

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

Throughout this section, the former references to "stipulations" are deleted as included in the references to "provision[s]".

In subsection (a) of this section, the former phrase "whatsoever, heretofore or hereafter issued" is deleted as surplusage.

Also in subsection (a) of this section, the former reference to "suits" is deleted as included in the word "action".

Also in subsection (a) of this section, the former reference to "statutes" is deleted as included in the word "law".

Although former Art. 48A, § 377B could be read to prohibit a court from giving effect to a contract if any provision in the contract were illegal, the Insurance Article Review Committee concluded that a narrower interpretation, revised as subsection (b)(1) of this section, is preferable. The Committee concluded that if any provision of a contract is held illegal, the illegality does not affect the other provisions of the contract, which can be given effect without the illegal provision.

Defined term: "Insurance contract" § 1-101

#### 12-105. WAIVER OF POLICY PROVISIONS OR DEFENSES BY INSURERS.

WITHOUT LIMITATION OF ANY RIGHT OR DEFENSE OF AN INSURER, THE FOLLOWING ACTS BY OR ON BEHALF OF AN INSURER ARE NOT CONSIDERED TO BE A WAIVER OF A PROVISION OF A POLICY OR OF A DEFENSE OF THE INSURER UNDER THE POLICY:

- (1) ACKNOWLEDGING THE RECEIPT OF NOTICE OF LOSS OR CLAIM UNDER THE POLICY;
- (2) FURNISHING A FORM FOR:
  - (I) REPORTING A LOSS OR CLAIM;
  - (II) GIVING INFORMATION RELATING TO A LOSS OR CLAIM; OR
  - (III) MAKING PROOF OF A LOSS;
- (3) RECEIVING OR ACKNOWLEDGING RECEIPT OF A FORM OR PROOF LISTED IN ITEM (2) OF THIS SECTION, COMPLETED OR UNCOMPLETED;
- (4) INVESTIGATING A LOSS OR CLAIM UNDER A POLICY; OR
- (5) ENGAGING IN NEGOTIATIONS TOWARD SETTLEMENT OF A LOSS OR CLAIM.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 384.