

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 333  
Insurance Committee Substitute Adopted 5/2/91

Short Title: Insurance Technical Amendment.

(Public)

Sponsors:

Referred to:

March 28, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE TECHNICAL AMENDMENTS TO AND CORRECTIONS IN  
3 THE INSURANCE LAWS.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. Article 64 of Chapter 58 of the General Statutes is amended by  
6 adding the following section:  
7 **"§ 58-64-85. Other licensing or regulation.**  
8 Nothing in this Article affects the authority of the Department of Human Resources  
9 or any successor agency otherwise provided by law to license or regulate any health  
10 service facility or domiciliary service facility."  
11 Sec. 2. Sections 3 and 5 of Chapter 758 and Section 45 of Chapter 1024 of  
12 the 1989 Session Laws are repealed.  
13 Sec. 3. G.S. 58-64-1(6) is amended on the last line by substituting "or" for  
14 "of".  
15 Sec. 4. The following sections and their catch lines are amended by  
16 substituting "Commissioner" for "Commissioner of Insurance" and by substituting  
17 "Department" for "Department of Insurance" wherever those words appear: G.S. 58-2-  
18 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-  
19 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-  
20 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-  
21 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-  
22 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-  
23 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,

1 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,  
2 58-18-15, 58-18-20, 58-24-45(b) through (e), 58-24-50(b) through (d), 58-24-60, 58-24-  
3 65(a), (b) and (e), 58-24-70, 58-24-90(f), 58-24-120(c), and (d), 58-24-125, 58-24-130,  
4 58-24-135, 58-24-140, 58-24-145(a), (b), (c), (e), and (f), 58-24-150(a), 58-24-155, 58-  
5 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-  
6 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-  
7 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-  
8 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-  
9 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-  
10 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-  
11 59-15, 58-59-20, 58-59-25, and 58-59-30.

12 Sec. 5. The following sections and their catch lines are amended by  
13 substituting "Commissioner" for "Insurance Commissioner" and by substituting  
14 "Department" for "Insurance Department" wherever those words appear: G.S. 58-2-1,  
15 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-  
16 95.

17 Sec. 6. G.S. 58-37-1(2), 58-37-70, 58-38-15(2), 58-38-35(b), 58-40-5(2), 58-  
18 45-5(3), 58-47-5(2), 58-48-20(3), 58-57-5(1), and 58-63-5(1) are repealed.

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

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

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

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

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

28 Sec. 12. G.S. 58-9-10 is amended by substituting "55-1-20, 55-1-23, and 55-  
29 1-25" for "55-4".

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

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

34 Sec. 15. G.S. 58-15-5(3) is amended by substituting "58-1-5(9)" for "58-1-  
35 5(7)".

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

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

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

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

43 Sec. 20. G.S. 58-24-140(c) is amended by substituting "58-24-170" for  
44 "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(a)(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  
7 105-278.8" 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. 58-46-40 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. 58-50-5(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. 58-58-55(d) is amended before "least" by substituting "at" for  
19 "a".

20          Sec. 32. G.S. 58-58-125 is amended by substituting "143B-472 through  
21 143B-472.28" for "58-224 to 58-241".

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

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

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

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

30          Sec. 37. G.S. 58-50-25 and G.S. 58-65-35 are amended by substituting "90-  
31 171.23" for "90-162".

32          Sec. 38. G.S. 58-65-60(e)(4) and G.S. 58-657-85(e) are amended by  
33 substituting "corporation under Articles 1 through 67 of this Chapter" for "Chapter 58,  
34 Articles 1 through 67 corporation".

35          Sec. 39. G.S. 58-64-1(6) is amended before "life care" by substituting "or" for  
36 "of".

37          Sec. 40. G.S. 58-67-5(e) is amended before "hospitalization" by substituting  
38 "or" for "of".

39          Sec. 41. G.S. 58-67-10(d)(1) and G.S. 58-71-50(6) are amended by  
40 substituting "this Article" for "this Chapter".

41          Sec. 42. G.S. 58-38-35(a)(2), 58-50-65, and 58-50-70 are amended by  
42 substituting "Articles 50 through 55" for "Articles 47 and 50 through 54".

43          Sec. 43. G.S. 58-21-100(a) is amended by substituting "58-16-30" for "58-16-  
44 35".

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

1           Sec. 73. G.S. 58-39-95(a) is amended by deleting "knowing" and by rewriting  
2 the remainder of the subsection after "may" to read: "levy a civil penalty under G.S. 58-  
3 2-70."

4           Sec. 74. Section 1 of Chapter 846 of the 1981 Session Laws is amended in  
5 G.S. 58-390(a) by substituting "from an individual" for "form an individual".

6           Sec. 75. G.S. 58-33-25(dl) reads as rewritten:

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

13           Sec. 76. G.S. 55A-3(a)(3) is amended by substituting "Article 65 of Chapter  
14 58" for "Chapter 57".

15           Sec. 77. The last paragraph of G.S. 153A-351(b) is amended by substituting  
16 "Article 9C" for "Article 9B".

17           Sec. 78. G.S. 130A-148(g) is amended by substituting "Chapter 58 of the  
18 General Statutes" for "G.S. Chapter 58".

19           Sec. 79. The first paragraph of G.S. 58-65-95 is amended by substituting  
20 "corporation subject to this Article" for "hospital service corporation".

21           Sec. 80. G.S. 168-10 is amended in the penultimate and final sentences by  
22 deleting "Chapter 57 or" and "Chapter 57 and" respectively.

23           Sec. 81. This act is effective upon ratification.