

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

HOUSE BILL 2137

4
5 By: Representative Hyde
6 By: Senator Teague

For An Act To Be Entitled

9 AN ACT TO AMEND THE REQUIREMENTS FOR RESCISSION OF
10 LIFE AND HEALTH INSURANCE POLICIES; AND FOR OTHER
11 PURPOSES.

Subtitle

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15 TO AMEND THE REQUIREMENTS FOR RESCISSION
16 OF LIFE AND HEALTH INSURANCE POLICIES.

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code § 23-79-107(a), concerning statements as
22 representations in insurance applications, is amended to read as follows:

23 (a) ~~All statements~~ A statement in ~~any an~~ an application or in
24 negotiations for a life or accident and health insurance policy or annuity
25 contract, ~~or in negotiations therefor,~~ by or in behalf of the insured or
26 annuitant, ~~shall be deemed to be~~ are representations and not warranties.
27 Misrepresentations, omissions, concealment of facts, and incorrect statements
28 shall not prevent a recovery under the policy or contract unless ~~either:~~

29 (1) Fraudulent; or

30 (2) Material either to the acceptance of the risk or to the
31 hazard assumed by the insurer; ~~or,~~

32 ~~(3) The insurer in good faith would not have issued the policy~~
33 ~~or contract or would not have issued a policy or contract in as large an~~
34 ~~amount or at the same premium or rate or would not have provided coverage~~
35 ~~with respect to the hazard resulting in the loss if the facts had been made~~
36 ~~known to the insurer as required by the application for the policy or~~



1 ~~contract or otherwise.~~

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APPROVED: 04/01/2011