

BETWEEN JANUARY 1, 1929, AND DECEMBER 31, 1945, FROM AN INDIVIDUAL THAT THE INSURER KNOWS, OR REASONABLY SHOULD HAVE KNOWN, IS A HOLOCAUST VICTIM SHALL:

(1) DILIGENTLY AND EXPEDITIOUSLY INVESTIGATE THE CLAIM;

(2) ALLOW CLAIMANTS TO PROVIDE ALTERNATIVE DOCUMENTATION THAT DOES NOT MEET THE USUAL STANDARDS OF PROOF REQUIRED BY THE INSURER TO SUBSTANTIATE THE PARTICULAR CLAIM, SUBJECT TO STANDARDS ESTABLISHED FOR ALTERNATIVE DOCUMENTATION AS REQUIRED BY REGULATIONS ADOPTED BY THE COMMISSIONER; AND

(3) ATTEMPT TO RESOLVE, SETTLE, AND, IF APPROPRIATE, MAKE PAYMENTS ON CLAIMS IRRESPECTIVE OF ANY STATUTE OF LIMITATIONS OR NOTICE REQUIREMENTS IMPOSED BY LAW OR THE INSURANCE POLICY ISSUED TO OR COVERING THE LIFE, PROPERTY, OR INTERESTS OF A HOLOCAUST VICTIM, IF THE CLAIM IS SUBMITTED TO THE INSURER WITHIN 10 YEARS AFTER THE EFFECTIVE DATE OF THIS TITLE.

(B) A VIOLATION OF THIS SECTION IS AN UNFAIR OR DECEPTIVE ACT OR PRACTICE IN THE BUSINESS OF INSURANCE IN VIOLATION OF TITLE 27 OF THIS ARTICLE.

(C) (1) THIS TITLE SHALL SERVE AS ADDITIONAL AND CONCLUSIVE NOTICE THAT THE COMMISSIONER IS CURRENTLY INVESTIGATING ALL CLAIMS PERTAINING TO THE VICTIMS OF THE HOLOCAUST.

(2) EVIDENCE OF THE INTENTIONAL DESTRUCTION OR ALTERATION OF ANY RECORDS OR OTHER MATERIALS PERTAINING TO A CLAIM SHALL BE ADMISSIBLE IN BOTH ADMINISTRATIVE AND JUDICIAL PROCEEDINGS AS EVIDENCE IN SUPPORT OF ANY CLAIM BEING MADE AGAINST THE INSURER INVOLVING THE DESTROYED OR ALTERED MATERIAL.

(3) IT MAY BE INFERRED IN AN ADMINISTRATIVE OR JUDICIAL PROCEEDING THAT THE INTENTIONAL DESTRUCTION OR ALTERATION OF ANY RECORDS OR OTHER MATERIALS PERTAINING TO A CLAIM WAS DONE IN ORDER TO PREVENT DISCOVERY OF INFORMATION TO SUPPORT ANY CLAIM OF A HOLOCAUST VICTIM.

28-104.

(A) NOTWITHSTANDING ANY LAW OR AGREEMENT AMONG THE PARTIES TO AN INSURANCE POLICY TO THE CONTRARY, ANY ACTION ARISING FROM AN OCCURRENCE DURING THE PERIOD BETWEEN JANUARY 1, 1929, AND DECEMBER 31, 1945, BROUGHT BY A HOLOCAUST VICTIM SEEKING PROCEEDS OF AN INSURANCE POLICY ISSUED TO OR COVERING THE LIFE OR PROPERTY OF A HOLOCAUST VICTIM BEFORE DECEMBER 31, 1945, MAY NOT BE DISMISSED FOR FAILURE TO COMPLY WITH ANY STATUTE OF LIMITATIONS OR LACHES OR OTHER SIMILAR PROVISION OF ANY APPLICABLE LAW RELATING TO THE TIMELINESS OF THE FILING OF CLAIMS THAT MIGHT PREVENT A CLAIM FROM BEING HEARD ON ITS MERITS, OR ANY NOTICE