

Title 23. Public Utilities and Regulated Industries

Chapter I. State Insurance Department, Department of Commerce

Subchapter B. Life, Health, and Accident

Part 96. Unfair Discrimination in Life Insurance and Disability on the Basis of Blindness or Partial Blindness

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"

Subpart 1. Generally

23 CAR § 96-101. Purpose.

The purpose of this part is to implement Arkansas Code § 23-66-206(13) so as to prevent unfair discrimination in life insurance, annuities, and disability insurance on the basis of blindness or partial blindness.

Authority. Arkansas Code § 23-61-108.

23 CAR § 96-102. Unfairly discriminatory acts or practices.

(a) The following are hereby identified as acts or practices that constitute unfair discrimination between individuals of the same class: refusing to insure, refusing to continue to insure, limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage solely because of blindness or partial blindness.

(b) With respect to all other conditions, including the underlying cause of the blindness or partial blindness, persons who are blind or partially blind shall be subject to

the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted persons.

(c) Refusal to insure includes denial by an insurer of disability insurance coverage on the grounds that the policy defines "disability" as being presumed in the event that the insured loses his or her eyesight.

(d) However, an insurer may exclude from coverage disabilities consisting solely of blindness or partial blindness when such condition existed at the time the policy was issued.

Authority. Arkansas Code § 23-61-108.

23 CAR § 96-103. Effective date and applicability.

This part shall be effective August 1, 1985, 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 or renewed 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.