

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
S.P. 481 - L.D. 1494

An Act To Create Limited Lines Self-storage Insurance

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 24-A MRSA §601, sub-§33 is enacted to read:

33. Self-storage insurance provider. Self-storage insurance provider fees may not exceed:

A. Issuance of license for self-storage insurance provider, \$100; and

B. Annual renewal fee, \$50.

Sec. 2. 24-A MRSA §1420-C, sub-§2, ¶G, as amended by PL 2011, c. 297, §3, is further amended to read:

G. A salaried full-time employee who counsels or advises that person's employer relative to the insurance interests of the employer or of the subsidiaries or business affiliates of the employer if the employee does not sell or solicit insurance or receive a commission; or

Sec. 3. 24-A MRSA §1420-C, sub-§2, ¶H, as enacted by PL 2011, c. 297, §4, is amended to read:

H. A person who offers to sell or sells portable electronic device insurance pursuant to a license issued by the superintendent under chapter 89; or

Sec. 4. 24-A MRSA §1420-C, sub-§2, ¶I is enacted to read:

I. A person who offers to sell or sells self-storage insurance pursuant to a license issued by the superintendent under chapter 97.

Sec. 5. 24-A MRSA c. 97 is enacted to read:

CHAPTER 97

LIMITED LINES SELF-STORAGE INSURANCE

§7501. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Customer. "Customer" means a person who rents or leases a storage space within a self-storage facility under a rental agreement with a self-storage provider. "Customer" includes the sublessee, assignee or successor in interest of the person originally a party to a rental agreement with a self-storage provider.

2. Covered customer. "Covered customer" means a customer who elects to receive coverage under a self-storage insurance policy.

3. Limited lines license. "Limited lines license" means a license to sell or offer a policy for self-storage insurance.

4. Location. "Location" means any physical location of a self-storage facility in the State or any publicly accessible website, call center or similar operation directed to residents of the State.

5. Rental agreement. "Rental agreement" means a written agreement between a customer and self-storage provider that establishes or modifies the terms, conditions or other provisions governing a customer's occupancy and use of a storage space within a self-storage facility owned or operated by the self-storage provider.

6. Self-storage facility. "Self-storage facility" means any real property or facility in which individual storage spaces rented or leased by a self-storage provider to a customer are located and within which a customer is generally responsible for placing and removing property the customer stores within a rented or leased storage space.

7. Self-storage insurance. "Self-storage insurance" means personal property insurance authorized under section 705 providing coverage for the repair or replacement of personal property of a covered customer stored at a self-storage facility or in transit to or from a self-storage facility against various causes of loss, including loss or damage. "Self-storage insurance" does not include a homeowner's or renter's insurance, private passenger automobile insurance, commercial multiple peril insurance or any similar policy.

8. Self-storage provider. "Self-storage provider" means a person or business entity, as defined in section 1151-A, subsection 4, that is the owner, operator, lessor or sublessor of a self-storage facility.

9. Supervising entity. "Supervising entity" means a business entity that is a licensed insurance producer or insurer.

§7502. Licensure of self-storage providers

1. License required. A self-storage provider must obtain a limited lines license under this chapter prior to selling or offering coverage under a policy of self-storage insurance.

2. Authority provided by license. A limited lines license issued under this chapter authorizes any employee or authorized representative of a self-storage provider to sell or offer coverage under a policy of self-storage insurance to a customer at each location at which the self-storage provider engages with a customer or prospective customer.

3. List of locations. In connection with a self-storage provider's application for a license under section 7506 and upon request by the superintendent, the self-storage

provider shall provide a list to the superintendent of all locations in this State at which the self-storage provider offers coverage.

4. Activities authorized by license. Notwithstanding any provision of law to the contrary, a license issued pursuant to this chapter authorizes the licensee and its employees or authorized representatives to engage only in those activities that are expressly permitted in this chapter.

§7503. Requirements for the sale of self-storage insurance

1. Brochures. At each location where a self-storage provider sells or offers self-storage insurance to customers, the self-storage provider shall make available to a prospective customer brochures or other written materials that:

A. Disclose that self-storage insurance may provide a duplication of coverage already provided by a customer's homeowner's insurance policy, renter's insurance policy or other source of coverage;

B. State that the enrollment by the customer in a self-storage insurance policy is not required in order to rent or lease storage space within a self-storage facility;

C. Summarize the material terms of the insurance coverage, including:

(1) The identity of the insurer;

(2) The identity of the supervising entity;

(3) The amount of any applicable deductible and how it is to be paid; and

(4) Benefits of the coverage;

D. Summarize the process for filing a claim; and

E. State that the customer may cancel enrollment for coverage under a self-storage insurance policy at any time and the person paying the premium must receive a refund of any applicable unearned premium.

2. Periodic basis of coverage. Self-storage insurance may be offered on a month-to-month or other periodic basis as a group or master commercial inland marine policy issued to a self-storage provider under which individual customers may elect to enroll for coverage.

3. Eligibility and underwriting standards. Eligibility and underwriting standards for customers that elect to enroll in self-storage insurance must be established by an insurer for each self-storage insurance program.

§7504. Authority of self-storage providers

1. Requirements for employees and authorized representatives of self-storage providers. An employee or authorized representative of a self-storage provider may sell or offer self-storage insurance to a customer and is not subject to licensure as an insurance producer under this chapter if:

A. The self-storage provider obtains a limited lines license to authorize its employees or authorized representatives to sell or offer self-storage insurance pursuant to this section;

B. The insurer issuing the self-storage insurance either directly supervises or appoints a supervising entity to supervise the administration of the sale of insurance, including development of a training program for employees and authorized representatives of the self-storage providers.

(1) The training must be delivered to all employees and authorized representatives of the self-storage provider who are directly engaged in the activity of selling or offering self-storage insurance. The training may be provided in electronic form. If the training is conducted in electronic form, the supervising entity shall implement a supplemental education program that is conducted and overseen by licensed employees of the supervising entity to supplement the electronic training.

(2) Each employee and authorized representative must receive basic instruction about the self-storage insurance offered to customers and the disclosures required under section 7503, subsection 1; and

C. The employee or authorized representative of the self-storage provider does not advertise, represent or otherwise hold that employee or authorized representative out as other than a limited lines licensed insurance producer.

2. Charges. The charges for self-storage insurance coverage may be billed and collected by the self-storage provider. Any charge to the customer for coverage that is not included in the cost associated with the rental or lease of self-storage or related services must be separately itemized on the customer's bill. If the self-storage insurance coverage is included with the rental or lease of self-storage or related services, the self-storage provider shall clearly and conspicuously disclose to the customer that the self-storage insurance coverage is included with the rented or leased storage space. A self-storage provider billing and collecting charges for coverage is not required to maintain those funds in a segregated account as long as the self-storage provider is authorized by the insurer to hold such funds in an alternative manner and remits the funds to the supervising entity within 60 days of receipt. All funds received by a self-storage provider from a customer for the sale of self-storage insurance are considered funds held in trust by the self-storage provider in a fiduciary capacity for the benefit of the insurer. A self-storage provider may receive compensation for billing and collection services.

§7505. Violations

1. Penalties. If a self-storage provider or its employee or authorized representative violates any provision of this chapter, the superintendent may enforce this chapter in accordance with section 12-A except the superintendent may not impose a fine exceeding \$15,000 for aggregate conduct in violation of this chapter.

2. Suspension or revocation. In addition to any other penalties authorized by law, the superintendent may:

A. Suspend the authority of a self-storage provider to transact self-storage insurance;

B. Suspend the authority of a self-storage provider to transact self-storage insurance pursuant to this chapter at specific business locations where violations have occurred; and

C. Suspend or revoke the authority of an individual employee or authorized representative of a self-storage provider to act under a limited lines license under section 7502, subsection 2.

§7506. Application for license and fees

1. Application for license to be filed with superintendent. A self-storage provider must file a sworn application for a license under this chapter with the superintendent on forms prescribed and furnished by the superintendent.

2. Contents of application. In addition to other information required by the superintendent, the application for a license under this chapter must:

A. Provide the name, residence address and other information required by the superintendent for an employee or authorized representative of the self-storage provider who is designated by the applicant as the person responsible for the self-storage provider's compliance with the requirements of this chapter. If the self-storage provider derives more than 50% of its revenue from the sale of self-storage insurance, the information specified in this paragraph must be provided for all officers, directors and shareholders of record having beneficial ownership of 10% or more of any class of securities registered under the federal securities laws;

B. Appoint the superintendent as the applicant's attorney to receive service of all legal process issued against it in any civil action or proceeding in this State and agree that process so served is valid and binding against the applicant. The appointment is irrevocable, binds the company and any successor in interest as well as the assets or liabilities of the applicant and must remain in effect as long as the applicant's license remains in force in this State; and

C. Provide the location of the applicant's home office.

3. Time of application. An application for a license under this chapter must be made within 90 days of the application's being made available by the superintendent.

4. Initial license valid for 24 months. An initial license issued pursuant to this chapter is valid for 24 months and expires on the last day of the 24th month.

5. Fee. Each self-storage provider licensed under this chapter shall pay to the superintendent a fee equal to the amount prescribed by section 601, subsection 33.