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To: Property and Casualty Insurers

Re: Certificate of Mailing

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The purpose of this Bulletin is to clarify the Sections of the Insurance Article of the Annotated Code of Maryland with regard to the requirement that certain notices be sent via “certificate of mailing.” This would include Sections 27-601 and 27-605.

§ 27-601(c) (1) (2002 Repl. Vol.)

Notice of intention to cancel or not to renew.

“At least 45 days before the date of the proposed cancellation or expiration of the policy, the insurer shall cause to be sent to the insured, by **certificate of mailing**, a written notice of intention to cancel for a reason other than nonpayment of premium or notice of intention not to renew a policy issued in the State.” (Emphasis added.)

§ 27-601(d) (2002 Repl. Vol.)

Notice of intention to cancel for nonpayment of premium.

“At least 10 days before the date an insurer proposes to cancel a policy for nonpayment of premium, the insurer shall cause to be sent to the insured, by **certificate of mailing**, a written notice of intention to cancel for nonpayment of premium.” (Emphasis added.)

§ 27-605(c) (1) 2004 Supp.

Same. Notice of proposed action.

“At least 45 days before the proposed effective date of the action, an insurer that intends to take an action subject to this section must send written notice of its proposed action to the insured at the last known address of the insured:

- (i) for notice of cancellation or nonrenewal, by certified mail; and
- (ii) for all other notices of action subject to this section, by **certificate of mailing.**” (Emphasis added.)

§ 27-605(d) 2004 Supp.

Notice of intention to cancel for non-payment of premium.

“At least 10 days before the date an insurer proposes to cancel...the insurer shall cause to be sent to the insured, by **certificate of mail**, a written notice of intention to cancel for non-payment of premium.” (Emphasis added.)

It is the position of the Maryland Insurance Administration that any statutory reference to either certificate of mail or certificate of mailing refers to the requirement to provide evidence of individualized mailing by a postal employee. Specifically, it is the Administration’s position that the intent of the statutes is for a postal employee to verify, by their signature, the names and addresses on the list correspond with the actual individual pieces of mail being sent. PS Form 3817 (individual certificate of mail) and PS Form 3877 (firm certificate of mail) meet the statutory requirements of §27-601(c) and (d) and §27-605(c) and (d) for “certificate of mailing” or “certificate of mail.” Use of Certificate of Bulk Mail, PS Form 3606, where the post office simply estimates the total pieces being mailed by weight, does **not** meet the statutory requirement that the notice be sent by “certificate of mailing” or “certificate of mail” as it lacks independent verification of mailing by the post office.

Questions relating to this Bulletin may be addressed to Dudley B. Ewen – Chief Examiner for Property & Casualty @ (410) 468-2321.

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