

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 333

Short Title: Insurance Technical Amendment.

(Public)

Sponsors: Senator Johnson.

Referred to: Insurance.

March 28, 1991

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL AMENDMENTS TO AND CORRECTIONS IN
THE INSURANCE LAWS.

The General Assembly of North Carolina enacts:

Section 1. Article 64 of Chapter 58 of the General Statutes is amended by
adding the following section:

"§ 58-64-85. Other licensing or regulation.

Nothing in this Article affects the authority of the Department of Human Resources
or any successor agency otherwise provided by law to license or regulate any health
service facility or domiciliary service facility."

Sec. 2. Sections 3 and 5 of Chapter 758 and Section 45 of Chapter 1024 of
the 1989 Session Laws are repealed.

Sec. 3. G.S. 58-64-1(6) is amended on the last line by substituting "or" for
"of".

Sec. 4. The following sections and their catch lines are amended by
substituting "Commissioner" for "Commissioner of Insurance" and by substituting
"Department" for "Department of Insurance" wherever those words appear: G.S. 58-2-
10, 58-2-35, 58-2-115, 58-2-125, 58-2-150, 58-2-165, 58-2-185, 58-2-200, 58-3-85, 58-
3-90, 58-3-140, 58-5-30, 58-5-60, 58-5-65, 58-5-70, 58-5-75, 58-5-80, 58-5-85, 58-5-
90, 58-5-95, 58-5-110, 58-6-1, 58-6-5, 58-6-10, 58-6-15, 58-6-20, 58-7-1, 58-7-10, 58-
7-35, 58-7-95(q), (r), 58-7-100, 58-7-105, 58-7-110, 58-7-115, 58-7-120, 58-7-135, 58-
8-5(3), 58-8-45, 58-9-5(2), and (3), 58-9-10, 58-10-1, 58-10-5, 58-11-1, 58-11-5, 58-11-
15, 58-11-20, 58-11-25, 58-11-30, 58-12-5, 58-12-10, 58-12-20, 58-14-15, 58-16-15,
58-16-20(b), 58-16-25, 58-16-30, 58-16-35(b)(1), and (2), 58-16-45, 58-18-5, 58-18-10,

1 58-18-15, 58-18-20, 58-24-45(b) through (e), 58-24-50(b) through (d), 58-24-60, 58-24-
2 65(a), (b) and (e), 58-24-70, 58-24-90(f), 58-24-120(c), and (d), 58-24-125, 58-24-130,
3 58-24-135, 58-24-140, 58-24-145(a), (b), (c), (e), and (f), 58-24-150(a), 58-24-155, 58-
4 24-170, 58-24-175, 58-24-185(e), 58-25-25, 58-25-30, 58-25-50, 58-26-5, 58-26-10, 58-
5 27-1, 58-27-10, 58-27-15, 58-28-1, 58-28-10, 58-28-15, 58-28-40(b), 58-29-1(a), 58-29-
6 20(a), 58-31-5, 58-31-15, 58-31-20, 58-31-25, 58-31-45, 58-32-1, 58-33-85(a), 58-35-
7 30(b), 58-36-5(a), (b), and (d), 58-37-35(d), and (g)(6), 58-37-40(b), 58-45-5(7), 58-45-
8 50, 58-45-60, 58-45-75, 58-46-20(a), 58-50-10, 58-50-55(b), and (c), 58-50-65(b), 58-
9 50-70, 58-51-1, 58-51-35(b), 58-51-95(a), 58-52-20, 58-58-125, 58-59-5, 58-59-10, 58-
10 59-15, 58-59-20, 58-59-25, and 58-59-30.

11 Sec. 5. The following sections and their catch lines are amended by
12 substituting "Commissioner" for "Insurance Commissioner" and by substituting
13 "Department" for "Insurance Department" wherever those words appear: G.S. 58-2-1,
14 58-2-25, 58-2-35, 58-2-40(3), 58-3-65, 58-3-150(a), 58-18-5, 58-29-20(b), and 58-35-
15 95.

16 Sec. 6. G.S. 58-37-1(2), 58-37-70, 58-38-15(2), 58-38-35(b), 58-40-5(2), 58-
17 45-5(3), 58-47-5(2), 58-48-20(3), 58-57-5(1), and 58-63-5(1) are repealed.

18 Sec. 7. G.S. 58-3-145 is amended by substituting "section" for "Article".

19 Sec. 8. G.S. 58-7-75(10) is amended by substituting "Article 30 of this
20 Chapter" for "Article 17A, Chapter 58 of the General Statutes".

21 Sec. 9. G.S. 58-7-130 is amended by substituting "G.S. 58-7-125" for "the
22 preceding section".

23 Sec. 10. G.S. 58-8-20 is amended by substituting "Chapter" for "Subchapter".

24 Sec. 11. G.S. 58-9-5(4) is amended by substituting "55-13-1 to 55-13-3, 55-
25 13-20 to 55-13-26, 55-13-28, 55-13-30, and 55-13-31" for "55-113(b), (d), (e), (f), (g),
26 and (h)".

27 Sec. 12. G.S. 58-9-10 is amended by substituting "55-1-20, 55-1-23, and 55-
28 1-25" for "55-4".

29 Sec. 13. G.S. 58-11-15 is amended by substituting "G.S. 58-11-10" for "the
30 foregoing section".

31 Sec. 14. G.S. 58-12-1 is amended by substituting "Article 7 of this
32 Chapter" for "the preceding Article".

33 Sec. 15. G.S. 58-15-5(3) is amended by substituting "58-1-5(a)" for "58-1-
34 5(7)".

35 Sec. 16. G.S. 58-16-15 is amended by substituting "Article 5" for "Article 4".

36 Sec. 17. G.S. 58-19-15(g) is amended before "amount" by substituting
37 "an" for "a".

38 Sec. 18. G.S. 58-19-30(b)(3) is amended before "insurer's" by substituting
39 "the" for "the the".

40 Sec. 19. G.S. 58-24-125(a), 58-50(c), and 58-55(e) are amended by
41 substituting "NAIC" for "National Association of Insurance Commissioners".

42 Sec. 20. G.S. 58-24-140(c) is amended by substituting "58-24-170" for
43 "Section 35".

1 Sec. 21. G.S. 58-24-175 is amended by substituting "G.S. 58-2-75" for "the
2 APA".

3 Sec. 22. G.S. 58-24-185(4) is amended at the end by substituting "both;
4 or" for "both".

5 Sec. 23. G.S. 58-30-175(9) is amended by substituting "67" for "64".

6 Sec. 24. G.S. 58-46-10(a) is amended by substituting "105-278.1 through
7 105-278.9" for "105-296 and 105-297".

8 Sec. 25. G.S. 58-45-35(d) is amended by substituting "33" for "45".

9 Sec. 26. G.S. 58-46-35 is amended by substituting "this Chapter" for "Chapter
10 58".

11 Sec. 27. G.S. 58-48-60(b) is amended by substituting "an NAIC" for "a
12 National Association of Insurance Commissioners".

13 Sec. 28. G.S. 58-50-1 is amended by substituting "Articles 50 through 55 of
14 this Chapter" for "this Subchapter".

15 Sec. 29. G.S. 59-50-5(c), 58-50-15, and 58-50-30 are amended by
16 substituting "Articles 50 through 55" for "Articles 47 and 49 through 53".

17 Sec. 30. G.S. 58-57-20 is amended by substituting "58-57-50" for "58-351".

18 Sec. 31. G.S. 58-55(d) is amended before "least" by substituting "at" for "a".

19 Sec. 32. G.S. 58-58-125 is amended by substituting "143B-472 through
20 143B-472.28" for "58-224 to 58-241".

21 Sec. 33. G.S. 58-63-50 is amended by substituting "the Superior Court of" for
22 "a court of competent jurisdiction in".

23 Sec. 34. G.S. 58-51-85 is amended between "policy" and "group" by
24 substituting "of" for "or".

25 Sec. 35. G.S. 58-51-15(e) and (g) are amended by substituting "Articles 50
26 through 55 of this Chapter" for "this Subchapter".

27 Sec. 36. G.S. 58-67-50(e) is amended by substituting "America" for
28 "American".

29 Sec. 37. G.S. 58-50-25 and G.S. 58-65-35 are amended by substituting "90-
30 171.23" for "90-162".

31 Sec. 38. G.S. 58-65-60(e)(4) and G.S. 58-57-85(e) are amended by
32 substituting "corporation under Articles 1 through 67 of this Chapter" for "Chapter 58,
33 Articles 1 through 67 corporation".

34 Sec. 39. G.S. 58-64-1(6) and G.S. 58-67-5(e) are amended before "life
35 care" by substituting "or" for "of".

36 Sec. 40. G.S. 58-67-10(d)(1) and G.S. 58-71-50(6) are amended by
37 substituting "Article" for "Chapter".

38 Sec. 41. G.S. 58-38-35(a)(2), 58-50-65, and 58-50-70 are amended by
39 substituting "Articles 50 through 55" for "Articles 47 and 50 through 54".

40 Sec. 42. G.S. 58-21-100(a) is amended by substituting "58-16-30" for "58-16-
41 35".

42 Sec. 43. G.S. 58-55-25 is amended by substituting "d" for "(d)".

43 Sec. 44. G.S. 58-24-185(a)(4) and G.S. 58-55-30(b)(2) are amended by
44 substituting "; or" for the period.

- 1 Sec. 45. G.S. 58-68-10(a)(11) is amended by substituting "than" for "that".
- 2 Sec. 46. G.S. 58-78-1(a)(1) is amended by substituting "Firemen's" for
- 3 "Fireman's".
- 4 Sec. 47. G.S. 58-86-55 is amended by substituting "58-86-30" for "58-36-30".
- 5 Sec. 48. G.S. 58-14-399(d) is amended by substituting "58-36-65" for "58-
- 6 30.4".
- 7 Sec. 49. G.S. 58-2-115 is amended before "Department" by deleting "State
- 8 Insurance".
- 9 Sec. 50. G.S. 58-3-150(a) is amended after "Commissioner" by deleting "of
- 10 Insurance of North Carolina".
- 11 Sec. 51. G.S. 58-5-100 is amended after "Commissioner" by deleting "of
- 12 Insurance in this State".
- 13 Sec. 52. G.S. 58-7-35 is amended after "Commissioner" by deleting "of
- 14 Insurance of the State".
- 15 Sec. 53. G.S. 58-14-15 is amended before "Commissioner" by deleting
- 16 "North Carolina".
- 17 Sec. 54. G.S. 58-24-185(3) is amended at the end by deleting "or".
- 18 Sec. 55. G.S. 58-28-15 is amended after "G.S. 58-16-35" by deleting ",
- 19 known as the 'Unauthorized Insurers Process Act',".
- 20 Sec. 56. G.S. 58-29-20(a) is amended after "58-29-10" by deleting "hereof".
- 21 Sec. 57. G.S. 58-45-25 is amended after "G.S. 58-45-10" by deleting "of this
- 22 Article".
- 23 Sec. 58. G.S. 58-45-30 is amended after "G.S. 58-45-1" by deleting "of this
- 24 Article".
- 25 Sec. 59. G.S. 58-52-25 is amended by deleting "North Carolina Insurance".
- 26 Sec. 60. G.S. 58-58-65 is amended by deleting "of Insurance in this State".
- 27 Sec. 61. G.S. 58-63-20 and G.S. 58-63-30(b) are amended by deleting "of
- 28 this Article".
- 29 Sec. 62. G.S. 58-63-50 is amended by deleting "pursuant to G.S. 58-2-70".
- 30 Sec. 63. G.S. 58-51-50(d)(2) and (3), 58-65-75(d)(2) and (3), and 58-67-
- 31 70(d)(2) and (3) are amended by deleting "or renewal thereof".
- 32 Sec. 64. G.S. 58-7-85(a) is amended by deleting "or renewal thereof".
- 33 Sec. 65. G.S. 58-11-1 is amended by deleting "under this department".
- 34 Sec. 66. G.S. 58-3-25(c) is amended in the second sentence immediately
- 35 after "of G.S." by inserting "58-3-120, 58-33-80, 58-58-35, and".
- 36 Sec. 67. G.S. 58-30-215(a) is amended before "the Court" by inserting "as".
- 37 Sec. 68. G.S. 58-67-10(b)(1) is amended before "continue" by inserting "to".
- 38 Sec. 69. G.S. 58-71-105 is amended before "other public employee" by
- 39 inserting "or".
- 40 Sec. 70. G.S. 58-3-95 is repealed.
- 41 Sec. 71. G.S. 58-52-5 is amended by deleting the last sentence.
- 42 Sec. 72. G.S. 58-39-95(a) is amended by deleting "knowing" and by rewriting
- 43 the remainder of the subsection after "may" to read: "levy a civil penalty under G.S. 58-
- 44 2-70."

1 Sec. 73. Section 1 of Chapter 846 of the 1981 Session Laws is amended in
2 G.S. 58-390(a) by substituting "from an individual" for "form and individual".

3 Sec. 74. G.S. 58-33-25(dl) reads as rewritten:

4 "(dl) A life, accident and health insurance license shall authorize an agent to sell
5 variable contracts, provided that the licensee satisfies the Commissioner that he has
6 ~~successfully completed Part I, NASD Securities Examination, or an alternative examination~~
7 ~~satisfactory to the Commissioner; and that he has complied with all securities registration~~
8 ~~requirements under State and federal law~~ met the NASD requirements of the Secretary of
9 State of North Carolina."

10 Sec. 75. This act is effective upon ratification.