

SENATE No. 18

To accompany the petition of Frank G. Lichtenstein for legislation relative to the effect of an oral or written misrepresentation or warranty made in the negotiation of the reinstatement of a policy of insurance after a lapse for non-payment of premium. Insurance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Eight.

AN ACT RELATIVE TO THE EFFECT OF AN ORAL OR WRITTEN MISREPRESENTATION OR WARRANTY MADE IN THE NEGOTIATION OF THE REINSTATEMENT OF A POLICY OF INSURANCE AFTER A LAPSE FOR NON-PAYMENT OF PREMIUM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 186 of chapter 175 of the General Laws, as
2 appearing in the Tercentenary Edition, is hereby
3 amended by inserting after the word "insurance" in
4 the second line the words:— or in the negotiation
5 for the reinstatement of a policy of insurance after a
6 lapse for non-payment of premiums, — so as to read
7 as follows:— *Section 186.* No oral or written mis-
8 representation or warranty made in the negotiation
9 of a policy of insurance or in the negotiation for the
10 reinstatement of a policy of insurance after a lapse
11 for non-payment of premiums by the insured or in

12 his behalf shall be deemed material or defeat or avoid
13 the policy or prevent its attaching unless such
14 misrepresentation or warranty is made with actual
15 intent to deceive, or unless the matter misrepre-
16 sented or made a warranty increased the risk of loss.