

## 2018 Kansas Statutes

### **40-5607. Policy changes; when allowed; notice requirements; return of unearned premiums.**

Notwithstanding any other provision of law:

- (a) An insurer may not terminate an individually enrolled customer based solely upon the age of such enrolled customer's covered portable electronic device.
- (b) If the insurer changes the terms and conditions of a policy, the insurer shall provide the policyholder with a revised policy or endorsement and each enrolled customer with a revised certificate, endorsement, updated brochure or other evidence indicating a change in the terms and conditions has occurred and a summary of material changes 30 days prior to the end of the term of the policy.
- (c) An insurer may terminate an enrolled customer's enrollment under a portable electronics insurance policy upon 15 days notice for:
  - (1) Fraud or material misrepresentation in obtaining coverage or in the presentation of a claim thereunder; or
  - (2) nonpayment of premium.
- (d) An insurer may terminate an enrolled customer's enrollment under a portable electronics insurance policy immediately if:
  - (1) The enrolled customer ceases to have an active service with the vendor of portable electronics; or
  - (2) an enrolled customer exhausts the aggregate limit of liability, if any, under the terms of the portable electronics insurance policy and the insurer sends notice of termination to the customer within 30 calendar days after exhaustion of the limit. However, if notice is not timely sent, enrollment shall continue notwithstanding the aggregate limit of liability until the insurer sends notice of termination to the enrolled customer.
- (e) Whenever notice is required pursuant to this section, it shall be in writing and may be mailed or delivered to the vendor of portable electronics devices at the vendor's mailing address and to its affected enrolled customers' last known mailing addresses on file with the insurer. The insurer or vendor of portable electronics, as the case may be, shall maintain proof of mailing in a form authorized or accepted by the United States postal service or other commercial mail delivery service. Alternatively, an insurer or vendor policyholder may comply with any notice required by this section by providing electronic notice to a vendor or its affected enrolled customers, as the case may be, by electronic means. If notice is accomplished through electronic means, the insurer or vendor of portable electronics, as the case may be, shall maintain proof that the notice was sent. Additionally, if an insurer or vendor policyholder provides electronic notice to an affected enrolled customer and such delivery by electronic means is not available or fails, the insurer or vendor policyholder shall provide written notice to the enrolled customer by mail in accordance with this section.
- (f) Notice or correspondence required by this section or otherwise required by law may be sent on behalf of an insurer or vendor, as the case may be, by the supervising entity appointed by the insurer.
- (g) Regardless of whether the insurer or the enrolled customer terminates the policy the insurer shall return any unearned premium to the customer without requiring the consumer to request it. The unearned premium shall be calculated on a pro rata basis such that the enrolled customer pays for the actual number of days of coverage. No penalty for early termination may be charged. A return or refund of any applicable unearned premium may be accomplished by crediting the billing mechanism used to pay the premium so long as there is a balance for which to apply the credit.

**History:** L. 2011, ch. 75, § 7; L. 2012, ch. 44, § 3; L. 2013, ch. 60, § 1; July 1.