

2012 -- S 2388

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LC01457
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO INSURANCE - UNFAIR COMPETITION AND PRACTICES

Introduced By: Senator Roger Picard

Date Introduced: February 15, 2012

Referred To: Senate Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 27-29-17.5 of the General Laws in Chapter 27-29 entitled "Unfair
2 Competition and Practices" is hereby amended to read as follows:

3 **27-29-17.5. Insured's right to loss information. [Effective January 1, 2012.] --** (a)

4 Upon ~~written~~ request by the first named insured or such insured's authorized agent or broker, the
5 insurer shall provide the following loss information, for the period of time coverage has been
6 provided by the insurer or for five (5) years whichever is less, within fourteen (14) days of such
7 request:

8 (1) Information on closed claims, including date and descriptions of occurrence, and
9 payments; and

10 (2) Information on open claims, including date and description of occurrence, and
11 amounts of any payments and ~~or~~ loss reserves; ~~and~~.

12 ~~(3) Information on notice of any occurrences, including date and description of~~
13 ~~occurrence.~~

14 (b) Nothing in this section shall affect the confidentiality requirements pursuant to
15 chapter 5-37.3 and to insurance regulations 99 (privacy of consumer financial information) and
16 100 (privacy of consumer health information) as promulgated by the department of business
17 regulation.

18 (c) This section shall not apply to life, accident, health, personal automobile,
19 homeowner's, dwelling and boat, personal recreational vehicles, personal excess liability,

1 personal umbrella, or reinsurance policies, nor shall it apply to loss reserves or notices of
2 occurrences for the following policies:

3 ~~(1) Medical malpractice and medical professional liability insurance;~~

4 ~~(2) Liability insurance for clinical trials, kidnap and ransom; and~~

5 ~~(3) Commercial property for highly protected risks as defined in paragraph 27-65-~~

6 ~~1(a)(4)(i); provided, however, for commercial property for highly protected risk policies as herein~~
7 ~~defined, all loss reserves or notices of occurrences shall be required in the event of the non-~~
8 ~~renewal or cancellation of the insured.~~

9 (d) Notwithstanding any other provision of this section, loss reserve information for
10 claims subject to a documented coverage dispute between the insurer and the insured need not be
11 provided to the first named insured or such insured's authorized agent or broker.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO INSURANCE - UNFAIR COMPETITION AND PRACTICES

1 This act would provide that loss reserve information for claims subject to a documented
2 coverage dispute between an insurer and an insured need not be provided to the first named
3 insured or such insured's authorized agent or broker.

4 This act would take effect upon passage.

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