

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 2137

5 By: Representative Hyde  
6 By: Senator Teague  
7

## 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.  
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## Subtitle

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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