

§ 3664. FORMS; FILING PROOF OF LOSS AND OTHER DOCUMENTS, WAIVER OF FILING

Insurance companies, societies, or associations, or insurance adjusters appointed by said companies, societies, or associations shall furnish in form for completion by the ~~insured-claimant~~ (as defined in Section 3665a of this title) or beneficiary (as defined in Section 3665b of this title), as applicable, all documents as to proof of loss or other matter required by contract to be submitted to the companies. Failure to furnish said forms within a reasonable time after notice of loss or damage is received by said companies, societies, or associations shall be deemed a waiver of any requirement that proof of loss shall be filed with the insurer on said forms as a condition precedent to the recovery of losses or claims.

§ 3665b. TIMELY PAYMENT OF LIFE INSURANCE CLAIMS AND ANNUITY DEATH BENEFITS; INTEREST

(a) This section applies to policies of life insurance and contracts of annuity. As used in this section, a “beneficiary” means any person making a claim against a policy of life insurance or for death benefits provided under a contract of annuity.

(b) A claim for payment of benefits under a policy of life insurance shall be paid within 30 days after the date that a properly executed proof of loss is received by the insurer. All payments of claims under policies of life insurance shall include interest accrued from the date of death of the insured to the date of payment. The interest rate shall be the rate paid on proceeds left on deposit or six percent, whichever is greater.

(c) A claim for payment of benefits under a contract of annuity shall be paid within 30 days after the date that a properly executed proof of loss is received by the insurer. Payments of

claims for death benefit proceeds under contracts of annuity shall include interest at the rate paid for proceeds left on deposit or six percent, whichever is greater. Interest shall accrue and be payable as follows:

(1) For variable annuity contracts subject to the Securities and Exchange Commission's rules governing the liquidation of account values at the death of the beneficiary, from the eighth day following the date that a properly executed proof of loss is received by the insurer.

(2) For all other contracts of annuity, from the date of death of the measuring life, unless the contract specifies that the contract remains in force until the date that a properly executed proof of loss is received by the insurer. For purposes of this section, the individual whose death triggers the death benefit proceeds is the measuring life.

(d)(1) If a claim is contested, it shall be paid within 30 days after entry of judgment against the insurer, the entry of a binding arbitration decision between the insurer, the beneficiary, and the Department, as applicable, or the execution of a settlement agreement between the insurer, the beneficiary, and the Department, as applicable.

(e)(1) If an insurer fails to pay an **uncontested** claim within the applicable time period set forth in subsection (b) or (c) of this section, it shall pay interest on the amount of the claim beginning 31 days after the date it receives a properly executed proof of loss, at the judgment rate allowed by law.

(2) In the event judgment is entered against the insurer, a binding arbitration decision is entered between the insurer, the beneficiary, and the Department, as applicable, or a settlement agreement is executed between the insurer, the beneficiary, and the Department, as applicable, interest shall accrue and be paid beginning 31 days from the date such judgment or arbitration

decision is entered or such settlement agreement is executed, in each case at the judgment rate allowed by law.