

Insurance

See full summary documents for additional detail

S347 - Captive Insurance Amendments. (SL 2022-7)

S.L. 2022-7 makes a number of technical and substantive changes to the laws governing captive insurance companies in the State. This act has various effective dates. Please see the full summary for more detail.

S347 - Captive Insurance Amendments.

Sec. 5: Captive Insurance Company Tax Changes. (SL 2022-7)

Section 5 of S.L. 2022-7 makes the following tax-related changes regarding captive insurance companies:

- Provides that two or more captive insurance companies under common ownership and control will be taxed as separate companies if they are either a protected cell captive insurance company or a special purpose captive insurance company with a cell or series structure. It also specifies the aggregate amount of tax payable by a special purpose captive insurance company with a cell or series structure with more than 10 cells or series. This provision is effective for premium taxes imposed for taxable years beginning on or after January 1, 2022.
- Provides that if a licensed captive insurance company formed and licensed in another jurisdiction redomesticates to North Carolina with the approval of the Commissioner prior to December 31, 2022, it is exempt from premium taxes otherwise due for the remainder of the year in which redomestication occurs and for the calendar year following its redomestication. This provision is effective for premium taxes imposed for taxable years beginning on or after January 1, 2021, and expires for taxable years beginning on or after January 1, 2024.

S496 - DOI Omnibus Bill. (SL 2022-46)

S.L. 2022-46 does the following:

- Makes various changes to North Carolina's insurance laws, as recommended by the Department of Insurance (DOI), including:
 - Removes personal delivery as a delivery option for certain DOI forms.
 - Expands quality limitations to include certain obligations held by subsidiaries and affiliated corporations.
 - Discontinues certain notification requirements to the Commissioner of Insurance (COI) from licensed professional employer organizations.
 - Extends certain requirements applicable to Prepaid Health Plans (PHP) to Health Maintenance Organizations (HMO).
 - Clarifies continuation of health care service requirements for PHPs when impacted by insolvency.
 - Requires public educational entities to annually report to the Commissioner certain insured property information.
 - Conforms penalties related to manufactured housing standards with federal law.
 - Updates contact information for the Seniors' Health Insurance Information Program.

- Prevents businesses with a revoked or suspended license in North Carolina from offering insurance products to North Carolina residents through another state's licensure.
- Modifies state of disaster and public health emergency provisions for property and casualty insurance companies, premium finance companies, and collection agencies.
- Expands the types of program enhancements insurers may offer to consumers.
- Provides additional notice to consumers regarding exclusions contained in travel insurance.
- Removes the requirement that a licensed insurance agent must obtain a broker license and post a bond in order to broker business and makes technical and conforming changes throughout Chapter 58 (Insurance) of the General Statutes.
- Allows a certificate of self-insurance to serve as evidence of proof of financial responsibility and removes a vehicle requirement on religious organizations to be self-insured.
- Prohibits a person from requiring an insurance company or agent to disclose the replacement cost estimator for the lending of money or extension of credit to be secured by real property.
- Amends certain appointments made by the COI to the North Carolina Reinsurance Facility's Board of Governors.
- Amends an annual reporting deadline for members of the North Carolina Insurance Underwriting Association.
- Creates exemptions for certain DOI employment contracts.
- Under the North Carolina Life and Health Insurance Guaranty Association Act, amends the definition of "member insurer" to replace the phrase "hospital or medical service corporation" with the phrase "full-service corporation."
- Prohibits the North Carolina Innovation Council or any applicable State agency from granting an innovation waiver that alters or amends Article 36 (North Carolina Rate Bureau) or Article 37 (North Carolina Motor Vehicle Reinsurance Facility) of Chapter 58 (Insurance) of the General Statutes, or all financial and solvency requirements that apply to nonadmitted domestic surplus lines insurers.
- Revises the primary automobile liability and combined uninsured and undersinsured insurance requirements for transportation network companies.
- Authorizes the North Carolina Global TransPark Authority to receive and administer grant funding for the National Telecommunications and Information Administration for the expansion of broadband infrastructure and access in Lenoir County.
- Requires home inspection reports to be provided within 3 days after an inspection is performed, unless modified by a written agreement.
- Allows an individual to take the home inspector license examination once every 90 days instead of once every 180 days.
- Amends the Building Code to require different minimum insulation requirements for unconditioned attic spaces.

This act has various effective dates. Please see full summary for more detail.