

**§2739. Lapse of policy, advance notice; limitation of action**

An individual policy of health insurance issued or delivered in this State, except a policy which by its terms is renewable or continuable with the insurer's consent, or except a policy the premiums for which are payable monthly or at shorter intervals, may not terminate or lapse for nonpayment of any premium until the expiration of 3 months from the due date of such premium, unless the insurer, within not less than 10 nor more than 45 days prior to such due date, has mailed, postage prepaid, duly addressed to the insured at the insured's last address shown by the insurer's records, a notice showing the amount of such premium and its due date. If such a notice is not so sent, the insured may pay the premium in default at any time within such period of 3 months. The affidavit of any officer, clerk or agent of the insurer, or of any other person authorized to mail such notice, that the notice required by this section has been duly mailed by the insurer in the manner required is prima facie evidence that such notice was duly given. An action may not be maintained on any policy to which this section applies and that has lapsed for nonpayment of any premium unless such action is commenced within 2 years from the due date of such premium. [RR 2021, c. 1, Pt. B, §241 (COR).]

**SECTION HISTORY**

PL 1969, c. 132, §1 (NEW). RR 2021, c. 1, Pt. B, §241 (COR).

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