

§2308. Excess rates

1. A rate in excess of that provided by a filing otherwise applicable may be used on any specific risk, providing that the following requirements are satisfied.

A. The insurer files a written application with the superintendent signed by the insured or applicant stating the reasons for the request. [PL 1989, c. 797, §11 (AMD); PL 1989, c. 797, §§37, 38 (AFF).]

B. The superintendent assents to the use of an excess rate for the specific risk. [PL 1987, c. 337 (NEW).]

[PL 1989, c. 797, §11 (AMD); PL 1989, c. 797, §§37, 38 (AFF).]

2. To promote the availability of coverage in lines of insurance when coverage is difficult to obtain or unavailable, a form more restrictive than that provided by filings otherwise applicable may be used on any specific risk, provided that the following requirements are satisfied.

A. The restrictive form and applicable rates are filed with the bureau. [PL 1987, c. 337 (NEW).]

B. A disclosure statement detailing the nature of the restriction or restrictions contained in the form and the manner in which the provisions of the restrictive form differ from an otherwise applicable filing is provided to and acknowledged by the applicant for insurance. [PL 1987, c. 337 (NEW).]

C. A copy of the disclosure statement and the written application for insurance submitted by the applicant are submitted to the bureau. [PL 1987, c. 337 (NEW).]

D. The superintendent does not disapprove the use of the restrictive form in the specific case. [PL 1987, c. 337 (NEW).]

[PL 1995, c. 329, §32 (AMD).]

3. At any subsequent policy renewal in which additional or different restrictive policy forms or excess rates are employed, the provisions of this section must again be satisfied.

[PL 1995, c. 329, §33 (NEW).]

4. Notification to the superintendent of cancellation or nonrenewal of a policy containing restrictive forms or employing excess rates is required within 30 days following cancellation or nonrenewal of the policy.

[PL 1995, c. 329, §33 (NEW).]

SECTION HISTORY

PL 1969, c. 132, §1 (NEW). PL 1973, c. 585, §12 (AMD). PL 1987, c. 337 (RPR). PL 1989, c. 797, §§11,37,38 (AMD). PL 1995, c. 329, §§32,33 (AMD).

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