



General Assembly

January Session, 2005

Raised Bill No. 6915

LCO No. 4374

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Referred to Committee on Insurance and Real Estate

Introduced by:
(INS)

***AN ACT CONCERNING STATEMENTS MADE IN APPLICATIONS FOR
INDIVIDUAL HEALTH INSURANCE POLICIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-485 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) The insured shall not be bound by any statement made in an
4 application for an individual health insurance policy unless a copy of
5 such application is attached to or endorsed on the policy when issued
6 as a part thereof. If any such policy delivered or issued for delivery to
7 any person in this state is reinstated or renewed, and the insured or the
8 beneficiary or assignee of such policy makes written request to the
9 insurer for a copy of the application, if any, for such reinstatement or
10 renewal, the insurer shall, within fifteen days after the receipt of such
11 request at its home office or any branch office of the insurer, deliver or
12 mail to the person making such request, a copy of such application. If
13 such copy is not so delivered or mailed, the insurer shall be precluded
14 from introducing such application as evidence in any action or
15 proceeding based upon or involving such policy or its reinstatement or
16 renewal.

17 (b) No alteration of any written application for any such policy shall
18 be made by any person other than the applicant without [his] the
19 applicant's written consent, except that insertions may be made by the
20 insurer, for administrative purposes only, in such manner as to
21 indicate clearly that such insertions are not to be ascribed to the
22 applicant.

23 (c) The falsity of any statement in the application for any policy
24 covered by sections 38a-481 to 38a-488, inclusive, [may] shall not bar
25 the right to recovery [thereunder] under such policy unless such false
26 statement was made by an applicant who knew or should have known
27 the statement was false and such statement materially affected either
28 the acceptance of the risk or the hazard assumed by the insurer.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2005	38a-485

Statement of Purpose:

To provide that the falsity of a statement made by an applicant in an application for an individual health insurance policy shall not bar recovery under the policy unless the applicant knew or should have known the statement was false.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]