

12-102. STANDARD PROVISIONS.

(A) REQUIRED.

EXCEPT AS PROVIDED IN SUBSECTION (B)(1) OF THIS SECTION, AN INSURANCE CONTRACT OR ANNUITY CONTRACT SHALL CONTAIN THE STANDARD PROVISIONS REQUIRED UNDER THIS ARTICLE.

(B) WAIVER OF REQUIRED USE.

(1) THE COMMISSIONER MAY WAIVE THE REQUIRED USE OF A PROVISION IN AN INSURANCE POLICY OR CONTRACT FORM IF THE COMMISSIONER:

(I) FINDS THAT THE PROVISION IS UNNECESSARY TO PROTECT THE INSURED OR IS INCONSISTENT WITH THE PURPOSES OF THE POLICY; AND

(II) APPROVES THE POLICY.

(2) A REQUIRED STANDARD PROVISION MAY NOT BE WAIVED BY AGREEMENT BETWEEN AN INSURER AND ANOTHER PERSON.

(C) SUBSTITUTE PROVISIONS ALLOWED.

THE COMMISSIONER MAY APPROVE A SUBSTITUTE PROVISION IN AN INSURANCE POLICY OR ANNUITY CONTRACT IF THE PROVISION IS NOT LESS FAVORABLE THAN THE REQUIRED PROVISION TO THE INSURED, ANNUITANT, OR BENEFICIARY.

(D) PROVISIONS REQUIRED BY DOMICILE ALLOWED.

INSTEAD OF A PROVISION REQUIRED BY THIS ARTICLE, A FOREIGN INSURER OR ALIEN INSURER MAY USE A SUBSTANTIALLY SIMILAR PROVISION REQUIRED BY THE LAW OF THE FOREIGN INSURER'S OR ALIEN INSURER'S DOMICILE IF THE SUBSTANTIALLY SIMILAR PROVISION DOES NOT CONFLICT WITH THE LAW OF THIS STATE.

(E) INCONSISTENT PROVISIONS PROHIBITED.

A POLICY OR CONTRACT MAY NOT CONTAIN A PROVISION THAT IS INCONSISTENT WITH A STANDARD PROVISION USED OR REQUIRED TO BE USED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 377.

In subsections (a) and (e) of this section, the former reference to "uniform" provisions is deleted as included in the reference to "standard" provisions.

Also in subsection (a) of this section, the former reference to "applicable provisions ... pertaining to contracts of particular kinds of insurance and annuities" is deleted as surplusage. Similarly, in subsection (d) of this section, the reference to provisions required for "contracts for particular kinds of insurance and annuities" is deleted as surplusage.