, BARRAR, BIZZARRO, CALTAGIRONE, DAVIDSON, DAVIS, DOWLING, DRISCOLL, FLYNN, GAINEY, HELM, LONGIETTI, MURT, O'NEILL, PASHINSKI, READSHAW, WARD, WATSON AND MATZIE, JANUARY 23, 2017

AS REPORTED FROM COMMITTEE ON INSURANCE, HOUSE OF REPRESENTATIVES, AS AMENDED, JANUARY 24, 2017

AN ACT

1 Amending Title 40 (Insurance) of the Pennsylvania Consolidated
2 Statutes, in general provisions, providing for life insurance
3 database.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 40 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 102. Life insurance database.

9 (a) Contact information.--The following shall apply
10 regarding contact information:

11 (1) The department or its designee shall maintain an
12 electronic database of contact information for each life
13 insurer that has life insurance policies or annuity contracts
14 in force in this Commonwealth.

15 (2) All life insurers, including those insurers under
16 Article XXIV of the act of May 17, 1921 (P.L.682, No.284),
17 known as The Insurance Company Law of 1921, having a life

1 insurance policy or annuity contract in force in this  
2 Commonwealth shall provide and maintain with the department  
3 or its designee a valid e-mail address to which the  
4 department or its designee may send the requests received  
5 under this act.

6 (b) Who may request search.--

7 (1) Subject to paragraph (2), the following may file  
8 with the department or its designee a request to conduct a  
9 search for life insurance policies or annuity contracts  
10 covering a decedent:

11 (i) A member of the decedent's family who has  
12 requested and obtained a copy of the decedent's death  
13 certificate.

14 (ii) An executor or administrator of the decedent's  
15 estate.

16 (2) A request to conduct a search may occur only if:

17 (i) the decedent was a resident or former resident  
18 of this Commonwealth; and

19 (ii) the request is accompanied by a copy of the  
20 decedent's death certificate.

21 (3) The right to file a request to conduct a search may  
22 not be assigned.

23 (c) Submittal of search request.--

24 (1) The department or its designee shall transmit a  
25 request to conduct a search to all life insurers having life  
26 insurance policies or annuity contracts in force in this  
27 Commonwealth along with information necessary for responding  
28 directly to the person filing the request.

29 (2) The information submitted to insurers must be on a  
30 standardized form or the search requests must be available to

1 the life insurers on the secure website of the department or  
2 its designee.

3 (d) Good faith efforts.--

4 (1) In response to a search request under this section,  
5 each insurer shall in good faith examine its books and  
6 records to determine whether the decedent is covered by a  
7 life insurance policy or annuity contract. Upon a finding  
8 that coverage does exist, the insurer shall directly notify  
9 the ~~person filing the request~~ BENEFICIARY OR BENEFICIARIES TO <--  
10 WHOM THE BENEFITS ARE DUE.

11 (2) Within 90 days of receiving the search request from  
12 the department or its designee, the insurer shall complete  
13 good faith efforts to confirm the death of the insured,  
14 annuity contract holder or retained assets account holder  
15 against other available records and information. The efforts  
16 shall be documented by the insurer and determine whether  
17 benefits are due in accordance with the applicable policy or  
18 contract.

19 (e) Beneficiary claim.--If, as a result of the search under  
20 this section, benefits are due, the insurer shall:

21 (1) Use good faith efforts to locate each beneficiary.  
22 The efforts shall be documented by the insurer.

23 (2) Provide the appropriate claims forms or instructions  
24 to each beneficiary to make a claim, including instructions  
25 on the need to provide an official death certificate, if  
26 applicable under the policy or contract.

27 (f) General procedure.--An insurer under this section shall  
28 implement procedures to account for all of the following:

29 (1) Common nicknames, initials used in lieu of a first  
30 or middle name, use of a middle name, compound first and

1 middle names and interchanged first and middle names.

2 (2) Compound last names, maiden or married names and  
3 hyphens, blank spaces or apostrophes in last names.

4 (3) Transposition of the month and date portions of the  
5 date of birth.

6 (4) An incomplete Social Security number.

7 (g) Fees.--

8 (1) The department may charge a fee of \$10 for each  
9 search request processed through the database.

10 (2) The department may develop and implement an  
11 electronic payment system that may be used regarding search  
12 requests.

13 (3) Beginning one year after the effective date of this  
14 section, the department shall have authority to increase the  
15 fee charged. The fee increase may not exceed:

16 (i) an annual cost-of-living adjustment as  
17 calculated by applying the percentage increase in the  
18 Consumer Price Index for All Urban Consumers (CPI-U) for  
19 the Pennsylvania, New Jersey, Delaware and Maryland area  
20 for the most recent 12-month period for which figures  
21 have been officially reported by the United States  
22 Department of Labor, Bureau of Labor Statistics; and

23 (ii) twenty percent annually.

24 (h) Rules and regulations.--The department may promulgate  
25 rules and regulations necessary to implement the provisions of  
26 this section.

27 Section 2. This act shall take effect July 1, 2017, or  
28 immediately, whichever is later.