

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 803

By: Standridge

4
5
6 AS INTRODUCED

7 An Act relating to Homeowner's Insurance; amending 36
8 O.S. 2011, Section 3639.1, as amended by Section 11,
9 Chapter 44, O.S.L. 2012 (36 O.S. Supp. 2014, Section
10 3639.1), prohibiting cancellation or nonrenewal of
11 policy for multiple claims; authorizing certain
12 increase in premiums; and providing an effective
13 date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 36 O.S. 2011, Section 3639.1, as
16 amended by Section 11, Chapter 44, O.S.L. 2012 (36 O.S. Supp. 2014,
17 Section 3639.1), is amended to read as follows:

18 Section 3639.1. A. No insurer shall cancel, or refuse to renew
19 ~~or increase the premium of~~ a homeowner's insurance policy or any
20 other personal residential insurance coverage, which has been in
21 effect more than forty-five (45) days, solely because the insured
22 filed a ~~first~~ second claim against the policy. An insurer shall be
23 able to increase the premium of a homeowner's insurance policy or
24 any other personal residential insurance coverage, which has been in
effect more than forty-five (45) days, upon the insured filing a

1 second claim against the policy. The provisions of this section
2 shall not be construed to prevent the cancellation, nonrenewal or
3 increase in premium of a homeowner's insurance policy for the
4 following reasons:

5 1. Nonpayment of premium;

6 2. Discovery of fraud or material misrepresentation in the
7 procurement of the insurance or with respect to any claims submitted
8 thereunder;

9 3. Discovery of willful or reckless acts or omissions on the
10 part of the named insured which increase any hazard insured against;

11 4. A change in the risk which substantially increases any
12 hazard insured against after insurance coverage has been issued or
13 renewed;

14 5. Violation of any local fire, health, safety, building, or
15 construction regulation or ordinance with respect to any insured
16 property or the occupancy thereof which substantially increases any
17 hazard insured against;

18 6. A determination by the Insurance Commissioner that the
19 continuation of the policy would place the insurer in violation of
20 the insurance laws of this state; or

21 7. Conviction of the named insured of a crime having as one of
22 its necessary elements an act increasing any hazard insured against.

23 B. An insurer shall give to the named insured at the mailing
24 address shown on a homeowner's policy, a written renewal notice that

1 shall include new premium, new deductible, new limits or coverage at
2 least thirty (30) days prior to the expiration date of the policy.
3 If the insurer fails to provide such notice, the premium,
4 deductible, limits and coverage provided to the named insurer prior
5 to the change shall remain in effect until notice is given or until
6 the effective date of replacement coverage obtained by the named
7 insured, whichever occurs first. If notice is given by mail, the
8 notice shall be deemed to have been given on the day the notice is
9 mailed. If the insured elects not to renew, any earned premium for
10 the period of extension of the terminated policy shall be calculated
11 pro rata at the lower of the current or previous year's rate. If
12 the insured accepts the renewal, the premium increase, if any, and
13 other changes shall be effective the day following the prior
14 policy's expiration or anniversary date.

15 SECTION 2. This act shall become effective November 1, 2015.

16

17 55-1-1102 GL 1/22/2015 9:36:56 PM

18

19

20

21

22

23

24