

§2411. Representations in applications

All statements and descriptions in any application for insurance or for an annuity contract, by or in behalf of the insured or annuitant, are deemed to be representations and not warranties. Misrepresentations, omissions, concealment of facts and incorrect statements may not prevent a recovery under the policy or contract unless either: [PL 1999, c. 223, §1 (AMD).]

1. Fraudulent; or
[PL 1969, c. 132, §1 (NEW).]

2. Material either to the acceptance of the risk, or to the hazard assumed by the insurer, such that the insurer in good faith would either not have issued the insurance or contract, or would not have issued it at the same premium rate, or would not have issued insurance in as large an amount, or would not have provided coverage with respect to the hazard resulting in the loss, if the true facts had been made known to the insurer as required either by the application for the policy or contract or otherwise. [PL 1999, c. 223, §1 (AMD).]

3.
[PL 1999, c. 223, §1 (RP).]

To prevent a recovery under this section for any application for life, credit life, disability, long-term care, accidental injury, specified disease, hospital indemnity or credit or accident insurance, an insurer need only prove one of the acts described in this section, not an act under subsections 1 and 2. [PL 1999, c. 223, §1 (NEW).]

SECTION HISTORY

PL 1969, c. 132, §1 (NEW). PL 1999, c. 223, §1 (AMD).

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