

**CHAPTER 38****GROUP LEGAL SERVICES INSURANCE****§2881. Exemption from chapter**

Legal services insurance, as defined in this chapter, does not include the payment by a voluntary association, other than a voluntary association which is an insurer, on behalf of one of its members of fees, costs or expenses related to or arising out of legal services performed for the member by an attorney who either is an employee of the paying association or who provides the legal services to the association's member, pursuant to an agreement with that association. [PL 1983, c. 801, §11 (NEW).]

**SECTION HISTORY**

PL 1983, c. 801, §11 (NEW).

**§2882. Insurers authorized to sell legal services insurance**

Upon application to an approval by the superintendent, an insurer incorporated by or under the laws of this State or any foreign or alien insurance company duly licensed to transact insurance in its state of domicile may make application for a certificate of authority to transact the business of legal services insurance, including reinsurance, in this State, if that company is authorized or qualified to be authorized to transact a health insurance business in this State. [PL 1983, c. 801, §11 (NEW).]

**SECTION HISTORY**

PL 1983, c. 801, §11 (NEW).

**§2883. Legal services insurance defined**

"Legal services insurance" is insurance which involves the assumption of a contractual obligation to reimburse the beneficiary against or pay on behalf of the beneficiary all or a portion of the beneficiary's fees, costs or expenses related to or arising out of services performed by or under the supervision of an attorney who is not an employee of or under the control of the insurer directly or indirectly and who is licensed to practice in the jurisdiction in which the services are performed. Legal services insurance may also include provisions for basic legal advice only rendered to the beneficiary, by telephone or mail, by one or more attorneys licensed to practice in the jurisdiction in which the advice is given; none of whom are employees of or under the control of the insurer, directly or indirectly. Legal services insurance does not include the provision of or reimbursement for legal services incidental to other insurance coverages. [RR 2009, c. 2, §68 (COR).]

**SECTION HISTORY**

PL 1983, c. 801, §11 (NEW). RR 2009, c. 2, §68 (COR).

**§2884. Legal services insurance authorized to be sold on a group basis**

An insurance company authorized to write legal services insurance in this State, which for the purposes of this chapter only is considered a form of health insurance, has the power to issue group legal services insurance policies or may, by providing for the mental and emotional welfare of individuals and members of an individual's family by defraying the costs of legal services, include legal services insurance in and as a part of a group health insurance policy. Group legal services insurance is that form of voluntary legal services insurance covering employees or members, with or without their eligible dependents, written under a master policy issued to any governmental corporation, unit, agency or department or to any employer, association of employers or employee leasing company registered pursuant to Title 32, chapter 125, including the trustee or trustees of a fund established by that employer, association of employers or registered employee leasing company, a labor union or other employee

organization, including the trustees of a fund established by that labor union or employee organization. The terms "employee" and "employees" have the same meaning as are given to those terms for the purposes of writing group life insurance in this State. Legal services insurance may only be issued in this State on a group policy basis. [PL 1995, c. 618, §4 (AMD).]

#### SECTION HISTORY

PL 1983, c. 801, §11 (NEW). PL 1995, c. 618, §4 (AMD).

#### **§2885. Filing of group manual rates for informational purposes**

No policy of group legal services insurance may be delivered in this State until a copy of the group manual rates to be used in calculating the premium for these policies has been filed for informational purposes with the superintendent. [PL 1983, c. 801, §11 (NEW).]

#### SECTION HISTORY

PL 1983, c. 801, §11 (NEW).

#### **§2886. Freedom of selection of attorney**

Beneficiaries of legal services insurance shall not be required to select an attorney other than one of the beneficiary's own choosing to provide covered legal services, except for basic legal advice rendered by telephone or mail, as described in this chapter. [PL 1983, c. 801, §11 (NEW).]

#### SECTION HISTORY

PL 1983, c. 801, §11 (NEW).

#### **§2887. Legal services insurance policy reserves**

For all legal services insurance policies, the insurer shall establish and maintain thereon a reserve which shall place a sound value on its liabilities under those policies and be not less than the reserve according to appropriate standards set forth in rules issued by the superintendent and, in no event, less in the aggregate than the pro rata gross unearned premiums for those policies. [PL 1983, c. 801, §11 (NEW).]

#### SECTION HISTORY

PL 1983, c. 801, §11 (NEW).

#### **§2888. Authority of superintendent to adopt additional rules**

The superintendent may also issue rules regarding the content of legal services insurance policies and marketing arrangements, including delivery of legal services by licensed professionals. [PL 1983, c. 801, §11 (NEW).]

Nothing in this chapter may be construed to authorize the practice of law by any person in violation of Title 4, section 807, or to authorize the superintendent to infringe upon the authority of the Supreme Judicial Court to regulate the practice of law. [PL 1983, c. 801, §11 (NEW).]

#### SECTION HISTORY

PL 1983, c. 801, §11 (NEW).

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