

CHAPTER 33. [Reserved]**§§ 33.1 and 33.2. [Reserved].****Source**

The provisions of these §§ 33.1 and 33.2 adopted June 14, 1952; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (112546) and (45388).

§ 33.3. [Reserved].**Source**

The provisions of this § 33.3 adopted June 14, 1952; amended through November 11, 1977, effective November 12, 1977, 7 Pa.B. 3304; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (45388) to (45389).

§ 33.4. [Reserved].**Source**

The provisions of this § 33.4 adopted June 14, 1952; amended November 16, 1979, effective November 17, 1979, 9 Pa.B. 3797; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial page (45389).

§ 33.5. [Reserved].**Source**

The provisions of this § 33.5 adopted June 14, 1952; amended November 12, 1982, effective November 13, 1982, 12 Pa.B. 3945; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (45389) and (76217) to (76218).

§ 33.6. [Reserved].**Source**

The provisions of this § 33.6 adopted June 14, 1952; amended February 8, 1962; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial page (76219).

§ 33.7. [Reserved].**Source**

The provisions of this § 33.7 adopted October 25, 1974, effective October 26, 1974, 4 Pa.B. 2283; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (76219) and (176903) to (176904).

Notes of Decisions*License's Revocation Proper*

There was substantial evidence that the insurance agent violated insurance laws and that the agent lacked the general fitness necessary for the business of insurance; thus, there was no abuse of discretion where the Commissioner determined that the agent was unworthy of holding an insurance license and thereby revoking the agent's license and imposing upon the agent \$4,000 in fines. *Judson v. Insurance Department*, 665 A.2d 523 (Pa. Cmwlth. 1995); appeal denied 674 A.2d 1077 (Pa. 1996).

§§ 33.8 and 33.9. [Reserved].**Source**

The provisions of these §§ 33.8 and 33.9 adopted June 14, 1952; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (176904) to (176905) and (45392).

§ 33.10. [Reserved].**Source**

The provisions of this § 33.10 adopted June 14, 1952; amended September 18, 1971, effective September 19, 1971, 1 Pa.B. 1829; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial page (45392).

§§ 33.11 and 33.12. [Reserved].**Source**

The provisions of these §§ 33.11 and 33.12 adopted June 14, 1952; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial page (45393).

§ 33.13. [Reserved].**Source**

The provisions of this § 33.13 adopted June 14, 1952; amended March 7, 1975, effective March 8, 1975, 5 Pa.B. 439; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (45393) to (45394).

§ 33.14. [Reserved].**Source**

The provisions of this § 33.14 adopted June 14, 1952; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial page (45394).

§ 33.15. [Reserved].**Source**

The provisions of this § 33.15 adopted June 14, 1952; amended through November 16, 1979, effective November 17, 1979, 9 Pa.B. 3797; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (45394) to (45395).

§ 33.16. [Reserved].**Source**

The provisions of this § 33.16 adopted June 14, 1952; amended March 7, 1975, effective March 8, 1975, 5 Pa.B. 439; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial page (45395).

§ 33.17. [Reserved].**Source**

The provisions of this § 33.17 adopted March 7, 1975, effective March 8, 1975, 5 Pa.B. 439; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial page (45395).

§ 33.18. [Reserved].**Source**

The provisions of this § 33.18 adopted October 25, 1974, effective October 26, 1974, 4 Pa.B. 2283; amended November 2, 1979, effective November 3, 1979, 9 Pa.B. 3644; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (45395) and (81406).

§ 33.19. [Reserved].**Source**

The provisions of this § 33.19 adopted March 7, 1975, effective March 8, 1975, 5 Pa.B. 439; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (81406) and (81408).

§§ 33.21 and 33.22. [Reserved].**Source**

The provisions of these §§ 33.21 and 33.22 adopted June 14, 1952; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (81408) to (81409).

§ 33.23. [Reserved].**Source**

The provisions of this § 33.23 adopted June 14, 1952; amended March 7, 1975, effective March 8, 1975, 5 Pa.B. 439; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (81409) to (81410).

§ 33.24. [Reserved].**Source**

The provisions of this § 33.24 adopted June 14, 1952; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial page (45398).

§ 33.25. [Reserved].**Source**

The provisions of this § 33.25 adopted June 14, 1952; amended through November 16, 1979, effective November 17, 1979, 9 Pa.B. 3797; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (45398) to (45399).

§§ 33.26—33.28. [Reserved].**Source**

The provisions of these § 33.26—33.28 adopted June 14, 1952; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (45399) and (159547).

§ 33.29. [Reserved].**Source**

The provisions of this § 33.29 amended through March 24, 1978, 8 Pa.B. 1677; reserved September 15, 2000, effective September 16, 2000, 30 Pa.B. 4812. Immediately preceding text appears at serial pages (212002) and (219729) to (219730).

Notes of Decisions*Authority of Department*

While the required records doctrine would appear to authorize investigations of automobile insurance plan applications, under this section, it does not empower the Insurance Department to search other documents without warrant or subpoena. *Reiter v. Insurance Department*, 525 A.2d 446 (Pa. Cmwlth. 1987); appeal denied 534 A.2d 770 (Pa. 1987).

Illustrative Cases

By requiring applicants to the Pennsylvania Automobile Insurance Plan to pay a \$20 fee for services to petitioner's insurance agency, petitioner violated the provisions of this regulation. *Seidman v. Insurance Commissioner*, 532 A.2d 917 (Pa. Cmwlth. 1987).

Petitioner's failure to adequately explain several 5 day delays between date of application and remittance of the premium payment and application to the Plan, constituted violations of this section. *Seidman v. Insurance Commissioner*, 532 A.2d 917 (Pa. Cmwlth. 1987).

Insurance Effective Date

The trial court erred in finding that automobile insurance coverage became effective on March 6, the date of the accident, when the electronic binding of the application was not submitted until March 7, one day after the accident. The insurance company, as the assigned insurer, was bound by the effective date of coverage as indicated by the application; it was not bound by the date a third party received payment from the insured. *Nationwide Mutual Insurance Co. v. Johnson*, 676 A.2d 680 (Pa. Super. 1996); affirmed 704 A.2d 127 (Pa. 1998).

If the applicant has presented reasonable documentation of an application, the Insurance Commissioner properly applied Insurance Department regulations, rather than the guidelines of the Pennsylvania Assigned Risk Plan, to establish the application date as the effective date of assigned risk policies. *Motorists Mutual Insurance Co. v. Insurance Commissioner*, 586 A.2d 1050 (Pa. Cmwlt. 1991).

Payment Method

The requirement under this section prohibiting a producer from accepting cash, does not violate 31 U.S.C.A. § 5103 and exists for important public policy reasons. *Seidman v. Insurance Commissioner*, 532 A.2d 917 (Pa. Cmwlt. 1987).

Petitioner violated this section when he accepted cash from applicants and purchased money orders on their behalf. *Seidman v. Insurance Commissioner*, 532 A.2d 917 (Pa. Cmwlt. 1987).

§ 33.41. [Reserved].**Source**

The provisions of this § 33.41 adopted June 14, 1952; amended March 7, 1975, effective March 8, 1975, 5 Pa.B. 439; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (159549) and (36468).

§§ 33.42 and 33.43. [Reserved].**Source**

The provisions of these § 33.42 and 33.43 adopted June 14, 1952; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial page (36468).

§ 33.51. [Reserved].**Source**

The provisions of this § 33.51 adopted June 14, 1952; amended through November 11, 1977, effective November 12, 1977, 7 Pa.B. 3304; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (36469) to (36470).

§ 33.54. [Reserved].**Source**

The provisions of this § 33.54 adopted June 14, 1952; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial page (112547).

§ 33.55. [Reserved].**Source**

The provisions of this § 33.55 adopted June 14, 1952; amended December 3, 1976, effective December 4, 1976, 6 Pa.B. 2984; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial page (112547).

 §§ 33.56 and 33.57. [Reserved].**Source**

The provisions of these §§ 33.56 and 33.57 adopted June 14, 1952; amended November 12, 1976, effective November 13, 1976, 6 Pa.B. 2882; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (112547) to (112548).

§ 33.58. [Reserved].**Source**

The provisions of this § 33.58 adopted November 12, 1976, effective November 13, 1976, 6 Pa.B. 2882; amended through September 5, 1986, effective September 6, 1986, 16 Pa.B. 3290; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (112548) to (112549).

§ 33.61. [Reserved].**Source**

The provisions of this § 33.61 adopted June 14, 1952; amended November 12, 1976, effective November 13, 1976, 6 Pa.B. 2882; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (112550) and (102461).

 §§ 33.62—33.65. [Reserved].**Source**

The provisions of these §§ 33.62—33.65 adopted June 14, 1952; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (102461) and (31898).

 §§ 33.71—33.73. [Reserved].**Source**

The provisions of these §§ 33.71—33.73 adopted June 14, 1952; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (31898) to (31899).

§ 33.74. [Reserved].**Source**

The provisions of this § 33.74 adopted June 14, 1952; amended through September 26, 1975, effective September 27, 1975, 5 Pa.B. 2524; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial pages (31899) and (36472).

§ 33.75. [Reserved].**Source**

The provisions of this § 33.75 adopted June 14, 1952; amended March 7, 1975, effective March 8, 1975, 5 Pa.B. 439; reserved December 23, 1994, effective December 24, 1994, 24 Pa.B. 6525. Immediately preceding text appears at serial page (36472).

[Next page is 35-1.]

33-8

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