

Title 23. Public Utilities and Regulated Industries
Chapter I. State Insurance Department, Department of Commerce
Subchapter B. Life, Health, and Accident
Part 90. Unfair Discrimination in Life Insurance and Disability Insurance on the Basis of Physical or Mental Impairment

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"SECTION 2. AUTHORITY

This rule is issued pursuant to the authority vested in the Commissioner under Ark. Stat. Ann. §66-2111, §66-3001 through §66-3028, §5-702 and §5-703 ."

"SECTION 5. SEVERABILITY

Any section or provision of this rule held by a court to be invalid or unconstitutional will not affect the validity of any other section or provision."

Subpart 1. Generally

23 CAR § 90-101. Purpose.

The purpose of this part is to implement Arkansas Statutes § 66-3005(7) so as to prevent unfair discrimination in life insurance, annuities, and disability insurance on the basis of physical impairment or mental impairment.

Authority. Arkansas Code §§ 23-61-108, 23-66-207.

23 CAR § 90-102. Unfairly discriminatory acts or practices.

The following are hereby identified as acts or practices in life insurance, annuities, and disability insurance that constitute unfair discrimination between individuals of the same class: refusing to insure, refusing to continue to insure, or limiting the amount,

extent, or kind of coverage available to an individual, or charging a different rate for the same coverage solely because of physical impairment or mental impairment, except where the refusal, limitation, or rate differential is based on sound actuarial principals or is related to actual or reasonably anticipated experience.

Authority. Arkansas Code §§ 23-61-108, 23-66-207.

23 CAR § 90-103. Effective date and applicability.

This part shall be effective August 1, 1987, and shall be applicable to all life insurance, annuities, and disability policies delivered or issued for delivery in this state on or after such date, and to all existing group contracts which are amended for renewal on or after the effective date including group contracts issued in another state insofar as their coverage of residents of this state is concerned.

Authority. Arkansas Code §§ 23-61-108, 23-66-207.