

SECOND REGULAR SESSION

SENATE BILL NO. 914

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CRAWFORD.

Read 1st time January 16, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5774S.011

AN ACT

To repeal section 379.1545, RSMo, and to enact in lieu thereof one new section relating to portable electronics insurance.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 379.1545, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 379.1545, to read as follows:

379.1545. Notwithstanding any other provision of law:

2 (1) An insurer may terminate or otherwise change the terms and
3 conditions of a policy of portable electronics insurance only upon providing the
4 policyholder and enrolled customers with at least thirty days' notice;

5 (2) If the insurer changes the terms and conditions of a policy of portable
6 electronics insurance, the insurer shall provide the vendor and any policyholders
7 with a revised policy or endorsement and each enrolled customer with a revised
8 certificate, endorsement, updated brochure, or other evidence indicating a change
9 in the terms and conditions has occurred and a summary of material changes;

10 (3) Notwithstanding subdivision (1) of this section, an insurer may
11 terminate an enrolled customer's enrollment under a portable electronics
12 insurance policy upon fifteen days' notice for discovery of fraud or material
13 misrepresentation in obtaining coverage or in the presentation of a claim
14 thereunder;

15 (4) Notwithstanding subdivision (1) of this section, an insurer may
16 immediately terminate an enrolled customer's enrollment under a portable
17 electronics insurance policy:

18 (a) For nonpayment of premium;

19 (b) If the enrolled customer ceases to have an active service with the
20 vendor of portable electronics; or

21 (c) If an enrolled customer exhausts the aggregate limit of liability, if any,
22 under the terms of the portable electronics insurance policy and the insurer sends
23 notice of termination to the customer within thirty calendar days after exhaustion
24 of the limit. However, if the notice is not timely sent, enrollment and coverage
25 shall continue notwithstanding the aggregate limit of liability until the insurer
26 sends notice of termination to the enrolled customer;

27 (5) Where a portable electronics insurance policy is terminated by a
28 policyholder, the policyholder shall mail or deliver written notice to each enrolled
29 customer advising the customer of the termination of the policy and the effective
30 date of termination. The written notice shall be mailed or delivered to the
31 customer at least thirty days prior to the termination;

32 (6) Whenever notice is required under this section, it shall be in writing
33 and may be mailed or delivered to the vendor at the vendor's mailing address and
34 to its affected enrolled customers' last known mailing addresses on file with the
35 insurer. If notice is mailed, the insurer or vendor, as the case may be, shall
36 maintain proof of mailing in a form authorized or accepted by the U.S. Postal
37 Service or other commercial mail delivery service. Alternatively, an insurer or
38 vendor policyholder may comply with any notice required by this section by
39 providing electronic notice to a vendor or its affected enrolled customers, as the
40 case may be, by electronic means. **For purposes of this subdivision,**
41 **agreement to receive notices and correspondence by electronic means**
42 **shall be determined in accordance with section 432.220.** Additionally, if
43 an insurer or vendor policyholder provides electronic notice to an affected enrolled
44 customer and such delivery by electronic means is not available or is
45 undeliverable, the insurer or vendor policyholder shall provide written notice to
46 the enrolled customer by mail in accordance with this section. If notice is
47 accomplished through electronic means, the insurer or vendor of portable
48 electronics, as the case may be, shall maintain proof that the notice was sent.

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