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HOUSE BILL NO. 1835

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Commerce and Labor
on February 2, 2017)

(Patron Prior to Substitute—Delegate Orrock)

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 31 of Title 38.2 a section numbered 38.2-3117.01 and by adding in Article 3 of Chapter 28 of Title 54.1 a section numbered 54.1-2818.5, relating to information about a decedent's life insurance policy.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 31 of Title 38.2 a section numbered 38.2-3117.01 and by adding in Article 3 of Chapter 28 of Title 54.1 a section numbered 54.1-2818.5 as follows:

§ 38.2-3117.01. *Provision of life insurance information upon notification of insured's death.*

Upon receipt of a request for information regarding a deceased person's life insurance policy from a funeral service provider that complies with § 54.1-2818.5, a life insurer doing business in the Commonwealth may provide certain information to the funeral service provider regarding the existence of any life insurance policy issued by the insurer or any affiliated insurer insuring the life of the deceased person identified in the request. The information may include the names and contact information, if available, of any beneficiaries on record under any such policy insuring such life. Nothing in this section shall require a life insurer to provide information that is confidential or protected from disclosure under applicable state or federal law. A life insurer may respond to such a request for information in a manner that is consistent with the terms of any applicable life insurance policy and the life insurer's administrative practices and procedures.

§ 54.1-2818.5. *Request for life insurance information; notification of beneficiaries.*

A. In any case in which a funeral service provider licensed pursuant to this chapter believes that a decedent for whom funeral services are being provided is insured under an individual or group life insurance policy, the funeral service provider may request information regarding the deceased person's life insurance policy from the life insurer believed to have issued the policy. Such request for information shall include (i) a copy of the deceased person's death certificate filed in accordance with § 32.1-263; (ii) written authorization for the funeral service provider's submission of the request that is executed by a person designated to make arrangements for the decedent's burial or disposition of his remains pursuant to § 54.1-2825, an agent named in an advance directive pursuant to § 54.1-2984, a guardian appointed pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2 who may exercise the powers conferred in the order of appointment or by § 64.2-2019, or the next of kin as defined in § 54.1-2800; and (iii) if the deceased person was covered or is believed to have been covered under a group life insurance policy, the affiliation of the deceased person entitling the deceased to coverage under the group life insurance policy.

B. Upon receipt of the information requested pursuant to subsection A, if the beneficiary of record under the life insurance contract or group life insurance policy is not the estate of the deceased person, the requesting funeral service provider shall make all reasonable efforts to contact all the beneficiaries of record within 100 hours of receiving such information and provide to the beneficiaries all information provided to the funeral service provider by the life insurer. The funeral service provider shall, prior to providing any information to the beneficiaries in accordance with this subsection, inform the beneficiaries that the beneficiary of a life insurance policy has no legal duty or obligation to pay any amounts associated with the provision of funeral services or the debts or obligations of the deceased person.