# Index

## ABANDONED PROPERTY
See also Marine Insurance (this index)
- Agents and brokers, § 3:4, 53:39
- Automobile property insurance, § 157:16
- Foreign insurers, § 3:4
- Subrogation, § 222:102

## ABANDONMENT
- Defenses, § 239:150, 245:85
- Disability provisions, abandonment of work attempt, § 147:11
- Joinder of parties, § 243:18, 243:19

## ABSENCE OR PRESENCE—Cont’d
Watchmen or Guards (this index)

## ABSENCE OR PRESENCE
- Accident and life insurance, § 140:22, 140:94, 140:95
- Accidental death, § 140:21
- Actual cash value, § 175:30
- Absence of records, § 97:57, 97:74
- Measurement of degree of loss, absence of value test, § 175:80
- Subrogation actions, § 241:44
- Temporary Absences (this index)

## ABSENCE OR PRESENCE
See also Federal Courts (this index)
- Antitrust legislation, § 4:7, 4:8
- Consolidation, merger or insolvency, § 5:7

## ABSTENTION
- Title insurance, distinction, § 159:3

## ABSTRACTION
- Fidelity insurance, § 161:20, 161:33 to 161:35

## ABSTRACT OF TITLE
- Title insurance, distinction, § 159:3

## ABSTRACTORS
- Risks covered under policies, § 131:44

## ACCELERATION OF COSTS
- Contractors’ payment bonds, § 165:73

## ACCELERATION OF PAYMENT
- Loans, § 80:42
- Premiums and assessments, § 73:46
- Workers’ compensation, § 173:23

## ACCEPTANCE OR REJECTION
- Generally, § 16:1 to 16:9
- Actual cash value, § 175:30
- Agents and Brokers (this index)
- Applications (this index)
- Assignment, § 36:5 to 36:14
- Cancellation and Rescission (this index)
- Challenges, § 242:185
- Conditional acceptance of policy, § 16:8
ACCESSION OR REJECTION
—Cont’d
Contractors’ payment bonds, § 165:55, 165:60
Contractors’ performance bonds, § 164:4
Delayed payment or nonpayment, § 207:29
Equitable remedies, § 232:154
Estoppel and waiver, § 238:87, 239:121, 239:122, 239:128
Examination, receipt of policy for, § 16:5
Fraud, § 232:91
Gift of policy, § 38:12
Governing Law (this index)
Incontestability clause, § 240:41
Insolvency, rejection of claims, § 6:7
Iron Safe Clauses (this index)
Jurisdiction, § 228:14
Labor and material bonds, § 191:43
Liens and Encumbrances (this index)
Limitation of actions, § 236:136, 236:137
Marine Insurance (this index)
Notice, § 16:6, 195:12, 195:14 to 195:16, 195:78
Pleadings, generally, § 245:10
Premiums and Assessments (this index)
Prior rejections, § 89:1 et seq.
Reformation, acceptance of policy as defense, § 27:80
Reinstatement and Revival (this index)
Renewal, § 29:16 to 29:19
Repair or replace, option to, § 176:43
Representations, Warranties, Conditions, and Concealment (this index)
Retention of policy, § 16:4
Settlement and Compromise (this index)
Subrogation, § 225:139, 225:179
Uninsured and Underinsured Motorist Coverage (this index)

ACCIDENTAL DEATH INSURANCE
Limitation of actions, § 234:40
Notice, § 190:108

ACCIDENT AND LIFE INSURANCE
Generally, § 140:1 et seq.
Abortion, § 140:22, 140:94, 140:95
Accidental, § 140:41, 140:42, 143:40
Accidental ingestion, § 143:76, 143:77
Accidental injury, medical treatment for, § 141:78
Accidental means
Alcohol, § 143:67 to 143:69
Armed forces, § 143:40
Criminal activity, injury or death sustained during, § 140:12
Drowning, § 143:102 to 143:104
Drugs, § 143:67 to 143:69
Gas or fume inhalation, § 143:96 to 143:98
Harm intentionally inflicted, § 140:41, 140:42
Poisons, § 143:65, 143:66
Accident-caused condition, medical treatment for, § 141:78
Accident insurance coverage, generally, § 141:2
Accidents
Alcohol, § 143:67 to 143:69
Armed forces, exclusions, § 143:52, 143:53
Criminal activity, injury or death sustained during, § 140:12
Drowning, § 143:102 to 143:104
Drugs, § 143:67 to 143:69
Poisons, § 143:65, 143:66
Suicide, § 140:92
Act versus consequences, § 140:74, 140:75
Adjacent area of highway, § 142:66
Adjusting automobile, § 142:63
Admissions, statements constituting, § 254:252
Advice of physician, self-treatment under, § 141:94
After termination of flight, § 142:133
INDEX

ACCIDENT AND LIFE
INSURANCE—Cont’d
Aggressor, insured as, § 140:45 to 140:47
Aging, § 141:8
Aircraft and aviation
Generally, § 142:1, 142:2, 142:92 et seq.
After termination of flight, § 142:133
Airline trip policy, § 142:93 to 142:95
Attendant, § 142:128
Burden of proof, § 142:105, 142:106
Civilian aviation, military service or war risk clauses, § 142:109
Before commencement of flight, § 142:132
Construction and interpretation, § 142:102, 142:103
Crew member, § 142:125 to 142:127
Descending from aircraft, § 142:116
Drowning after landing, § 142:136
Enemy action, § 142:135
Exposure after landing, § 142:136
Fare-paying passenger, § 142:122
Flight attendant, § 142:128
Games or sports for recreation, § 142:119
Glider, § 142:112
Government aircraft, guest passenger on, § 142:124
Guest passenger, § 142:123, 142:124
Hang glider, § 142:112
Incontestable clause, § 142:107
Landing, acts after, § 142:136, 142:137
Military aircraft, crew member, § 142:127
Military service or war risk clauses, § 142:108 to 142:110
Observer, crew member, § 142:126
Operating aircraft, § 142:115
Ownership of aircraft, § 142:129
Parachute jumps, § 142:117
Parachutes, § 142:113
Passenger, § 142:121
Passenger, fare-paying, § 142:122
Passenger, guest, § 142:123, 142:124
Physical exertion required after landing, § 142:137
Proximate cause, § 142:134 to 142:137
Questions of law or fact, § 142:105, 142:106
Recreation, games or sports for recreation, § 142:119
Relationship to aircraft, clauses based on, § 142:133

ACCIDENT AND LIFE
INSURANCE—Cont’d
Aircraft and aviation—Cont’d
Exclusions—Cont’d
Drowning after landing, § 142:136
Enemy action, § 142:135
Exposure after landing, § 142:136
Fare-paying passenger, § 142:122
Flight attendant, § 142:128
Games or sports for recreation, § 142:119
Glider, § 142:112
Government aircraft, guest passenger on, § 142:124
Guest passenger, § 142:123, 142:124
Hang glider, § 142:112
Incontestable clause, § 142:107
Landing, acts after, § 142:136, 142:137
Military aircraft, crew member, § 142:127
Military service or war risk clauses, § 142:108 to 142:110
Observer, crew member, § 142:126
Operating aircraft, § 142:115
Ownership of aircraft, § 142:129
Parachute jumps, § 142:117
Parachutes, § 142:113
Passenger, § 142:121
Passenger, fare-paying, § 142:122
Passenger, guest, § 142:123, 142:124
Physical exertion required after landing, § 142:137
Proximate cause, § 142:134 to 142:137
Questions of law or fact, § 142:105, 142:106
Recreation, games or sports for recreation, § 142:119
Relationship to aircraft, clauses based on, § 142:133

Index-3
ACCIDENT AND LIFE
INSURANCE—Cont’d
Aircraft and aviation—Cont’d
Exclusions—Cont’d
Rider, appearing in, § 142:103
Sports, games or sports for recreation, § 142:119
Time when harm sustained, § 142:132, 142:133
Training, § 142:118
Validity, § 142:101
Waiver and estoppel, § 142:104
War, military service or war risk clauses, § 142:108 to 142:110
Exposure after landing, § 142:136
Fare-paying passenger, § 142:122
Flight attendant, § 142:128
Games or sports for recreation, § 142:119
Glider, § 142:112
Government aircraft, guest passenger on, § 142:124
Guest passenger, § 142:123, 142:124
Hang glider, § 142:112
Incontestable clause, § 142:107
Landing, acts after, § 142:136, 142:137
Law, compliance with, § 142:100
Military aircraft, § 142:99, 142:127
Military service or war risk clauses, § 142:108 to 142:110
Observer, crew member, § 142:126
Operating aircraft, § 142:115
Ownership of aircraft, § 142:129
Parachute jumps, § 142:117
Parachutes, § 142:113
Passengers, § 142:121 to 142:124
Passengers who are employees, § 142:97
Physical exertion required after landing, § 142:137
Proximate cause, § 142:134 to 142:137
Questions of law or fact, § 142:105, 142:106

ACCIDENT AND LIFE
INSURANCE—Cont’d
Aircraft and aviation—Cont’d
Recreation, games or sports for recreation, § 142:119
Regulations, compliance with, § 142:100
Renter if aircraft, § 142:133
Rider, appearing in, § 142:103
Sale through vending machine, § 142:95
Searches of passengers, § 142:98
Sports, games or sports for recreation, § 142:119
Substituted trips, § 142:94
Time when harm sustained, § 142:132, 142:133
Training, § 142:118
Validity, § 142:101
Vending machine, sale through, § 142:95
Waiver and estoppel, § 142:104
War, military service or war risk clauses, § 142:108 to 142:110
Airline trip policy, § 142:93 to 142:95
Alcohol
Accident, § 143:67 to 143:69
Accidental means, § 143:67 to 143:69
Driving while intoxicated, § 142:46
Presumptions, § 143:71
Questions of law or fact, § 143:70
Alcoholism, § 140:78, 141:50
Aneurysms, § 141:54
Anesthetics, § 141:86 to 141:89, 141:92
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
Aneurysms, § 141:54
Animals, § 143:66, 143:80
INDEX

ACCIDENT AND LIFE INSURANCE—Cont’d
Armed forces—Cont’d
Accidents exclusions, § 143:52, 143:53
Aircraft and aviation, § 142:99, 142:108 to 142:110, 142:127
Civilians as persons contemplated, § 143:45
Civilian work or employment, § 143:56
Construction and interpretation, § 143:41
Contemplation of persons, § 143:44, 143:45
Death from combat or other causes peculiar to service, § 143:49
Disease, § 143:51
Exclusions
Generally, § 143:41 et seq.
Accidents, § 143:52, 143:53
Civilians as persons contemplated, § 143:45
Civilian work or employment, § 143:56
Construction and interpretation, § 143:41
Contemplation of persons, § 143:44, 143:45
Death from combat or other causes peculiar to service, § 143:49
Disease, § 143:51
Furlough, § 143:50
Incontestable clause, § 143:43
Maneuvers, § 143:50
Result clauses, § 143:48
Status clauses, § 143:48
Time of commencement, § 143:46
Time of war, § 143:54 to 143:56
Training and maneuvers, § 143:50
Validity, § 143:42
Waiver and estoppel, § 143:47
In war, § 143:54 to 143:56
War clause, accidents, § 143:53
Arrest, resisting, § 140:14
Arteriosclerosis, § 141:55
Arthritis and similar disorders, § 141:51
Artificial heat, sunstroke from, § 143:109
Assault
Causation, § 140:33, 140:34
Poisons, exclusions as to, § 143:77
Attempt to escape peril, § 142:57
Attendant, flight, § 142:128
Automobiles, vehicles, and conveyances
Generally, § 142:1 et seq.
Accident insurance, relationship to general principles of, § 142:2
Adjacent area of highway, § 142:66
Adjusting automobile, § 142:63
Alcohol, driving while intoxicated, § 142:46
Alighting from, § 142:41, 142:56
Result clauses, § 143:48
Status clauses, § 143:48
Time of commencement, § 143:46
Time of war, § 143:54 to 143:56
Training and maneuvers, § 143:50
Validity, § 143:42
Waiver and estoppel, § 143:47
In war, § 143:54 to 143:56
War clause, accidents, § 143:53
Burden of proof, § 142:75
Carbon monoxide poisoning, § 142:38
Collision, conveyance in, § 142:44
Commercial automobiles, § 142:80 to 142:82
Construction and interpretation, § 142:4, 142:48 to 142:50
Conveyance defined, § 142:6
ACCIDENT AND LIFE
INSURANCE—Cont’d
Automobiles, vehicles, and conveyances—Cont’d

ACCIDENT AND LIFE
INSURANCE—Cont’d
Automobiles, vehicles, and conveyances—Cont’d
Exclusionary provisions—Cont’d
<table>
<thead>
<tr>
<th>INDEX</th>
</tr>
</thead>
</table>

**ACCIDENT AND LIFE INSURANCE—Cont’d**

**Automobiles, vehicles, and conveyances—Cont’d**

**Motorcycles—Cont’d**
- Exclusionary provisions, § 142:78
- Highway, walking or standing on, § 142:72, 142:73
- In motor vehicle, § 142:40
- On motor vehicle, § 142:40
- Within motor vehicle, § 142:40
- Occasional non-conforming use, § 142:13
- Operating vehicle or conveyance, § 142:37 to 142:39

**Passenger, insured as**

- Generally, § 142:22
- Employment, presence on conveyance as, § 142:26
- Location of conveyance, § 142:23
- Payment for transportation, § 142:24
- Purpose of travel, § 142:25, 142:26
- Payment for transportation, § 142:24
- Pedestrian struck by vehicle, § 142:59
- Pleasure vehicles, § 142:14, 142:20, 142:21
- Poisoning, § 142:38
- Presumptions, § 142:91
- Private and/or pleasure vehicles, § 142:14
- Private vehicles, § 142:20, 142:21
- Profit, § 142:79
- Propelled from vehicle, items, § 142:55
- Protruding from vehicle, items, § 142:55
- Proximate cause, § 142:45, 142:51
- Questions of law or fact, § 142:15, 142:91
- Races, § 142:85
- Railroad
  - Generally, § 142:67

**ACCIDENT AND LIFE INSURANCE—Cont’d**

**Railroad—Cont’d**

- Boarding moving train in violation of law, § 142:87
- Right of way, § 142:68, 142:88, 142:89
- Wreck, disablement, and the like, § 142:49
- Riding in vehicle or conveyance, § 142:37 to 142:39
- Riding races, § 142:85
- Right of way of train, § 142:68, 142:88, 142:89
- Shoulder and adjacent area of highway, § 142:66
- Stationary vehicle, portion of, § 142:58
- Struck by vehicle
  - Generally, § 142:54 et seq.
  - Alighting from vehicle, § 142:56
  - Attempt to escape peril, § 142:57
  - Escape, attempt to escape peril, § 142:57
  - Highway, § 142:59
  - Location of vehicle, § 142:59
  - Pedestrian, § 142:59
  - Propelled from vehicle, items, § 142:55
  - Protruding from vehicle, items, § 142:55
  - Stationary vehicle, portion of, § 142:58
  - Thrown from vehicle, § 142:60 to 142:62
- Trucks, § 142:8, 142:77
- Two-wheeled vehicles, § 142:78
- Upon motor vehicle, § 142:40
- Vehicle defined, § 142:7
- Violation of law, § 142:89
- Visible damage to automobile, § 142:43
- Wage, profit, work, operating for, § 142:79

Index-7
ACCIDENT AND LIFE
INSURANCE—Cont’d
Automobiles, vehicles, and conveyances—Cont’d
Wreck, disablement, and the like
Generally, § 142:47 et seq.
Construction and interpretation,
§ 142:48 to 142:50
Proximate cause, § 142:51
Train wreck, § 142:49
Auxiliary conveyance, vehicles used as, § 142:35
Back, spine, and bone disorders,
§ 141:37
Bicycle, § 142:74
Biliary conditions and liver, § 141:62
Bleeding disorder, § 141:60
Blood poisoning, § 141:43, 141:52
Blood transfusions, administration of,
§ 141:86 to 141:89
Blood vessel, rupture of, § 143:91
Boarding vehicle, § 142:41, 142:70, 142:87
Bone disorders, § 141:37
Buildings and structures
Collapse or fall of building,
§ 143:119
Definition of burning of building,
§ 143:114, 143:115
Fire, generally, § 143:113 et seq.
Proximate cause, § 143:116
Questions of law or fact, § 143:117
Burns, § 143:118
Cancer and other tumors, § 141:53
Carbon monoxide gas or poison,
§ 142:38, 143:97, 143:101
Cardiovascular conditions, § 141:54 to 141:57
Carriers
Generally, § 142:27 et seq.
Auxiliary conveyance, vehicles used as, § 142:35
Elevators, § 142:29
Hotels, facilities provided by,
§ 142:30
Livery service, § 142:32
Passenger conveyances, § 142:34, 142:35
Public conveyance, generally,
§ 142:27
Qualifications of operator,
§ 142:36
Recreation area, travel facilities at,
§ 142:30
Rental cars, § 142:31
Resort, facilities provided by,
§ 142:30
Taxi service, § 142:32
Travel facilities at resort,
§ 142:30
Carrying gun, harm while, § 143:124
Causation
Intoxicants and narcotics, § 143:84
Proof of causation, § 255:25 et seq.
Cerebral hemorrhage, § 141:38
Change of occupation, § 143:15, 143:20
Character evidence, § 255:92
Chronic disease, § 141:33
Civilian aviation, military service or war risk clauses, § 142:109
 Civilians as persons contemplated,
§ 143:45

Couch on Insurance 3d

Index-8
ACCIDENT AND LIFE
INSURANCE—Cont’d
Civilian work or employment, § 143:56
Collapse or fall of building, § 143:119
Before commencement of flight, § 142:132
Commercial automobiles, § 142:80 to 142:82
Commuting, exclusion for, § 143:13
In connection with, § 140:30
Consent of insured to act causing harm, absence of, § 140:54
Constitutional descriptions, § 141:34
Construction and interpretation
Aircraft and aviation, § 142:102, 142:103
Armed forces, § 143:41
Automobiles, vehicles, and conveyances, § 142:4, 142:48 to 142:50
Criminal activity, injury or death sustained during, § 140:17
Disease, infirmity, and similar conditions, § 141:23
Harm intentionally inflicted, § 140:65, 140:66, 140:82, 140:87
Intoxicants and narcotics, § 143:82, 143:83
School accident policies, § 143:57
Contemplation of clause, laws within, § 140:18
Contemplation of crime, public policy procured in, § 140:10
Contemplation of persons, § 143:44, 143:45
Contests, § 143:121
Contributing cause
Disease, infirmity, and similar conditions, § 141:28
Harm intentionally inflicted, § 140:69
Surgery and other medical procedures, § 141:85, 141:89
Crew member, § 142:125 to 142:127
Criminal activity, injury or death sustained during
Generally, § 140:5 et seq.

INDEX

ACCIDENT AND LIFE
INSURANCE—Cont’d
Criminal activity, injury or death sustained during—Cont’d
Abortion, § 140:22
Accident, § 140:12
Accidental means, § 140:12
Arising out of, § 140:30
Arrest, resisting, § 140:14
Assault, § 140:33, 140:34
Burden of proof, § 140:7
Causation
Generally, § 140:25 et seq.
Arising out of, § 140:30
Assault, § 140:33, 140:34
In connection with, § 140:30
Directly or indirectly caused by violation of law, § 140:32
Fighting, § 140:33, 140:34
Foreseeability, § 140:28
Insufficient causal relationship, § 140:39
Language of policy, generally, § 140:28 et seq.
Law enforcement officers, resisting, § 140:34
Legal execution, § 140:36
Resisting law enforcement officers, § 140:34
Sufficiency of relationship, generally, § 140:33 et seq.
Suicide, § 140:35
Temporal connection sufficient, § 140:27
Vehicle and traffic law infractions, § 140:37
While, § 140:31
While engaged in, § 140:31
In connection with, § 140:30
Construction and interpretation, § 140:17
Contemplation of clause, laws within, § 140:18
Contemplation of crime, public policy procured in, § 140:10
Criminal culpability of insured, § 140:21, 140:22
Directly or indirectly caused by violation of law, § 140:32

Index-9
### ACCIDENT AND LIFE INSURANCE—Cont’d

#### Criminal activity, injury or death sustained during—Cont’d

#### Exclusions

- Generally, § 140:15 et seq.
- Abortion, § 140:22
- Construction and interpretation, § 140:17
- Contemplation of clause, laws within, § 140:18
- Criminal culpability of insured, § 140:21, 140:22
- Passenger, insured as, § 140:23
- Passive role of insured, § 140:23
- Sufficiency of evidence as to violation of law, § 140:24
- Validity, § 140:16
- Vehicle and traffic violations, § 140:18
- Victim, insured as, § 140:23
- Violation of law as requisite, generally, § 140:20 et seq.
- Waiver and estoppel, § 140:19
- Fighting, § 140:33, 140:34
- Foreseeability, § 140:12, 140:28
- Innocent beneficiary, § 140:11
- Insufficient causal relationship, § 140:39
- Language of policy, generally, § 140:28 et seq.
- Law enforcement officers, resisting, § 140:34
- Legal execution, § 140:36
- Passenger, insured as, § 140:23
- Passive role of insured, § 140:23
- Public policy, § 140:8 to 140:11
- Questions of law or fact, § 140:7
- Resisting arrest, § 140:14
- Resisting law enforcement officers, § 140:34
- Sufficiency of evidence as to violation of law, § 140:24
- Sufficiency of relationship, generally, § 140:33 et seq.
- Suicide, § 140:35
- Temporal connection sufficient, § 140:27
- Validity, § 140:16

---

### ACCIDENT AND LIFE INSURANCE—Cont’d

#### Criminal activity, injury or death sustained during—Cont’d

- Vehicle and traffic law infractions, § 140:18, 140:37
- Victim, insured as, § 140:23
- Waiver and estoppel, § 140:19
- While, § 140:31
- While engaged in, § 140:31
- Criminal capacity and intent, § 140:57, 140:58
- Criminal culpability of insured, § 140:21, 140:22
- Cyclone, § 143:112
- Defense of third persons, § 140:53

#### Definitions

- Burning of building, § 143:114, 143:115
- Change of occupation, § 143:20
- Conveyance, § 142:6
- Gas, § 143:100
- Intoxicants and drugs, § 143:83
- Medical and surgical treatments, § 141:91
- Occupation, § 143:19
- Poison, § 143:78 to 143:80
- Sojourn, § 143:10
- Travel, § 143:10
- Vehicle, § 142:7
- Descending from aircraft, § 142:116
- Descriptions, § 141:34
- Diabetes, § 141:39, 141:58
- Diagnostic procedures, § 141:93
- Directly or indirectly caused by violation of law, § 140:32
- Disability, § 141:13, 141:15, 141:16
- Discharge of firearm, § 143:123
- Disease, infirmity, and similar conditions
  - Generally, § 141:6 et seq.
  - Accident
    - Activating disease or latent conditions, § 141:19 to 141:21
    - Caused by, § 141:25
    - Pre-existing disease or condition
      - Generally, § 141:10 et seq.
ACCIDENT AND LIFE INSURANCE—Cont’d
Disease, infirmity, and similar conditions—Cont’d
Accident—Cont’d
Pre-existing disease or condition
—Cont’d
Causation, falls caused by disease, § 141:17, 141:18
Death, § 141:12
Disability, § 141:13, 141:15, 141:16
Falls caused by disease, § 141:17, 141:18
Proximate cause, accident as, § 141:10
Produced by, § 141:9
Aging, § 141:8
Ailment, generally, § 141:36
Alcoholism, § 141:50
Aneurysms, § 141:54
Armed forces exclusions, § 143:51
Arteriosclerosis, § 141:55
Arthritis and similar disorders, § 141:51
Back, spine, and bone disorders, § 141:37
Biliary conditions and liver, § 141:62
Bleeding disorder, § 141:60
Blood poisoning, § 141:43, 141:52
Bone disorders, § 141:37
Burden of proof, § 141:72, 141:73
Cancer and other tumors, § 141:53
Cardiovascular conditions, § 141:54 to 141:57
Causation
Generally, § 141:25
Evidence, § 141:73
Falls caused by disease, § 141:17, 141:18
Cerebral hemorrhage, § 141:38
Chronic disease, § 141:33
Constitutional descriptions, § 141:34
Construction and interpretation, § 141:23

ACCIDENT AND LIFE INSURANCE—Cont’d
Disease, infirmity, and similar conditions—Cont’d
Contributed to by disease or condition, § 141:28
Death, § 141:12
Descriptions, § 141:34
Diabetes, § 141:39, 141:58
Disability, § 141:13, 141:15, 141:16
Disease, generally, § 141:32 to 141:34
Dizzy spells, § 141:67
Drowning, § 143:104
Drug use, § 141:50
Embolism, § 141:56
Evidence
Generally, § 141:71 et seq.
Burden of proof, § 141:72, 141:73
Causation, § 141:73
Findings, § 141:75
Questions of law or fact, § 141:74, 141:75
Sufficiency of evidence, § 141:76
Exception clauses
Generally, § 141:26 et seq.
Causation, generally, § 141:26 et seq.
Caused by disease or condition, § 141:27
Caused by or contributed to by disease or condition, § 141:28
Contributed to by disease or condition, § 141:28
Resulting directly or indirectly from disease or condition, § 141:30
Resulting from disease or condition, § 141:29, 141:30
Exclusions
Generally, § 141:50 et seq.
Alcoholism, § 141:50
Aneurysms, § 141:54
Arteriosclerosis, cardiovascular conditions, § 141:55
Disease, infirmity, and similar conditions—Cont’d
Exclusions—Cont’d
Arthritis and similar disorders, § 141:51
Biliary conditions and liver, § 141:62
Bleeding disorder, § 141:60
Blood poisoning, § 141:52
Cancer and other tumors, § 141:53
Cardiovascular conditions, § 141:54 to 141:57
Diabetes, § 141:58
Dizzy spells, § 141:67
Drug use, § 141:50
Embolism, cardiovascular conditions, § 141:56
Express exclusion clause, § 141:7
Food poisoning, § 141:52
Heart attack or similar disease, § 141:57
Heart, cardiovascular conditions, § 141:54 to 141:57
Heat exhaustion, § 141:59
Hemorrhage, § 141:60
Hernia, § 141:61
Infection exclusions, § 141:42, 141:43
Liver and biliary conditions, § 141:62
Peritonitis, § 141:63
Pneumonia, § 141:64
Poisoning, blood or food, § 141:52
Pregnancy-caused condition, § 141:65
Proximate cause, accident as, § 141:10
Pulmonary diseases, § 141:47
Questions of law or fact, § 141:74, 141:75
Resulting from disease or condition, § 141:29, 141:30
Seizures, § 141:66
Serious descriptions, § 141:34
Smallpox, § 141:48
Sole cause of harm, § 141:23
Spine disorders, § 141:37

Disease, infirmity, and similar conditions—Cont’d
Express provisions, generally, § 141:31 et seq.
Falls caused by disease, § 141:17, 141:18
Findings, § 141:75
Food or drink, disease caused by, § 141:73
Food poisoning, § 141:43, 141:52
Heart attack or similar disease, § 141:57
Heart conditions, § 141:54 to 141:57
Heat exhaustion, § 141:59
Hemorrhage, § 141:38, 141:60
Hernia, § 141:40, 141:61
Infections, § 141:41 to 141:43
Infirmity, generally, § 141:35
Kidney disease, § 141:44
Latent conditions, accident activating, § 141:19 to 141:21
Liver and biliary conditions, § 141:62
Mental infirmity and similar descriptions, § 141:45
Neoplasms, § 141:46
Peritonitis, § 141:63
Pneumonia, § 141:64
Poisoning, blood or food, § 141:43, 141:52
Predisposition to injury or disease, § 141:8
Pregnancy-caused condition, § 141:65
Proximate cause, accident as, § 141:10
Pulmonary diseases, § 141:47
Questions of law or fact, § 141:74, 141:75
Resulting from disease or condition, § 141:29, 141:30
Seizures, § 141:66
Serious descriptions, § 141:34
Smallpox, § 141:48
Sole cause of harm, § 141:23
Spine disorders, § 141:37
ACCIDENT AND LIFE
INSURANCE—Cont’d
Exclusions—Cont’d
Gas or fume inhalation, § 143:99 to 143:101
Occupation of insured, § 143:7
Rules or regulations, violations of, § 140:97
School accident policies, § 143:61
Violence, acts of, § 140:96
Exertion, strain, and stress
Generally, § 143:89 et seq.
Blood vessel, rupture of, § 143:91
Disease, infirmity, and similar conditions, § 141:68
Exclusions, § 143:93
Finding, sufficiency of evidence to support finding of accident, § 143:95
Heart attack as result, § 143:90
Hernia, § 143:92
Questions of law or fact, § 143:94
Sufficiency of evidence to support finding of accident, § 143:95
Voluntary exertion exclusions, § 143:93
Explosion of automobile, § 142:64
Explosives, transportation of, § 142:84
Exposure after landing, § 142:136
External damage to automobile, § 142:43
Falls and falling, § 141:17, 141:18, 142:144, 143:119
Fare-paying passenger, § 142:122
Felony, § 140:61
Fighting, § 140:33, 140:34
Findings, § 141:75, 143:95
Firearms, handling of, § 143:122 to 143:124
Firefighters, § 143:5
Flight attendant, § 142:128
Food or drink, ingestion of, § 143:72 to 143:74
Food poisoning, § 141:43, 141:52
Foreseeability
Criminal activity, injury or death sustained during, § 140:12, 140:28

ACCIDENT AND LIFE
INSURANCE—Cont’d
Foreseeability—Cont’d
Harm intentionally inflicted, § 140:48 to 140:51
Surgery and other medical procedures, § 141:80, 141:81, 141:87
Freezing and exposure to weather, § 143:110
Furlough, § 143:50
Games, § 142:119, 143:121
Gas or fume inhalation
Generally, § 143:96 et seq.
Accidental means coverage, § 143:96 to 143:98
Accident coverage, § 143:96 to 143:98
Carbon monoxide gas, § 143:97
Carbon monoxide gas or poison, § 143:101
Definition of gas, § 143:100
Exclusions, § 143:99 to 143:101
Questions of law or fact, § 143:98
Glider, § 142:112
Government aircraft, guest passenger on, § 142:124
Guest passenger, § 142:123, 142:124
Hang glider, § 142:112
Harm intentionally inflicted
Generally, § 140:40 et seq.
Accidental means, unprovoked assault by third party as, § 140:41, 140:42
Accidental, unprovoked assault by third party as, § 140:41, 140:42
Act versus consequences, § 140:74, 140:75
Aggressor, insured as, generally, § 140:45 et seq.
Alcoholism, § 140:78
Assault, fight, or duel
Generally, § 140:55 et seq.
Assault, § 140:61
Criminal capacity and intent, § 140:57, 140:58
Dueling, § 140:63
Evidence, adequacy of, § 140:60

Index-14
ACCIDENT AND LIFE
INSURANCE—Cont’d
Heat exhaustion, § 141:59
Heat prostration, § 143:108, 143:109
Hemorrhage, § 141:38, 141:60
Hernia, § 141:40, 141:61, 143:92
In highway, motorcycle, § 142:73
On highway, motorcycle, § 142:73
Home, travel between home and school, § 143:58
Homicide
Burden of proof, § 254:127
Poisons, exclusions as to, § 143:77
Hotels, facilities provided by, § 142:30
Hypersensitivity reactions, § 141:88, 141:89
Illegal business, § 143:37
Incidental acts related to occupation, § 143:24, 143:25
Incidental non-conforming use, § 142:13
Incidental to ordinary conduct but unrelated to occupation, § 143:27, 143:28
Incontestable clause, § 140:89, 142:107, 143:43
Injuries only, construction as including death where clause refers to, § 140:66
Innocent beneficiary, § 140:11
Inside motor vehicle, § 142:40
Instructional positions, § 143:25
Intent, surgery and other medical procedures, § 141:86
Intoxicants and narcotics
Burden of proof, § 143:86
Causation, § 143:84
Construction and interpretation, § 143:82, 143:83
Definition of intoxicants and drugs, § 143:83
Degree of intoxication required, § 143:85
Evidence, § 143:86 to 143:88
Presumptions, § 143:86
Questions of law or fact, § 143:87
Sufficiency of evidence, § 143:88
Presumptions, § 143:86
Questions of law or fact, § 143:87
Sufficiency of evidence, § 143:88
Intubation as preliminary to other procedures, § 141:92
Justification for insured’s act, § 140:59
Kidney disease, § 141:44
Landing, acts after, § 142:136, 142:137
Language of policy, generally, § 140:28 et seq.
Latent conditions, accident activating, § 141:19 to 141:21
Law, compliance with, § 142:100
Law enforcement officers, resisting, § 140:34
Leaving vehicle or conveyance, § 142:71, 142:86, 142:87
Legal execution, § 140:36
Lifting devices, § 142:141
Lightning, § 143:111
Limiting policy to private and/or pleasure vehicles, § 142:14
Liver and biliary conditions, § 141:62
Livery service, § 142:32
Location of vehicle or conveyance, § 142:23, 142:59
Maneuvers, § 143:50
Material intent, § 140:73
Medicine, administration of, § 141:86 to 141:89

Index-16
ACCIDENT AND LIFE  
INSURANCE—Cont’d  
Mental capacity of actor, § 140:67, 140:68, 140:83  
Mental infirmity and similar descriptions, § 141:45  
Mental state of insured, § 140:4  
Mistake as to intended victim, § 140:75  
Mistake, ingestion by, § 143:76, 143:77  
Mitigating factors of aggressor status, § 140:52, 140:53  
Motive or reason, § 140:76  
Motorcycles, § 142:16, 142:17, 142:72, 142:73, 142:78  
In motor vehicle, § 142:40  
On motor vehicle, § 142:40  
Within motor vehicle, § 142:40  
Negligence, § 141:82, 141:97  
Neoplasms, § 141:46  
Observer, crew member, § 142:126  
Occasional non-conforming use, § 142:13  
Occupation of insured—Cont’d  
Generally, § 143:7, 143:31 et seq.  
Commuting, § 143:13  
Illegal business, § 143:37  
Spouse/dependent coverage, § 143:31  
Time, when worker employed in occupation, § 143:36  
Waiver and estoppel, § 143:38  
Workers’ compensation coverage, § 143:35  
Firefighters, § 143:5  
Illegal business, § 143:37  
Incidental acts related to occupation, § 143:24, 143:25  
Incidental to ordinary conduct but unrelated to occupation, § 143:27, 143:28  
Instructional positions, § 143:25  
Occupation defined, § 143:19  
Ordinary conduct not related to occupation, § 143:27, 143:28  
Pertaining to more hazardous occupation, § 143:22  
Proximate cause, § 143:16  
Questions of law or fact, § 143:18  
Reduction of coverage on change of occupation, § 143:15  
Risk classification of occupation, § 143:14  
Seasonal occupation, § 143:29  
Sojourn defined, § 143:10  
Supervisory positions, § 143:25  
Temporary engagement in more hazardous occupation, § 143:23  
Temporary occupation, § 143:30  
Time, when worker employed in occupation, § 143:36  
Travel defined, § 143:10  
Waiver and estoppel, § 143:17, 143:38

INDEX

ACCIDENT AND LIFE  
INSURANCE—Cont’d  
Occupation of insured—Cont’d  
Exclusions  
Generally, § 143:7, 143:31 et seq.  
Commuting, § 143:13  
Illegal business, § 143:37  
Spouse/dependent coverage, § 143:31  
Time, when worker employed in occupation, § 143:36  
Waiver and estoppel, § 143:38  
Workers’ compensation coverage, § 143:35  
Firefighters, § 143:5  
Illegal business, § 143:37  
Incidental acts related to occupation, § 143:24, 143:25  
Incidental to ordinary conduct but unrelated to occupation, § 143:27, 143:28  
Instructional positions, § 143:25  
Occupation defined, § 143:19  
Ordinary conduct not related to occupation, § 143:27, 143:28  
Pertaining to more hazardous occupation, § 143:22  
Proximate cause, § 143:16  
Questions of law or fact, § 143:18  
Reduction of coverage on change of occupation, § 143:15  
Risk classification of occupation, § 143:14  
Seasonal occupation, § 143:29  
Sojourn defined, § 143:10  
Supervisory positions, § 143:25  
Temporary engagement in more hazardous occupation, § 143:23  
Temporary occupation, § 143:30  
Time, when worker employed in occupation, § 143:36  
Travel defined, § 143:10  
Waiver and estoppel, § 143:17, 143:38
ACCIDENT AND LIFE
INSURANCE—Cont’d
Occupation of insured—Cont’d
Workers’ compensation coverage,
§ 143:35
Operating aircraft, § 142:115
Operating vehicle or conveyance,
§ 142:37 to 142:39
Ordinary conduct not related to
occupation, § 143:27, 143:28
Overdose, § 143:69
Ownership of aircraft, § 142:129
Parachute jumps, § 142:117
Parachutes, § 142:113
Participation in school activities,
§ 143:60
Passenger
  Aircraft and aviation, § 142:121 to
   142:124
  Conveyances, generally, § 142:34,
   142:35
Criminal activity, injury or death
sustained during, § 140:23
Passive role of insured, § 140:23
Payment for transportation, § 142:24
Peritonitis, § 141:63
Pertaining to more hazardous occupa-
tion, § 143:22
Physical exertion required after land-
ing, § 142:137
Physician’s advice, self-treatment
under, § 141:94
Plants, poisons, § 143:66, 143:80
Pleasure vehicles, § 142:14, 142:20,
  142:21
Pneumonia, § 141:64
Poisons
  Accidental ingestion, § 143:76,
   143:77
  Accidental means, § 143:65,
   143:66
  Accidents, § 143:65, 143:66
  Animals, contact with, § 143:66
  Animal toxins as poisons, § 143:80
  Assaults, § 143:77
  Blood or food, § 141:43, 141:52
  Carbon monoxide poisoning,
   § 142:38
  Defined, § 143:78 to 143:80

ACCIDENT AND LIFE
INSURANCE—Cont’d
Poisons—Cont’d
Accidental intoxication, § 143:77
Assaults, § 143:77
Definitions, poison defined,
§ 143:78 to 143:80
Drugs as poison, § 143:79
Exclusions as to
  Generally, § 143:75
  Accidental ingestion, § 143:76,
   143:77
  Animal toxins as poisons,
   § 143:80
  Assaults, § 143:77
  Definitions, poison defined,
   § 143:78 to 143:80
  Drugs as poison, § 143:79
  Homicide, § 143:77
  Mistake, ingestion by, § 143:76,
   143:77
  Plant toxins as poisons,
   § 143:80
  Poison defined, § 143:78 to
   143:80
  Suicide, § 143:77
  Toxins from plants and animals
as poisons, § 143:80
Food or drink, § 143:74
Gas or fume inhalation, § 143:101
Homicide, § 143:77
Mistake, ingestion by, § 143:76,
  143:77
Plants, § 143:66, 143:80
Premutations, § 143:71
Questions of law or fact, § 143:70
Suicide, § 143:77
Toxins from plants and animals as
poisons, § 143:80
Predisposition to injury or disease,
§ 141:8
Pregnancy-caused condition,
§ 141:65
Presumptions
  Alcohol, drugs, or other poisons,
ingestion of, § 143:71
  Automobiles, vehicles, and
conveyances, § 142:91
  Harm intentionally inflicted,
§ 140:71
  Intoxicants and narcotics, § 143:86

Index-18
ACCIDENT AND LIFE INSURANCE—Cont’d
Presumptions and burden of proof, § 254:43 et seq.
Private vehicles, § 142:14, 142:20, 142:21
Profit, § 142:79
Proof of causation, § 255:25 et seq.
Proof of sanity, § 140:93
Propelled from vehicle, items, § 142:55
Protruding from vehicle, items, § 142:55
Proximate cause
Aircraft and aviation, § 142:134 to 142:137
Automobiles, vehicles, and conveyances, § 142:45,
142:51
Burning of building, § 143:116
Disease, infirmity, and similar conditions, § 141:10
Occupation of insured, § 143:16
Public policy, § 140:3, 140:8 to 140:11
Pulmonary diseases, § 141:47
Qualifications of operator, § 142:36
Questions of law or fact
Aircraft and aviation, § 142:105, 142:106
Automobiles, vehicles, and conveyances, § 142:15,
142:91
Burning of building, § 143:117
Criminal activity, injury or death sustained during, § 140:7
Disease, infirmity, and similar conditions, § 141:74, 141:75
Drowning, § 143:107
Drugs or poisons, ingestion of, § 143:70
Elevators, § 142:145
Exertion, strain, and stress, § 143:94
Gas or fume inhalation, § 143:98
Harm intentionally inflicted, § 140:44, 140:60, 140:72
Intoxicants and narcotics, § 143:87
Occupation of insured, § 143:18

ACCIDENT AND LIFE INSURANCE—Cont’d
Races, § 142:85, 143:121
Reasonable foreseeability of harm, § 140:49
Recreational drug use and abuse, § 140:49
Recreation, games or sports for recreation, § 142:119
Reduction of coverage on change of occupation, § 143:15
Regulations, compliance with, § 142:100
Rental cars, § 142:31
Resisting arrest, § 140:14
Resisting law enforcement officers, § 140:34
Resort, facilities provided by, § 142:30
Restoring coverage for harm by burglars and robbers, § 140:80
Result clauses, § 143:48
Resulting from disease or condition, § 141:29, 141:30
Retaliation, excessive retaliation, § 140:51
Retreat, § 140:52
Rider, appearing in, § 142:103
Riding in vehicle or conveyance, § 142:37 to 142:39
Riding races, § 142:85
Right of way of train, § 142:68, 142:88, 142:89
Risk classification of occupation, § 143:14
Robbers, § 140:80
Rules or regulations, violations of, § 140:97
Sale through vending machine, § 142:95
Sane or insane, § 140:68, 140:92, 140:93
School accident policies
Generally, § 143:57 et seq.
Construction and interpretation, § 143:57
Exclusions, § 143:61

Index-19
ACCIDENT AND LIFE
INSURANCE—Cont’d
School accident policies—Cont’d
Home, travel between home and
school, § 143:58
Participation in school activities,
§ 143:60
School activities
Participation in, § 143:60
Travel to and from, § 143:59
School business, § 143:60
Supervision, travel to and from
school activities, § 143:59
Travel between home and school,
§ 143:58
Travel to and from school activi-
ties, § 143:59
School activities
Participation in school activities,
§ 143:60
Travel to and from school activi-
ties, § 143:59
School business, § 143:60
Seasonal occupation, § 143:29
Seizures, § 141:66
Self-defense, § 140:53
Self-treatment under doctor’s advice,
§ 141:94
Serious descriptions, § 141:34
Sexual activity, § 143:125
Shaft, fall in elevator shaft,
§ 142:144
Shoulder and adjacent area of
highway, § 142:66
Smallpox, § 141:48
Sojourn defined, § 143:10
Sole cause of harm, § 141:23
Spine disorders, § 141:37
Sports, § 142:119
Spouse/dependent coverage,
§ 143:31
Stationary vehicle, portion of,
§ 142:58
Status clauses, § 143:48
Substituted trips, § 142:94
Sufficiency of evidence, § 140:24,
141:76, 143:88, 143:95
Sufficiency of relationship, generally,
§ 140:33 et seq.

Suicide
Generally, § 140:91 et seq.
Accident, § 140:92
Criminal activity, injury or death
sustained during, § 140:35
Evidence, proof of sanity, § 140:93
Poisons, § 143:77
Proof of sanity, § 140:93
Sane versus insane, § 140:92, 140:93
Sunstroke, § 143:108, 143:109
Supervision, travel to and from
school activities, § 143:59
Supervisory positions, § 143:25
Surgery and other medical procedures
Generally, § 141:4, 141:77 et seq.
Accidental injury, medical treat-
ment for, § 141:78
Accident-caused condition, med-
ical treatment for, § 141:78
Advice of physician, self-treatment
under, § 141:94
Anesthetics, § 141:86 to 141:89,
141:92
Blood transfusions, administration
of, § 141:86 to 141:89
Causation
Accident-caused condition,
medical treatment for,
§ 141:78
Contributing to cause, § 141:85
Hypersensitivity reactions as
contributing cause,
§ 141:89
Contributing cause, § 141:85,
141:89
Definitions, § 141:91
Diagnostic procedures, § 141:93
Drug prescription exclusion,
§ 141:95
Errors, § 141:82 to 141:84, 141:88
Exclusions, explicit
Generally, § 141:90 et seq.
Advice of physician, self-treat-
ment under, § 141:94
Anesthetics as preliminary to
other procedures, § 141:92

Index-20
**ACCIDENT AND LIFE INSURANCE—Cont’d**

Surgery and other medical procedures—Cont’d

Exclusions, explicit—Cont’d

Definitions, medical and surgical treatments, § 141:97
Diagnostic procedures, § 141:93
Drug prescription exclusion, § 141:95
Intubation as preliminary to other procedures, § 141:92
Negligence, § 141:97
Physician’s advice, self-treatment under, § 141:94
Self-treatment under doctor’s advice, § 141:94

Foreseeability, § 141:80, 141:81, 141:87
Hypersensitivity reactions, § 141:88, 141:89
Intentional act, § 141:86
Intubation as preliminary to other procedures, § 141:92
Medicine, administration of, § 141:86 to 141:89
Negligence, § 141:82, 141:97
Physician’s advice, self-treatment under, § 141:94
Self-treatment under doctor’s advice, § 141:94
Voluntary, intentional act, § 141:86

Surgery, illegal, § 140:94, 140:95
Taxi service, § 142:32
Temporal connection sufficient, § 140:27

Temporary conditions, § 141:31
Temporary engagement in more hazardous occupation, § 143:23
Temporary occupation, § 143:30
Tension, § 141:68

Test, use for passengers as, § 142:139
Third party, § 140:41, 140:42, 143:123
Third persons, § 140:53, 140:79, 140:80
Thrown from vehicle, § 142:60 to 142:62

**ACCIDENT AND LIFE INSURANCE—Cont’d**

Time

Aircraft and aviation, § 142:132, 142:133
Armed forces, § 143:46, 143:54 to 143:56

Disease, infirmity, and similar conditions, § 141:24
Occupation of insured, § 143:36

Training, § 142:118, 143:50

Travel

Resort, facilities at, § 142:30
School accident policies, § 143:58, 143:59

Trucks, § 142:8, 142:77

Tumors, § 141:53

Two-wheeled vehicles, § 142:78

Ulc er, § 141:69

Upon motor vehicle, § 142:40

Validity

Generally, § 140:56

Aircraft and aviation, § 142:101

Armed forces, § 143:42

Criminal activity, injury or death sustained during, § 140:16

Disease, infirmity, and similar conditions, § 141:22

Harm intentionally inflicted, § 140:56, 140:64, 140:81, 140:86

Vehicle and traffic law violations, § 140:18, 140:37

Vending machine, sale through, § 142:95

Venereal diseases, § 141:49

Victim, § 140:23, 140:75

Violation of law, § 142:89

Violence, acts of, § 140:96

Visible damage to automobile, § 142:43

Voluntary exertion exclusions, § 143:93

Voluntary, intentional act, § 141:86

Wage, profit, work, operating for, § 142:79
ACCIDENT AND LIFE INSURANCE—Cont’d
Waiver and estoppel
Aircraft and aviation, § 142:104
Armed forces, § 143:47
Criminal activity, injury or death sustained during, § 140:19
Harm intentionally inflicted, § 140:70
Occupation of insured, § 143:17, 143:38
In war, § 143:54 to 143:56
Weather, exposure to
Generally, § 143:108 et seq.
Artificial heat, sunstroke from, § 143:109
Cyclone, § 143:112
Freezing and exposure to weather, § 143:110
Heat prostration, § 143:108, 143:109
Lightning, § 143:111
Sunstroke, § 143:108, 143:109
While engaged in, § 140:31
Willful abortion, § 140:94, 140:95
Withdrawal of insured, § 140:52
Workers’ compensation coverage, § 143:35
ACCIDENT AND SICKNESS INSURANCE
Accident, § 245:29, 245:30
Accidental means, § 245:29, 245:30
Beneficiary, § 245:35, 245:36
Death, cause of, § 245:32, 245:33
Death, fact of, § 245:31
Dependent of insured, § 245:37
Disability, fact of, § 245:34
Limitation of actions, § 235:44
Loss occurring as result of accident or accidental means, § 245:29, 245:30
Passenger, cause of death, § 245:33
Pleadings, generally, § 245:29 et seq.
Sufficiency, loss occurring as result of accident or accidental means, § 245:30
ACCIDENT INSURANCE—Cont’d
Absence, unexplained, § 139:44
Accidental, generally, § 139:14
Accidental injury, generally, § 139:20 to 139:23
Accidental means, generally, § 139:17
Accident and Life Insurance (this index)
Accident and Sickness Insurance (this index)
Accident, generally, § 139:13
Alighting moving conveyance, § 139:56
Autopsy, § 139:38, 139:41
Beneficiaries, § 58:31, 58:32, 60:81, 62:20
Boarding or alighting moving conveyance, § 139:56
Bodily injury, generally, § 139:28 to 139:31
Burden of proof, § 139:63
Calling, exposure incident to, § 139:55
Causation, § 139:30, 139:31, 139:62
Consciousness of danger or risk, § 139:54
Construction and interpretation, § 139:8, 139:34, 139:45
Contributing causes, § 139:31, 139:49
Contusions and/or wounds requirement, § 139:39, 139:40
Conveyance, § 139:56
Danger, voluntary exposure to, § 139:50 to 139:52
Death
Causation, § 139:30, 139:31
Cause of death, § 245:32, 245:33
Exclusions and limitations, § 139:38
Eyewitness clauses, § 139:44
Fact of death, § 245:31
Period between accident and, § 139:47
Definitions
Generally, § 139:1
Accident, § 139:14
INDEX

ACCIDENT INSURANCE—Cont’d
Definitions—Cont’d
Accident, accidental, and accidental means, § 139:13
Accidental, § 139:13
Accidental means, § 139:13
Erisa cases, § 139:16
Evidence
Generally, § 139:62 et seq.
Burden of proof, § 139:63
Causation, § 139:62
Presumptions, § 139:64
Questions of law or fact, § 139:65, 139:66
Standard of proof, § 139:63
Exclusions and limitations
Generally, § 139:32 et seq.
Autopsy, § 139:38, 139:41
Construction and interpretation, § 139:34
 Contributing causes, pre-existing, § 139:49
 Contusions and/or wounds requirement, § 139:39, 139:40
 Death, § 139:38, 139:47
 External sign of injury requirement, generally, § 139:36
 Inclusion in policy, need for, § 139:34
 Language, regulation of, § 139:33
 Pre-existing contributing causes, § 139:49
 Time and duration of visibility, § 139:36
 Validity, § 139:33
 Visible sign of injury requirement, generally, § 139:36
 Voluntary exposure to danger, § 139:51
 Workers’ compensation benefits, § 139:48
 Wounds requirement, § 139:39, 139:40
 External means as additional requirement, § 139:18
Eyewitness clauses
Generally, § 139:42 et seq.
Construction and interpretation, § 139:45

ACCIDENT INSURANCE—Cont’d
Eyewitness clauses—Cont’d
Exclusions and limitations, generally, § 139:42 et seq.
Extent of requirement, § 139:46
Statutory presumption of death following period of unexplained absence, § 139:44
Validity, § 139:43, 139:44
Firearms, injuries from, § 139:58
Fishing, § 139:58
Force or violence, § 139:19
Foreseeability, § 139:11, 139:15, 139:25, 139:27
Hunting or fishing, § 139:58
Inclusion in policy, need for, § 139:34
Income taxes, § 63:8, 63:24 to 63:27
Intent, § 139:11
Language, regulation of, § 139:33
Liability insurance, accident concept in, § 139:5
Life, effort to save human life, § 139:60
Life insurance issues, § 139:3
Medical payments, relationship to, § 158:4
Negligence, § 139:52, 139:54
Occupation, exposure incident to, § 139:55
Pre-existing contributing causes, § 139:49
Presumptions, § 139:44, 139:64
Probability, § 139:11
Questions of law or fact, § 139:65, 139:66
Railroad tracks, trestles, or roadbed, presence on, § 139:57
Reasonable person tests, § 139:12
Recreations, § 139:58, 139:59
Release, § 216:40, 216:42
Renewal, § 29:11, 29:38
Save human life, effort to, § 139:60
Sports and recreations, § 139:58, 139:59
Standard of proof, § 139:63
Statutory presumption of death, § 139:44
ACCIDENT INSURANCE—Cont’d
Third party’s act, § 139:26, 139:27
Time and duration of visibility, § 139:36
Unexplained absence, § 139:44
Unnecessary danger, generally, § 139:56 et seq.
Validity, § 139:33, 139:43, 139:44
Violence, § 139:18, 139:19
Violent means as additional requirement, § 139:18
Void acts or matters, § 139:50 to 139:52
Voluntary acts and matters
Generally, § 139:24 et seq.
Boarding or alighting moving conveyance, § 139:56
Calling, exposure incident to, § 139:55
Consciousness of danger or risk, § 139:54
Exclusion, coverage in absence of, § 139:51
Exposure to danger, generally, § 139:50 et seq.
Firearms, injuries from, § 139:58
Fishing, § 139:58
Foreseeability, § 139:25, 139:27
Hunting or fishing, § 139:58
Insured’s act, § 139:24
Life, effort to save human life, § 139:60
Negligence, § 139:52, 139:54
Occupation, exposure incident to, § 139:55
Railroad tracks, trestles, or roadbed, presence on, § 139:57
Recreations, § 139:58, 139:59
Save human life, effort to, § 139:60
Sports and recreations, § 139:58, 139:59
Third party’s act, § 139:26, 139:27
Unnecessary danger, generally, § 139:56 et seq.
Workers’ compensation benefits, § 139:48
Wounds requirement, § 139:39, 139:40

ACCIDENTS
Accident and Life Insurance (this index)
Accident and Sickness Insurance (this index)
Accident Insurance (this index)
Automobile Insurance (this index)
Automobile property insurance, § 156:20, 156:21, 156:51
Boiler and machinery insurance. See Property Insurance (this index)
Defense, § 202:14
Directed verdicts, § 247:38
Disability insurance, § 146:13, 146:14, 146:73
Evidence, § 249:14
Fire insurance, § 149:26
Instructions to jury, § 246:78
Life, Health, and Disability Insurance (this index)
Life Insurance (this index)
Limitation of actions, § 234:36
Medical insurance, § 145:10, 207:60
Mutual benefit insurance, § 191:71
Property Insurance (this index)
Use and occupancy, change caused by accident, § 94:10
Venue, § 230:57
Witnesses, § 252:68, 252:92

ACCOMMODATIONS
Medical insurance, § 180:36

ACCORD AND SATISFACTION
See Satisfaction and Accord (this index)

ACCOUNTANTS
Disability provisions, § 147:113

ACCOUNTS AND ACCOUNTING
Agents and Brokers (this index)
Bailments, § 68:41
Bank deposit guaranty, § 166:22
Contractors’ payment bonds, § 165:63
Equitable Relief (this index)
Fidelity insurance, § 161:66 to 161:68, 185:41
Jurisdiction, § 228:67, 229:106
ACCOUNTS AND ACCOUNTING
—Cont’d
Limitation of actions, § 234:64
Property insurance, § 189:75

ACCREDITATION
REQUIREMENTS
Hospitalization insurance, § 145:14

ACCRUED INTEREST
Generally, § 80:27
Disability insurance, § 182:37 to 182:40

ACCUMULATIVE INSURANCE
Beneficiaries, § 59:30

ACKNOWLEDGEMENT
Notice and proof of loss, estoppel and waiver, § 195:1, 195:12, 195:80
Reinstatement application as acknowledgement of lapse, § 33:6
Vacancy of property, § 94:154

ACTIONS
Generally, § 232:1 et seq.

ACTIVE EMPLOYMENT
See Group Insurance (this index)

ACTUAL CASH VALUE
Generally, § 175:18 et seq.
Affirmative defense, costs as, § 175:49
Application, valuation stated in, § 175:21
Broad evidence rule, § 175:33 to 175:35
Buildings, dilapidated state of property, § 175:48
Burden of proof, § 175:50
Co-insurance, § 175:52, 220:16
Consent to repair, § 175:39
Construction and interpretation, § 175:40
Cost of repair or replacement
Affirmative defense, costs as, § 175:49
Buildings, dilapidated state of property, § 175:48
Burden of proof, § 175:50

ACTUAL CASH VALUE—Cont’d
Cost of repair or replacement
—Cont’d
Consent to repair, § 175:39
Construction and interpretation, § 175:40
Defense, costs as, § 175:49
Degree of loss required, § 175:41, 175:42
Depreciation as test, replacement cost less, § 175:25
Depreciation of property, § 175:46
Dilapidated state of property, § 175:48
Diminished value after repair, § 175:47
Evidence, § 175:50, 175:51
Kind of parts, § 175:44, 175:45
Market value, § 175:29
Not exceeding, generally, § 175:36 et seq.
Option is insurer’s, § 175:38
Partial loss, § 175:41
Parts, kind and quality of, § 175:44, 175:45
Quality of parts, § 175:44, 175:45
Replacement cost less than cost of repair, § 175:45
Reproduction or replacement cost as test, § 175:26, 175:27
Time when costs determined, § 175:43
Total loss, § 175:42
Defense, costs as, § 175:49
Definitions, § 175:19, 175:31, 175:32
Degree of loss required, § 175:41, 175:42
Depreciation, § 175:25, 175:46
Dilapidated state of property, § 175:48
Diminished value after repair, § 175:47
Disposal of property after loss, § 175:23
Evidence, § 175:33 to 175:35, 175:50, 175:51
Fair market value defined, § 175:31, 175:32
Fidelity insurance, § 185:57

INDEX-25
**Inland Marine Insurance** (this index)

Judicial selection of test, § 175:24

Kind of parts, § 175:44, 175:45

Market value
- Generally, § 175:28 et seq.
- Broad evidence rule, relation to, § 175:34
- Fair market value defined, § 175:31, 175:32
- Personal property, rejection of test as to, § 175:30
- Replacement, relation to repair and replacement cost, § 175:29
- Mortgagee, liability to, § 175:55
- Offer to sell for less than, § 175:22
- Option is insurer’s, § 175:38
- Partial loss, § 175:41
- Parts, kind and quality of, § 175:44, 175:45

Percentage of loss
- Generally, § 175:52 et seq.
- Application, § 175:54, 175:55
- Co-insurance clause, § 175:52
- Mortgagee, liability to, § 175:55
- Statutory percentage provision, § 175:56
- Validity of provision, § 175:53
- Personal property, rejection of test as to, § 175:30
- Priority of tests, § 175:24
- Quality of parts, § 175:44, 175:45
- Replacement, relation to personal property, § 175:30
- Replacement or repair, option as to
  - Generally, § 176:49
  - Recovery beyond actual cash value
    - Generally, § 176:56 et seq.
    - Building code changes, § 176:66
    - Expensive methods and materials, § 176:66, 176:67
  - Failure to restore property, § 176:63

復**Actual Cash Value—Cont’d**

Recovery beyond actual cash value
- Location of actual replacement, § 176:61
- Measurement of replacement cost, § 176:58
- Need for replacement to actually be made, § 176:59, 176:60
- Original property, similarity to replacement property, § 176:65
- Partial loss, § 176:62
- Restore property, failure to, § 176:63
- Statutes, § 176:57
- Time allowed to complete replacement, § 176:64
- Reproduction or replacement cost as test, § 175:26, 175:27
- Reproduction or replacement value tests, relation to broad evidence rule, § 175:34
- Sale, offer to sell for less than, § 175:22
- Statutory percentage provision, § 175:56
- Statutory regulation, § 175:20
- Tests or criteria
  - Generally, § 175:24
  - Broad evidence rule, § 175:33 to 175:35
  - Depreciation, replacement cost less depreciation as test, § 175:25
  - Evidence, broad evidence rule, § 175:33 to 175:35
  - Judicial selection of test, § 175:24
  - Priority of tests, § 175:24
  - Reproduction or replacement cost as test, § 175:26, 175:27
  - Reproduction or replacement value tests, relation to broad evidence rule, § 175:34
  - Time when costs determined, § 175:43
- Total loss, § 175:42
- Validity of provision, § 175:53

**Index-26**
INDEX

ACTUAL CONTROVERSY
Appeals, § 248:41

ACTUAL LOSS
Fraud, § 197:31, 197:32
Subrogation, § 223:19 to 223:21

ACTUAL NOTICE
Actual knowledge of insured, § 187:10
Cooperation, § 199:98 to 199:101, 199:133
Property insurance, § 187:108

ACUPUNCTURE
Medical insurance, § 181:41
Workers’ compensation, § 174:16

ADDITIONAL INSURANCE
See Other Insurance (this index)

ADDITIONAL INSURED
Generally, § 40:26 to 40:32

ADDITIONAL LOANS
Group insurance, § 8:52

ADDITIONAL PREMIUMS
See Premiums and Assessments (this index)

ADDITIONS-BUILDINGS
Description or identification, § 20:29 to 20:33

ADDITIONS TO BUILDINGS
Description or identification, § 20:10

ADDRESS
Cancellation and rescission, address to which notice mailed, § 32:24, 32:25
Premiums and assessments, address to which notice mailed, § 71:34

ADEMPTION
Generally, § 67:7

ADEQUACY OF REMEDY
Cancellation and rescission, pending action on policy as adequate remedy, § 31:91
Reformation, § 27:81

ADHESION CONTRACTS
Group insurance, § 8:6

ADJACENT PROPERTY
Accident and life insurance, § 142:66
Property insurance, § 153:72

ADJOINING BUILDINGS
Clear space clause, § 96:30 to 96:32
Collapse of building, § 96:34
Contractors’ payment bonds, § 165:122
Description or identification, § 20:10, 20:29 to 20:33
Estoppel and waiver, § 96:32
Location of other buildings, § 96:33
Representations, warranties, and conditions, § 96:28 to 96:34

ADJUSTERS
Generally, § 45:25, 48:64 to 48:69
Attorney-client relationship, § 250:22
Evidence as to authority, § 48:68
Independent adjusters, § 48:65
Notice and proof of loss, § 53:25 to 53:26, 192:120, 194:69
Office clerks and subagents, § 48:69
Other activities and entities, § 208:10
Other, over, or double insurance, change or increase of risk by, § 52:30
Practice of law, authority limited by statutes on, § 48:66
Questions of law or fact, § 48:67
Records of, admissibility as documentary evidence, § 253:173
Service of process, § 231:81
Subrogation, § 223:106
Waiver of notice and proof of loss, § 53:25 to 53:26

ADJUSTMENT CLAUSE
Incontestibility clause, § 240:75
ADJUSTMENT OF LOSSES
Generally, § 178:1 et seq., 209 to 216
Additions to loss, generally, § 178:9 et seq.
Agents and Brokers (this index)
Arbitration and Appraisal (this index)
Bailment, § 178:43 to 178:45
Business relationship, § 178:67, 178:68
Conditional vendor or vendee, § 178:47, 178:48
Consequential Damages (this index)
Consignment, § 178:68
Contractor, § 178:67
Co-owner, § 178:62
Deduction or offset of amount paid to mortgagee, § 178:60
Deductions (this index)
Default of mortgagor, effect of, § 178:61
Estoppel and waiver, § 238:55, 238:56
Foreclosure sale, effect of, § 178:57
Foreign insurers, § 3:17
Improvements and betterments, § 178:71
Interest on Money (this index)
Iron safe clauses, § 97:44
Joint insured, lessee as, § 178:73
Judgment debtor, § 178:50
Leases, § 178:70 to 178:73
Life tenant, § 178:74
Limitations, § 178:55, 178:65
Marine Insurance (this index)
Mitigation of Damages (this index)
Mortgages and deeds of trust, § 65:31, 65:61
Offsets. See Deductions (this index)
Option holder, § 178:63
Partial loss, § 178:59
Personal property, debt secured by, § 178:49
Pledgor, § 178:51
Protecting damaged property. See Mitigation of Damages (this index)

ADJUSTMENT OF LOSSES
—Cont’d
Recoverable amounts by particular claimants
Generally, § 178:42 et seq.
Bailee, § 178:43
Bailment, § 178:43 to 178:45
Bailor, § 178:44
Business relationship, § 178:67, 178:68
Conditional vendee, § 178:47
Conditional vendor, § 178:48
Consignment, § 178:68
Contractor, § 178:67
Co-owner, § 178:62
Debt, relationships based on, generally, § 178:46 et seq.
Deduction or offset of amount paid to mortgagee, § 178:60
Default of mortgagor, effect of, § 178:61
Foreclosure sale, effect of, § 178:57
Improvements and betterments, § 178:71
Interest on money, § 178:53, 178:54
Joint insured, lessee as, § 178:73
Judgment debtor, § 178:50
Lender as loss payee, generally, § 178:46 et seq.
Lessee, § 178:70, 178:71
Lessor, § 178:72, 178:73
Life tenant, § 178:74
Limitation by amount of policy, § 178:55
Limited interest policy, § 178:65
Mortgages
Generally, § 178:52 et seq.
Deduction or offset of amount paid to mortgagee, § 178:60
Default of mortgagor, effect of, § 178:61
Foreclosure sale, effect of, § 178:57
Interest, § 178:53, 178:54
Limitation by amount of policy, § 178:55
ADJUSTMENT OF LOSSES
—Cont’d
Recoverable amounts by particular
claimants—Cont’d
Mortgages—Cont’d
Mortgagee, generally, § 178:52
et seq.
Mortgagor, § 178:58 to 178:61
Partial loss, § 178:59
Restoration, effect of, § 178:56
Mortgagor, § 178:58 to 178:61
Option holder, § 178:63
Ownership
Generally, § 178:62 et seq.
Co-owner, § 178:62
Limited interest policy, § 178:65
Option holder, § 178:63
Payment after loss sustained,
§ 178:66
Sustained loss, payment after
loss sustained, § 178:66
Vendor or vendee, § 178:64 to
178:66
Partial loss, § 178:59
Personal property, debt secured by,
§ 178:49
Pledgor, § 178:51
Possessory rights
Generally, § 178:69 et seq.
Improvements and betterments,
§ 178:71
Joint insured, lessee as, § 178:73
Lessee, § 178:70, 178:71
Lessor, § 178:72, 178:73
Life tenant, § 178:74
Restoration, effect of, § 178:69
Restoration, effect of, § 178:56,
178:69
Sales consignee, § 178:68
Secured creditor, § 178:49
Secured or judgment debtor,
§ 178:50
Storage of property, parties to,
§ 178:43 to 178:45
Sustained loss, payment after,
§ 178:66
Vendor or vendee, § 178:64 to
178:66
Warehouseman, § 178:45

ADJUSTMENT OF LOSSES
—Cont’d
Settlement and Compromise (this
index)
Storage of property, parties to,
§ 178:43 to 178:45
Sustained loss, payment after,
§ 178:66
Third-party claims, § 206:49
Use and occupancy insurance,
§ 185:24
Vendor or vendee, § 178:64 to
178:66
Waiver and estoppel, § 194:70
Warehouseman, § 178:45

ADMINISTRATIVE LAW
See also Agents and Brokers (this
index)
Cancellation and rescission, § 30:12
Construction and interpretation,
§ 22:41
Contracts, generally, § 19:12
Exhaustion of, § 232:15
Injunctions, § 232:156
Jurisdiction, § 228:10, 228:11
Public official and appointed fidu-
ciary bonds, § 166:61
Rates, administrative determination
of, § 69:13 to 69:15, 69:18
Settlement and compromise of claim,
§ 208:26, 215:42

ADMINISTRATIVE REVIEW
See also Judicial Review (this index)
Rate determination, § 69:15

ADMINISTRATOR’S BOND
Generally, § 184:57

ADMINISTRATORS OF ESTATES
See Executors and Administrators
(this index)

ADMIRALTY
See also Federal Courts (this index)
ADMISSIBILITY OF EVIDENCE
See Evidence (this index)

ADMISSIONS
Generally, § 244:54 et seq., 254:208 et seq.
Admissible related evidence, relation between, § 254:213
Agents' statements
Generally, § 254:221 et seq.
Adoption, § 254:231
Attorneys, statements for, § 254:223
Breach of duty actions, § 254:246
Employees, statements for
Generally, § 254:224
Fidelity policy matters, § 254:225
Insured, statements for, § 254:222
Insurer, statements for, § 254:226
Ratification, § 254:231
Representative status, § 254:221
Appraiser's demand as admission, § 254:235
Authority representations
Generally, § 254:227 et seq.
Adoption, § 254:231
Post-loss statements, § 254:228
Proof of authority, § 254:233
Ratification, § 254:231
Termination of authority, § 254:232
Authority representations
Agents' statements, above
Automobile insurance investigations
Generally, § 254:242
Scope of admission, § 254:249
Uninsured status, § 254:250
Beneficiaries' statements, § 254:218
Best evidence rule exceptions, § 253:19
Breach, admission of, § 195:40
Confession in criminal investigation as, § 254:241

ADMISSIONS—Cont’d
Construction of pleading, § 244:55, 244:56
Construction of policy, revision of prior position as, § 254:240
Definitions, § 249:9
Demurrers, § 244:82
Defeas, admission by failure to, § 244:53
Defeas, failure to, § 244:53
Disability insurance investigations
Generally, § 254:244
Scope of admission, § 254:252
Disclosures made in conjunction with admission of liability, § 246:35
Discovery response as, § 254:239
Disease, proof of through, § 255:75
Erroneous admissions, § 248:54
Estoppel by pleading, § 244:59
Evidence, § 244:57
Explanation of, § 244:58, 254:211
Fact vs. opinion statements, § 254:209
Fidelity policy matters, § 254:225
Guaranty actions, § 254:247
Guilty plea as, § 254:241
Health insurance investigations, § 254:252
Health, proof of through, § 255:75
Illness, proof of through, § 255:75
Insureds' statements
Generally, § 254:214 et seq.
Beneficiary, admissibility against, § 254:215
Insurer, admissibility against, § 254:214
Mortgagee, admissibility against, § 254:216
Third parties, admissibility against, § 254:217
Insurers' statements, § 254:219
Liability admissions, disclosures made in conjunction, § 246:35
Liability insurance investigations
Generally, § 254:245
Scope of admission, § 254:251
Life insurance investigations, § 254:252
INDEX

ADMISSIONS—Cont’d
Medical insurance investigations,
§ 254:252
Nolo contendere plea as, § 254:241
Opinion vs. fact statements,
§ 254:209
Parol evidence rule exceptions,
§ 253:84
Payment
Claim, § 254:236
Lienholder’s claim, § 254:237
Pleadings as, § 254:238
Policy revision as, § 254:240
Polygraph test refusal, admission following, § 253:301
Proof of authority, § 254:233
Property insurance investigations
Generally, § 254:243
Scope of admission, § 254:253
Rebuttal of
Generally, § 254:211
Effect when unrebutted, § 254:212
Recoupment, § 226:106
Requests for, § 251:13, 251:14
Revision of policy as, § 254:240
Scope of admission
Generally, § 254:248 et seq.
Automobile insurance matters, § 254:249
Disability insurance, § 254:252
Health insurance, § 254:252
Liability insurance, § 254:251
Life insurance, § 254:252
Medical insurance, § 254:252
Property insurance, § 254:253
Suretyship matters, § 254:254
Uninsured status, § 254:250
Workers’ compensation, § 254:255
Silence as admission, § 254:234
Statutory provisions, § 254:210
Suretyship matters, § 254:254
Termination of authority, § 254:232
Third parties’ statements, § 254:220
Types of, § 254:208
Unrebutted, § 254:212
Workers’ compensation investigations, § 254:255

ADOPTED CHILDREN
Beneficiaries, § 59:32
Divorce or separation, § 64:28
Life insurance, insurable interest,
§ 43:6
Medical insurance, § 144:33
ADVANCE-PREMIUM MUTUALS
Mutual companies, § 39:16
ADVANCES
Agents and Brokers (this index)
Construction contract guaranties,
§ 184:29
Contractors’ Performance Bonds
(this index)
Exemption from claims of creditors,
§ 66:23
Fidelity insurance, § 161:86 to
161:88
Insurable interest, § 42:15
Interest on loans charged in advance,
§ 80:26, 80:36
Limitation of actions, § 237:79,
237:80
Premiums and Assessments (this index)
ADVERSE CLAIMANTS
Assignment, § 37:16 to 37:19
Penalties, fees and similar conse-
quences, § 204:74
ADVERSE JUDGMENT ON
POLICY
Reformation, § 27:82
ADVERSE POSSESSION
Representations, warranties, and
conditions, § 91:74
ADVERTISING AND
ADVERTISEMENTS
See also Commercial General
Liability Policies (this index)
Agents and brokers, § 44:47
Commercial liability insurance,
§ 201:53 to 201:57
Foreclosure sales, § 92:98
Jurisdiction, § 228:25
Labor and material bonds, § 191:44
Index-31
ADVICE
See also Agents and Brokers (this index)
Accident and life insurance, § 141:94
Limitation of actions, § 236:157
Medical insurance, § 180:7
Settlement and compromise, § 203:33
Third-party claims, § 205:9, 206:18
Workers’ compensation, § 174:19

ADVOCACY ORGANIZATION
Statutes, § 242:196

AFFECTION
Assignment, love and affection as consideration, § 36:22

AFFIDAVITS
Summary judgment, § 247:22, 247:23

AFFILIATED INSURERS
Income taxes, § 63:5

AFFINITY
See Family or Relatives (this index)

AFFIRMATIVE DEFENSES
See Defenses (this index)

AFFIRMATIVE WARRANTIES
Generally, § 81:13

AFFORDABLE CARE ACT
Generally, § 144:13 to 144:16
Disability insurance, § 146:9
Employer requirements, § 144:16
Individual mandate, § 144:14
Medicaid expansion, § 144:15

AFTER-ACQUIRED PROPERTY
Description, § 20:37
Liens and encumbrances, § 93:46

AFTERBORN CHILDREN
Beneficiaries, § 59:27

AGENCY
Adjustment of losses, § 46:15
Admissions (this index)
Advice, when relationship gives rise to duty to give, § 46:38
Agents and Brokers (this index)

AGENCY—Cont’d
Antitrust legislation, agency agreements, § 4:17
Appointment, generally, § 44:2
Assignee of conditional vendor as agent, § 44:21
Attorneys as agents, § 44:14
Authority, generally, § 46:1 to 46:16

Automobile Insurance (this index)
Automobile property insurance, § 157:26, 157:27, 157:53
Bailees as agents, § 44:26
Bank deposit guaranty, § 166:10, 166:11

Beneficiaries (this index)
Breach of duties, generally, § 46:41 to 46:45
Burden of proof, § 46:2, 46:72, 254:140

Cancellation and Rescission (this index)
Carriers, § 44:28
Commission merchants, § 42:22
Compensation, § 45:7, 46:76
Concealment, § 46:18, 46:44
Conditional vendors as agents, § 44:20, 44:21
Conflict of interests, § 46:36
Consent, § 46:35
Consideration, § 46:66
Consignees, § 42:22
Costs of action, § 233:48
Custom or course of dealing
Insured’s agents, § 44:5, 46:24, 46:33

Custom or course of dealing
Agents and Brokers (this index)
Damages, § 46:74
Death or loss, proof of, § 46:14
Defenses, § 46:43, 46:62 to 46:69
Del credere agents, § 44:23
Delegation of performance, § 46:12

Delivery of Policy (this index)
Description of goods held by agent, § 20:40
Disability provisions, § 147:130
Discretion, § 46:29
INDEX

AGENCY—Cont’d

Dual representation, § 45:15, 46:34, 56:5

Estoppel, agency by

Insured’s agents, § 44:6
Insurer’s agents, § 44:44

Evidence

Death or loss, proof of, § 46:14
Pleading and proof, § 46:71
Ratification, § 44:35

Evidence

Agents and Brokers (this index)

Executors and administrators as agents, § 44:12

Fidelity insurance, § 161:72

Foreign or Alien Insurers (this index)

Fraud, § 46:18, 46:44
Gift of policy, § 38:24

Good faith. Agents and Brokers (this index)

Gratuitous agents, § 46:42
Group insurance, agency of specific parties, § 8:13 to 8:18

Implication, agency by

Insured’s agents, § 44:3, 44:4
Insurer’s agents, § 44:42, 44:63

Imputation of knowledge, § 46:17 to 46:21

Insolvency, breach of agency contract, § 6:4

Instructions, § 45:18, 46:28
Instructions to jury, § 246:88

Insurable interest, § 42:11

Insured, generally, § 40:17, 46:1 et seq.

Jurisdiction, § 228:11, 229:27
Limitation of actions, § 46:75

Loyalty, duty of, § 46:27, 46:34

Marine insurance, § 46:20

Modification of Contract (this index)

Mortgagees as agents, § 44:16 to 44:18

Notice or knowledge

Cancellation and rescission, § 32:8, 46:22 to 46:26

AGENCY—Cont’d

Notice or knowledge—Cont’d

Imputation of knowledge, § 46:17 to 46:21

Renewal, § 46:48

Other insurance, ratification of unauthorized policy as, § 44:33, 44:34

Partners as agents, § 44:9, 48:72

Payment of loss, duty with regard to, § 46:40

Pleadings, § 46:71

Pledge of policies, § 46:10, 46:13

Possession

see also agents and brokers (this index)

Cancellation of insurance, agent’s possession of policy, § 46:9

Implication, agency by, § 44:3, 44:4

Presumptions, § 254:198

Proceeds, payment to agents of insured, § 61:13

Process and Service of Process and Papers (this index)

Questions of law and fact

Generally, § 46:73

Authority of agent, generally, § 46:2

Cancellation, notice of, § 46:26

Insured’s agents, § 44:37

Questions of law and fact

Agents and Brokers (this index)

Ratification

Insured’s agent, § 44:29 to 44:35

Relatives as agent, § 44:8

Renewal, § 44:48, 46:46 to 46:77

Repair or replace, option to, § 176:6

Secret profits, § 46:45

Ships, Vessels, Cargo, Stores, and the Like (this index)

Skill, § 46:30, 46:32

Special agents, § 48:53 to 48:63

Specific performance, § 232:175

Spouse as agent, § 44:7

Standard of proof, § 46:72

Substitute insurance, § 46:5
AGENCY—Cont’d
Supercargos, § 44:24
Termination of agency relationship
Insured’s agents, § 44:1 to 44:37
Termination of agency relationship
Agents and Brokers (this index)
Trustees as agents, § 44:13
Vendors and vendees as agents,
§ 44:19 to 44:21
Venue, § 230:22, 230:86
Warehousemen, § 44:26
Workers’ compensation, § 174:2

AGENTS AND BROKERS
Generally, § 45:1 et seq., 46:1 et seq., 57:58 et seq.
Abandoned property, § 3:4, 53:39
Acceptance
Abandonment, § 53:39
Risks, acceptance of, § 51:30, 51:31
Service of process, § 53:41
Accord and satisfaction, § 57:9
Accounts and accounting
Generally, § 54:4, 54:5
Actual authority, generally, § 48:3 to 48:11
Adjusters (this index)
Adjustment of losses
Generally, § 46:15, 53:29 et seq.
Notice and proof of loss, waiver of, § 53:17
Administrative regulation
Compensation, § 57:8 et seq.
Limiting authority as notice, § 48:26
Admissions (this index)
Advances
Generally, § 57:69
Premium payments, § 72:32
Advertising and advertisements, § 44:47
Advice
Generally, § 55:5
Applications, information provided on, § 51:4
Iron safe clauses, § 97:40
Notice and proof of loss, waiver of, § 53:16

AGENTS AND BROKERS—Cont’d
Advice—Cont’d
Representations, warranties, conditions, and concealment,
§ 81:102, 85:43
Sales, § 92:44
When relationship gives rise to duty to give, § 46:38
Age of insured, § 49:31, 86:17
Ambiguous provisions in contracts, interpretation of, § 50:8
Amount of compensation, § 57:13
Anticipatory breach of contract, § 57:63
Apparent authority, § 48:12 to 48:20, 48:44, 48:45
Applications
Generally, § 51:1 et seq.
Limitations of authority, generally, § 48:30 to 48:32
Negligence in preparation, § 85:35
Other applications, knowledge of, § 49:42
Other, over, or double insurance, change or increase of risk by,
§ 52:21
Parol contracts, § 51:21, 51:22
Possession of applications, § 44:47, 48:14
Several companies, application for, § 18:4
Appointment, § 44:39 to 44:41
Appraisal, adjustment of losses, § 53:5, 53:36
Arbitration, adjustment of losses, § 53:5, 53:36
Arbitrators, appraisers, and proceedings before them, § 211:8, 211:36
Assault and battery, § 56:24
Assignment
Generally, § 52:7 et seq.
Commissions, § 57:14
Attached papers, § 85:54
Attachment of commissions, § 57:15
Authority, generally, § 46:1 to 46:16, 48:1 et seq.
INDEX

AGENTS AND BROKERS—Cont’d
Automobile Insurance (this index)
Automobiles
Description, § 90:5
Negligent operation, § 56:16 to 56:18
Battery and assault, § 56:24
Beneficiaries
Change of beneficiary, § 60:11, 60:12, 60:62
Good faith, § 51:9
Third persons, liability to, § 55:13
Binders and binding receipts, § 13:4
Branch managers
Generally, § 48:59
Breach of duties, generally, § 46:41 to 46:45
Breach of duty actions, admissions in, § 254:246
Burden of proof
Generally, § 45:10, 46:72
Authority of agent, generally, § 46:2
Breach of contract, § 57:66, 57:67
Fraud, § 85:68
Other, over, or double insurance, change or increase of risk by, § 52:24
Termination or creation of agency, § 44:45
Bylaws
Appointment of agents, § 44:41
Parol contracts, § 51:22
Cancellation and Rescission (this index)
Certainty and definiteness
Duration of contract, § 57:62
Knowledge of agent, § 49:6
Certificate of authority-do business, § 47:10 to 47:24
Cessation of business of insured or insurer, § 44:65, 57:42, 57:44, 57:65
Changes
Beneficiaries, § 60:11, 60:12, 60:62
Renewal commissions, subsequent changes to agreement, § 57:48

AGENTS AND BROKERS—Cont’d
Changes—Cont’d
Risk, change in, § 52:15 et seq., 54:7
Charter provisions relating to appointment of agents, § 44:41
Classification, § 48:51
Clerks
Adjusters, § 48:69
Imputation of knowledge, § 49:27
Coercion, § 56:22
Collection
Generally, § 48:61
Collection
Fees. Collection fees, below
Collusion, § 51:6, 85:48 to 85:50, 85:65
Commercial General Liability Policies (this index)
Commissions
Assignment or attachment, § 57:14
Cancellation of policy, refund of unearned commissions, § 57:34
Renewal commissions, § 57:43 et seq.
Common law limitations as-imputation of knowledge, § 49:15 to 49:21
Compensation, § 45:7, 46:76, 57:8 et seq.
Competing agents, compensation of, § 57:12, 57:56, 57:57
Complete contracts, authority, generally, § 51:24
Completion of property, knowledge of, § 49:38
Conflict of interests, § 46:36, 54:23 et seq.
Consent
Generally, § 46:35
Apparent or ostensible authority, § 48:16
Applications, information inserted without, § 51:3
Mutual consent, termination by, § 44:59 to 44:6157
Renewal commissions, discharge by consent, § 57:51

Index-35
AGENTS AND BROKERS—Cont’d
Consideration, § 46:66
Constitutional limitations on power—regulate, § 47:7 to 47:9
Construction and interpretation
Generally, § 50:4 to 50:13, 57:3 et seq.
Applications, § 51:4
Compensation, §§ 57:23, 57:24, 57:41
Fraud, §§ 85:43, 85:44
Parol contacts, § 51:22
Vacancy of property, change or increase of risk by, §§ 52:35 et seq.
Constructively knowledge, §§ 48:21 to 48:26, 49:7, 49:8
Continuing nature of knowledge, § 49:4
Contractors’ bonds, § 163:17
Conversion
Premiums, conversion of, §§ 55:22
Cooperation, §§ 199:104, 199:146
Costs of action, §§ 233:34, 233:37
Covenants, § 57:6
Criminal liability, §§ 55:16 et seq., 56:25
Custom or usage
Generally, §§ 44:43, 46:33
Actual authority, express or implied, §§ 48:9, 48:10
Cancellation, notice of, § 46:24
Compensation, § 57:24
Parol contracts, § 51:21
Renewal, § 51:39
Death or incapacity of agent as terminating agency, §§ 44:64, 57:52
Death or loss, proof of, § 46:14
Deeds, delivery of, § 92:23
Defamation, §§ 56:19, 56:20, 57:74, 57:75
Default, compensation, § 57:35
Defects in proof of loss, § 53:11
Defenses

AGENTS AND BROKERS—Cont’d
Defenses—Cont’d
Breach of contract, §§ 57:65, 57:67
Negligence, § 54:7
Definitions, §§ 44:38, 45:1
Delegation of powers and duties
Generally, §§ 46:12, 47:1
Subagents, §§ 54:18 to 54:21
Delivery of policy, §§ 14:14, 14:18, 48:40, 48:41
Destruction of subject matter as terminating agency, § 44:66
Diligence, § 54:2
Disability, §§ 57:39, 147:130
Disclosure, § 242:209
Discretion, §§ 46:29, 54:12, 54:13
Dual representation or agents
Generally, §§ 45:15, 46:34, 56:5
Premium payment, § 72:31
Duties and liabilities, generally, §§ 54:1 et seq., 56:1 et seq.
Election of either party, termination at, §§ 44:59 to 44:6157
Employer and employee, negligent operation of automobiles, §§ 56:17, 56:18
Estoppel and waiver
Adjustment of losses, §§ 53:33, 53:36
Agency by estoppel, § 44:44
Apparent or ostensible authority, § 48:13
Assignment, §§ 52:8, 52:9
Authority of agent, § 238:5
Automobiles, description of, §§ 90:5
Compensation, failure to provide information to agent concerning matters relevant to, §§ 238:28
Disability, waiver of premiums for, § 57:39
Fraud, §§ 85:12 to 85:14, 85:26 et seq.
AGENTS AND BROKERS—Cont’d
Estoppel and waiver—Cont’d
Imputation of knowledge to
insurer, § 49:1, 49:13, 49:14, 49:32
Interpretation of contract, § 50:9, 50:10
Limitations of authority, generally, § 48:32, 48:36, 48:39
Location of property, change or
increase of risk by, § 52:36 to 52:38
Notice and proof of loss, § 53:9 et seq.
Other, over, or double insurance,
change or increase of risk by, § 52:20 to 52:23
Premiums, forfeiture for nonpay-
ment, § 78:14 to 78:16
Representations, warranties, condi-
tions, and concealment,
§ 85:26 et seq.
Sales, § 92:44
Vacancy of property, change or
increase of risk by, § 52:34
Value of property, § 93:13
Evidence
Generally, § 45:9
Adjuster’s authority, § 48:68
Death or loss, proof of, § 46:14
Fraud, § 85:64 et seq.
Imputation of knowledge to
insurer, § 49:3
Notice and proof of loss, powers as
to, § 53:2 et seq.
Pleading and proof, § 46:71
Termination or creation of agency,
§ 44:45 to 44:47, 44:57
Exclusive representation
Generally, § 57:4
Exclusive representation
Nonexclusive representation, below
Excuse or justification
Instructions, disobedience of,
§ 54:16
Nonpayment, excuse for, § 75:10
et seq.
Execution of contract, § 51:11 et seq.

AGENTS AND BROKERS—Cont’d
Existence of policy, authority of
agent, § 245:3
Express authority, generally, § 48:3
to 48:11
Failures by agents and brokers
Commercial General Liability
Policies (this index)
Health Insurance (this index)
Homeowners’ Insurance (this index)
Umbrella Policies (this index)
Field agents, § 48:60
Finance companies
Generally, § 48:74
Cancellation and rescission,
§ 46:11
Foreclosure proceedings, § 52:9
Foreign or Alien Insurers (this
index)
Forfeitures
Waiver, § 50:23 to 50:25
Fraud
Generally, § 46:18, 46:44, 56:11 et
seq., 85:31 et seq., 232:110
Applications, § 51:5, 85:31, 85:34,
85:39 et seq.
Beneficiary, actions by insured or
beneficiary against insurer or
agent, generally, § 232:91 et seq.
Criminal liability, § 55:21
Damages, § 54:9
Effect of, § 197:40
Estoppel and waiver, § 85:14 to
85:14: 85:26 et seq.
Imputation of knowledge, § 49:20,
49:21
Liens and encumbrances, § 52:6
Medical examiners, § 48:71
Reading of policy, § 85:58
Return of premiums, § 79:57
Spouse as agent of insured, life
policies, § 242:170
Title of insured, § 52:2
Trade practices, deceptive, § 55:12
Frauds, statute of, § 44:40
General agents, generally, § 45:21,
48:53 to 48:63

Index-37
AGENTS AND BROKERS—Cont’d
General manager, § 48:58
Geographic limitations, § 39:29
Good faith
Generally, § 46:30, 54:2, 198:17
Apparent or ostensible authority, § 48:13
Applications, good faith of beneficiary, § 51:9
Instructions, duty to obey, § 54:14
Reading of policy, § 85:57 to 85:59
Good Health of Insured (this index)
Governing law, where contract negotiated by agent, § 24:11
Government, liability to, § 55:15
Gratuitous agents, § 46:42
Habits of insured, § 49:33
Hazards, knowledge of, § 49:40
Hearsay exclusion and exceptions, § 249:22
Heirs, § 242:209
Homeowners’ Insurance (this index)
Implication, agency by, § 44:42, 44:63, 48:3 to 48:11
Imputation of knowledge
Generally, § 46:17 to 46:21, 49:1 et seq.
Soliciting agents, § 47:36
Incidental agreements, power to enter into, § 50:2
Incorporating agent’s misrepresentation into contract, § 85:51 to 85:55
Increase in risk, § 52:15 et seq., 54:7
Inducing breach of contract or duty, § 56:23
Insolvency, § 55:9, 57:37, 57:44, 57:65, 57:72
Instructions, § 45:18, 46:28, 54:11 et seq.
Insurance agency agreements
Collection fees, above
Exclusive representation, above
Nonexclusive representation, below

AGENTS AND BROKERS—Cont’d
Insurance agency agreements
—Cont’d
Territory, below
Interference
Contract, interference with, § 57:10
Intimidation, § 56:22
Investigations, waiver of notice and proof of loss, § 53:17
Joinder of parties, § 243:144
Judicial review regarding licenses, § 47:22 to 47:24
Letterheads, possession of, § 44:47
Letters of, admissibility as documentary evidence, § 253:229
Liabilities, generally, § 54:1 et seq., 56:1 et seq.
Libel and slander, § 56:19, 56:20, 57:74, 57:75
Licenses and permits
Generally, § 47:10 to 47:24
Actual authority, express or implied, § 48:8
Compensation, § 57:30
Modification of contract, § 51:55 et seq.
Renewal of licenses, § 47:16
Revocation or suspension, § 47:20, 47:21
Liens and encumbrances, § 49:37, 52:4 to 52:6, 57:70, 93:51, 93:52, 93:56
Limitation of actions
Generally, § 46:75, 53:37 to 53:39
Actions by insured against, § 234:65, 234:66
Agents and brokers, actions by insured against, § 234:65, 234:66
Broker, action against, for failure to provide notice of loss, trigger points, defendant’s activities, § 236:95, 236:157
Commencement of period
Negligent advice of broker, § 236:157
INDEX

AGENTS AND BROKERS—Cont’d

Limitation of actions—Cont’d
Commencement of period
—Cont’d
Trigger points, defendant’s activities, § 236:85
Contractual limitation periods
Generally, § 235:116
Actions by insured against broker, actions not on the contract, § 235:116
Tolling of limitation period, § 237:17
Triggers
Defendant’s activities, § 236:85, 236:157
Notice of loss, failure to provide, § 236:95
Limitations on agent’s authority, § 48:21 to 48:50
Literacy of insured, § 56:15, 85:62, 85:63, 85:67
Loan transactions, § 242:126
Local agents, generally, § 45:22, 48:6, 48:35
Loss, powers after, generally, § 53:1 et seq.
Malicious prosecution, § 56:21
Managers and management, § 48:58, 48:59
Marine insurance, § 46:20
Medical examination by examining physicians, § 49:28
Medical examiners, § 45:24, 48:70, 48:71
Medical history, § 49:32
Mistakes
Representations, warranties, conditions, and concealment, § 85:35, 85:54
Waiver of policy, erroneous interpretation as, § 50:9
Modification of Contract (this index)
Mutual consent, termination by, § 44:59 to 44:6157

AGENTS AND BROKERS—Cont’d

Mutual insurance companies, § 45:13, 48:52
Negligence
Generally, § 54:6 to 54:8
Application, negligence in preparation of, § 85:35
Automobiles, negligent operation of, § 56:16 to 56:18
Disclose information, failure to, § 242:209
Premiums, § 78:64
Reading of policy, § 85:58
Notice and proof of loss
Automobile liability insurance, § 187:80, 187:82
Cooperation, § 199:105
Designated agent or insurer, § 187:126
Estoppel and waiver, § 194:35, 195:82, 195:83
Excess insurer or authorized agent, § 187:98
Errors, § 192:108 to 192:111
General liability insurance, § 187:77 to 187:79
Insured or insured’s agent, notice to whom, § 187:75
Performance bonds, § 187:88
Principal in place of insured agent, proof by, § 187:106
Property insurance, § 187:85
Reasonableness, § 190:42, 190:43
Sufficiency of notice from other entities, § 187:16
Unauthorized agent, § 187:43
Uninsured and underinsured motorist coverage, § 187:83
To whom, generally, § 187:71
Notice or knowledge
Generally, § 50:1 to 50:4, 187:17
Apparent or ostensible authority, § 48:17, 187:73, 187:74, 187:81
Applications, § 51:3, 51:5
Authorized agent, § 187:97

Index-39
AGENTS AND BROKERS—Cont’d
Notice or knowledge—Cont’d
Cancellation and rescission, § 32:8, 46:22 to 46:26
Constructive knowledge, § 48:21 to 48:26, 49:7, 49:8
Fraud, § 85:12 to 85:14, 85:36 to 85:39, 85:42, 85:47
Good health of insured, knowledge of, § 49:14, 49:32, 87:27, 87:28
Limitations on authority, generally, § 48:37 to 48:45
Location of property, § 49:39, 90:17
Parol waiver as-limitations of authority, § 48:46 to 48:50
Ratification of agent’s acts, § 44:55
Reading of policy, § 85:57 to 85:59
Renewal, § 46:48
Sales, notice of alienation, § 92:30
Termination of agency, generally, § 44:70 to 44:72
Use and occupancy of property, knowledge of, § 49:40, 94:35, 94:52
Notice or knowledge
Umbrella Policies (this index)
Occupation of insured, knowledge of, § 49:33
Officers and directors of insurance companies
Generally, § 48:56
Negligence, § 54:8
Notice and proof of loss, § 53:20
Omission of information on application on agent’s advice or interpretation, § 51:4
Ostensible authority, § 48:12 to 48:20
Other insurance, knowledge of, § 49:42
Other, over, or double insurance, change or increase of risk by, § 59:19 et seq.
Parol contracts
Generally, § 51:17 et seq.

AGENTS AND BROKERS—Cont’d
Parol contracts—Cont’d
Renewal of policies, § 51:37
Parol waiver
Limitations of authority, § 48:46 to 48:50
Modification of policy, § 51:58
Partner of insurance agent, § 48:72
Payment
Loss, duty with regard to payment of, § 46:40
Payments other than premiums, right to recover, § 57:78
Pecuniary interest, § 49:21
Penalties, § 47:5, 47:24
Place or location
Change or increase of risk by location of property, § 52:36 to 52:38
Knowledge of location of property, § 49:39, 90:17
Pleadings, § 46:71
Pledge of policies
Generally, § 46:13
Cancellation and rescission, § 46:10
Possession
Applications, § 44:47, 48:15
Cancellation of insurance, agent’s possession of policy, § 46:9
Imputation of knowledge, § 49:38
Modification of contract, § 51:59
Trust funds, premiums as, § 74:12
Post-loss powers, § 53:37 et seq.
Power of attorney
Reciprocal insurance exchange’s attorney in fact, § 57:19
Recording as notice of limitations, § 48:24
Preliminary contracts of insurance, power to make, § 51:32 et seq.
Premiums
Cash payment, § 73:3
Collecting agents, § 48:61
Compensation, § 57:38, 57:39
Conversion, § 55:22
Credit, extension of, § 73:26
INDEX

AGENTS AND BROKERS—Cont’d
Premiums—Cont’d
Excuse for nonpayment, § 75:10 et seq.
Forfeiture for nonpayment, § 78:14 to 78:16, 78:62, 78:64
Notes payable, § 73:34, 73:35, 73:41, 73:48
Notice or knowledge
Generally, § 51:65, 71:10, 71:11
Payment, insured’s knowledge that agent lacks authority,
§ 72:34
Parol contracts, § 51:21, 51:22
Payment, generally, § 72:1, 72:25, 72:29 to 72:35, 74:11, 74:12, 74:34
Prepayment, § 12:7, 12:14
Renewal, § 46:47
Return of premiums, § 79:9, 79:14, 79:34 et seq., 79:56, 79:58
Trust funds, premiums as, § 74:12
Premiums
Collection fees, above
Commissions, above
Prior judgment, § 239:72
Private limitations on authority,
§ 48:27 to 48:29
Privilege, libel and slander, § 56:20, 57:75
Process and Service of Process and Papers (this index)
Proof of misrepresentation or fraud by agent, § 85:69, 85:70
Proximate cause
Generally, § 54:7, 55:6
Fraud, § 56:15
Public official and appointed fiduciary bonds, § 166:88 to 166:90
Punitive damages, § 56:10
Quantum meruit, § 57:10
Questions of law and fact
Generally, § 45:9, 45:20, 46:73

AGENTS AND BROKERS—Cont’d
Questions of law and fact—Cont’d
Actual authority, express or implied, § 48:11
Adjusters, § 48:67
Adjustment of losses, § 53:34
Apparent or ostensible authority, § 48:20
Authority of agent, generally, § 46:2
Breach of contract, § 57:68
Cancellation, § 46:26, 51:46
Compensation, § 57:15
Execution of contract, § 51:16
Fraud, § 85:64 to 85:67
Instructions, duty to obey, § 54:17
Notice and proof of loss, § 53:13
Other, over, or double insurance, change or increase of risk by,
§ 52:24
Parol contacts, § 51:23
Premises, § 12:10, 51:67
Termination or creation of agency,
§ 44:45, 44:57
Waiver of policy provisions,
§ 50:22
Rates and rating
Fixing rates and the like, § 57:28
Statements as to premiums, § 69:9
Uniformity of premiums, § 69:52
Reading ability of insured, § 56:15, 85:62, 85:63, 85:67
Reading of policy, § 46:69, 85:57 to 85:59, 85:66
Reasonableness
Diligence, § 54:2
Interpretation of contract, § 50:11
Records and recording
Generally, § 57:58 to 57:60
Admissibility as documentary evidence, § 253:171
Independent soliciting agent,
§ 48:62
Notice and proof of loss, § 53:10
Power of attorney as notice of limitations, § 48:24
Recording agents, § 48:63
Recoupment, § 226:70
AGENTS AND BROKERS—Cont’d

Reformation (this index)

Reinstatement and Revival (this index)

Release or discharge
- Generally, § 55:3
- Bond, discharge of, § 55:3
- Renewal commissions, § 57:50 to 57:52

Reliance
- Interpretation, reliance on, § 50:13
- Reformation, § 27:15 to 27:21
- Third persons, liability to, § 55:6

Renewal (this index)

Representations, warranties, conditions, and concealment
- Generally, § 81:101, 81:102
- Acting for insured, conditions, § 45:14
- Adjustment of losses as waiver of breach of condition, § 53:33
- Age of insured, § 86:18
- Assignment, waiver of, § 52:8, 52:9

Concealment, generally, § 46:18, 46:44, 84:7
- Estoppel and waiver, § 85:26 et seq.
- Iron safe clauses, § 97:40
- Location of property, § 90:17
- Mistakes, § 85:35, 85:54
- Reading of policy, § 85:57 to 85:59
- Sales, notice of alienation, § 92:30
- Use and occupancy of property, knowledge of, § 94:35, 94:52
- Repudiation of transactions, § 44:54

Requests
- Cancellation of policy, § 51:43
- Procurement of different terms and coverage than insured requested, § 46:58 to 46:61
- Renewal commissions, § 57:47
- Scope of agent’s authority, request by insured for actions beyond, § 45:19
- Unavailability of requested insurance, § 46:67

AGENTS AND BROKERS—Cont’d

Resignation, renewal commissions, § 57:51
Restrictive covenants, § 57:6
Retention of property on termination of agency, § 57:60

Revocation or suspension
Failure to perform duties as cause for, § 44:62, 44:63
Licenses, § 47:20, 47:21

Risks
- Generally, § 131:52 to 131:55
- Acceptance of risks, § 51:30, 51:31
- Change or increase in risk, § 52:15 et seq., 54:7
- Dishonest acts, exclusions related to, § 131:55
- Fraudulent acts, exclusions related to, § 131:55
- Inception of risks, power to determine, § 51:32 et seq.
- Premium collecting or handling, exclusions related to, § 131:54
- Running of agency business activity related to, § 131:53

Sales
- Generally, § 57:76
- Assignment, § 52:7 et seq.
- Estoppel and waiver, § 92:44
- Goods, sale of, § 48:73
- Notice of alienation, § 92:30
- Third persons, liability to, § 55:14
- Satisfaction and accord, § 57:9
- Secret limitations on authority, § 48:27 to 48:29
- Secret profits, § 46:45
- Setoffs, § 57:71, 57:72
- Settlement and compromise, § 53:17, 203:33
- Several insurers, agent for, § 45:26
- Signature on application, § 51:7, 51:8, 85:56 et seq.
- Skill, § 46:30, 46:32
- Slander, § 56:19, 56:20, 57:74, 57:75

Soliciting Agents (this index)
- Special agents, § 48:53 to 48:63
- Standard of proof, § 48:72
### AGENTS AND BROKERS—Cont’d

**Statutory regulation, generally,** § 47:1 et seq.

**Stock companies,** § 48:52

**Subagents** (this index)

Subrogation, § 53:40, 243:142

Substitute agents, notice of appointment of, § 44:72

Substitute insurance, § 46:5

Superintendent

Generally, § 48:57

Notice and proof of loss, § 53:21

Surrender of licenses, § 47:21

Taxes, liability for, § 47:21

Termination, § 44:38 to 44:72

**Territory**

Exclusive representation, above

Nonexclusive representation, above

**Third persons**

Generally, § 55:1 et seq., 57:1 et seq.

Fraud, § 85:41, 85:50

**Time**

Construction and effect of agency contract, § 57:3

Indefinite duration, contract for, § 57:62

Limitation of actions, § 46:75, 53:37, 53:38

Premiums, modification or extension of due date, § 51:64

Title and ownership, § 49:36, 52:1 et seq.

**Torts**

Generally, § 55:11, 55:12, 56:6 et seq., 57:73 to 57:75

Interference with contract, § 57:10

Trust funds, premiums as, § 74:12

Twisting, § 55:21

**Umbrella Policies** (this index)

**Use and Occupancy** (this index)

Usury, § 57:29

Vacancy of property, change or increase of risk by, § 52:35 et seq.

Value of property, § 49:35, 93:13


---

### AGENTS AND BROKERS—Cont’d

**War and civil disturbances,** § 44:67, 239:147

Warnings, duties to insured, § 55:4

Witnesses, § 252:10

Wrongful termination, renewal commissions, § 57:53

### AGE OF BUILDINGS

Description of property, § 90:12

### AGE OF INSURED

Accident and life insurance, § 141:8

Agents and brokers, § 49:31, 86:17

**Automobile Property Insurance** (this index)

Burden of proof, § 86:6, 254:97

**Children** (this index)

Construction and interpretation, § 86:15

Disability insurance and provisions, § 147:92, 147:171, 182:26, 190:117

Documentary evidence, § 255:88

Eligibility rules, § 86:8 to 86:15

Estoppel and waiver, § 86:16 to 86:18

Fraud, § 86:8, 86:9

Good faith, § 86:4, 86:5

Group insurance, age as affecting eligibility, § 8:45

Incontestability clause, § 86:14, 240:73 to 240:75

Instructions to jury, § 246:87

Life insurance, § 179:13

Marine insurance, § 183:151

Policy and applications statements, presumptions as to, § 254:167

Proof of, generally, § 255:86 et seq.

Questions of law or fact, § 86:6

Recoupment, § 226:88

Reformation, § 27:48

Representations, warranties, conditions, and concealment, generally, § 86:1 et seq.

Testimonial evidence, § 255:87

Witnesses, § 252:79

### AGREEMENTS

See Contracts (this index)
AGRICULTURE AND CROPS
Burden of proof as to crop insurance claims, § 254:83
Computations for crop loss, § 177:51 to 177:55
Disability provisions, § 147:128
Evidence of loss, § 177:52
Farmowners’ Liability Insurance (this index)
Government production loans and programs, § 177:57
Hail insurance, representations, warranties and conditions, § 100:32
Limitation provisions, § 177:54
Loans, § 177:57
Maturity of crop, § 177:55
Property loss, generally, § 177:50 et seq.
Representations, warranties and conditions, crop and commodity insurance
Generally, § 100:31, 100:32
Hail insurance, § 100:32
Sharecroppers (this index)
Use and occupancy, § 94:78
Valuation, proof of, § 255:55, 255:69
Valued policy, § 177:53

AIDS
See also HIV Virus (this index)
Good health of insured, § 88:93, 136:56
Medical insurance, § 144:22, 144:28, 181:21

AIR CONDITIONING UNIT
Medical insurance, § 181:58

AIRCRAFT
Generally, § 127:43
Accident and Life Insurance (this index)
Airport operations
Generally, § 132:18, 132:19
Exclusions, § 132:19

AIRCRAFT—Cont’d
Faa records as documentary evidence, § 253:184
General liability insurance, § 172:71
Incontestability clause, § 240:54
Liability insurance, § 201:34, 201:50
Location, device, or activity, risks associated with, § 1:49
No-fault insurance, § 125:26
Persons covered
Generally, § 132:13 to 132:17
Basic coverage provisions, § 132:13, 132:14
Employees, § 132:16
Exclusions
Generally, § 132:15 to 132:17
Employees, § 132:16
Passengers, § 132:17
Pilot, crew, and like status, § 132:15
Omnibus coverage, § 132:14
Passengers, § 132:17
Pilot, crew, and like status, § 132:15

Property Insurance (this index)
Property loss, generally, § 177:60
Regulatory exclusions, § 132:5
Representations, warranties, conditions, and concealment
Generally, § 100:27, 100:28
Pilot certification or experience, § 100:28
Risks covered under policies, generally, § 132:1 to 132:19
Subrogation, § 224:40
Substitute aircraft provisions, § 132:4
Use and occupancy, § 94:100
Uses covered
Generally, § 132:6 to 132:12
Basic coverage provisions, § 132:6 to 132:9
Business and pleasure, § 132:7
Commercial and limited commercial purposes, § 132:8
Exclusions
Generally, § 132:10 to 132:12
Spraying, dusting, and like operations, § 132:11

Index-44
AIRCRAFT—Cont’d
Uses covered—Cont’d
Exclusions—Cont’d
Unauthorized and unlawful
purposes, § 132:12
Spraying, dusting, and like opera-
tions, § 132:11
Student instruction, rental, and
other specific purposes,
§ 132:9
Unauthorized and unlawful
purposes, § 132:12
AIRPORTS
See Aircraft (this index)
ALARM SYSTEMS
Property insurance, § 148:70, 151:53
Use and occupancy, § 95:36 et seq.
ALCOHOL AND DRUG
TREATMENT FACILITIES
Medical insurance, § 145:22
ALCOHOLIC BEVERAGES
See Intoxication and Intoxicating
Liquors (this index)
ALIENATION
See Sales (this index)
ALIEN INSURERS
See Foreign or Alien Insurers (this
index)
ALIEN PROPERTY CUSTODIAN
War and civil disturbances, § 239:148
ALIGNMENT OF PARTIES
See Federal Courts (this index)
ALIQUOT SHARE
Costs of action, § 217:14
ALLERGIES
Disability provisions, § 147:96
ALLOCATION OR
APPORTIONMENT
See Premiums and Assessments
(this index)
ALTERATION
See Change or Modification (this
index)
ALTER EGO RULE
Fidelity insurance, § 160:40
ALTERNATE PLEADING
Jurisdiction of federal proceedings,
§ 229:90
ALTERNATIVE BENEFICIARIES
Generally, § 62:19
Life insurance, § 243:61
ALTERNATIVE CLAIMS
Generally, § 244:10
ALTERNATIVE DEFENSES
Generally, § 244:11
ALTERNATIVE, JOINDER IN
Liability insurance, § 243:33
ALTERNATIVE LIABILITY
See Disability Insurance (this index)
ALTERNATIVE MEDICINE AND
TREATMENTS
See also Medical Insurance (this
index)
Workers’ compensation, § 174:16 to
174:18
ALTERNATIVE PLEADING
Generally, § 244:9 to 244:11
AMBIGUITY
Agents and brokers, interpretation of
ambiguous provisions in
contracts, § 50:8
Assignment, § 34:16
Best Evidence Rule (this index)
Cancellation and rescission, ambigu-
ous or misleading notice,
§ 32:29
Complaints, petitions, and declara-
tions, § 244:29
Defense, § 200:23, 200:24
Description of buildings or structures,
§ 20:33
Extrinsic evidence, § 21:15
Liberal construction in favor of
insured, § 22:15, 22:16
Limits on construction of contract,
§ 21:18
Medical insurance, § 181:17
Index-45
AMBIGUITY—Cont’d
Notice, § 189:12
Patent or latent ambiguities distinguished, § 21:12
Questions of law or fact, § 21:21
Reformation distinguished from construction of ambiguity, § 26:2
Representations and warranties, § 81:39 to 81:46
Tests for determining, § 21:14
Threshold principles, § 21:11 to 21:15
Uninsured and underinsured motorist coverage, § 122:8

AMBULANCE ATTENDANTS
Risks covered under policies, § 131:45

AMBULANCES
Automobile insurance, § 120:102, 120:113
Medical insurance, § 181:64

AMENDMENT
See Change or Modification (this index)

AMENDMENT OF PLEADINGS
See also Cure (this index)
Cooperation, § 199:90
Limitation of actions, § 236:174
Reformation, amendment of pleadings to seek reformation in pending action, § 28:8
Service of process, § 231:4

AMERICAN ARBITRATION ASSOCIATION RULES
Generally, § 209:7

AMERICAN RULE
Costs of action, § 233:10, 233:13

AMERICANS WITH DISABILITIES ACT
Generally, § 4:4
Disability insurance, § 146:8
Medical insurance, § 144:21, 144:22, 180:16, 181:14

AMMONIA
Property insurance, § 155:86
Use and occupancy, § 95:30

AMOUNT
Agents and brokers, amount of compensation, § 57:13
Assignment, amount of debt, § 37:89
Contracts, amount of coverage, § 17:8
Creditors, limiting recovery to amount of debt, § 66:11

Dollar Amounts (this index)
Estate taxes, computation of amount includable in estate, § 63:48 to 63:50
Estoppel and waiver, § 238:61
Incontestability clause, § 240:47
Jurisdiction of federal proceedings, § 229:49
Jury trial, § 246:30
Justiciability, § 227:44
Loans, § 80:5, 80:18

Premiums and Assessments (this index)
Recoupment (this index)
Reimbursement (this index)
Subrogation (this index)

AMOUNT IN CONTROVERSY
Appeals, § 248:43
Federal proceedings, jurisdiction of, § 229:61

AMPUTATION PROVISIONS
See Disability Insurance (this index)

ANCILLARY ACTIONS
Reformation, § 27:65
Venue, § 230:46

ANEMIA
Good health of insured, § 88:25

ANESTHESIA
Accident and life insurance, § 141:86 to 141:89, 141:92
Medical insurance, § 181:50

ANEURYSMS
Accident and life insurance, § 141:54
INDEX

ANIMALS
Accident and life insurance,
§ 143:66, 143:80
Contractors’ payment bonds,
§ 165:156
Description of livestock, § 20:67
Loss or injury causation, proof of,
§ 255:24
Policy exclusions, § 127:45, 127:46
Property insurance, § 148:37, 153:85,
155:96

ANKLE
Disability insurance, § 146:66

ANNUITIES
Contracts, § 1:22
Estate taxes, § 63:31, 63:34
Exemption from claims of creditors,
§ 66:21
Income taxes, § 63:20 to 63:23

ANNULMENT OF MARRIAGE
Proceeds based on marital relation-
ship, right to, § 64:12

ANNULMENT OF POLICY
Costs of action, § 233:70

ANSWERS
Generally, § 244:42 et seq.
See also Defenses (this index)
Admissions (this index)
Automatic denial, § 244:52
Commercial General Liability Poli-
cies (this index)
Conditions precedent
Failure to satisfy, § 244:48
Construction of pleading, § 244:55,
244:56
Denials, generally, § 244:46 et seq.
Estoppel by pleading, § 244:59
Evidence, § 244:57
Fraud, § 244:49
Homeowners’ Insurance (this
index)
Incontestability clause, § 240:92,
240:94
Knowledge, denial in absence of,
§ 244:51

ANTS—Cont’d
Specific denial, necessity of,
§ 244:47 to 244:50
Statutes, § 244:43, 244:44
Validity of statutes, § 244:44

ANTICIPATED CHECKS
Premiums and assessments, § 73:12

ANTICIPATED POLICY
See Premiums and Assessments
(this index)

ANTICIPATED EARNINGS
Marine insurance, § 183:128
Workers’ compensation, § 173:36

ANTICIPATED LOSS
Cancellation and rescission, § 31:12

ANTICIPATION OF LITIGATION
Attorney–client relationship, § 250:15

ANTICIPATORY BREACH OF
CONTRACT
Agents and brokers, § 57:63

ANTICIPATORY PLEADINGS
Generally, § 245:21

ANTI-INJUNCTION ACT
Jurisdiction of federal proceedings,
§ 229:91 to 229:94

ANTINEOPLASTONS CANCER
TREATMENT
Medical insurance, § 181:33

ANTIREMOVAL STATUTES
Foreign insurers, § 3:34

ANTITRUST LEGISLATION
Generally, § 4:7 to 4:17
Abstention, § 4:7, 4:8
McCarran-Ferguson Act (this
index)
Rating agreements, § 4:15
Sherman Act (this index)
State action doctrine, § 4:8
Underwriters’ associations, § 4:14

Index-47
APPAREL
See Clothing (this index)

APPEAL AND REVIEW
See also Judicial Review (this index)
Arbitration awards, § 213:29, 214:16, 214:17
Disability Insurance (this index)
Discovery, § 251:3, 251:4
Erisa, § 222:51
No-fault coverage, § 214:51
Penalties, fees and similar consequences, § 204:111
Subrogation, § 222:51
Uninsured and underinsured motorist coverage, § 214:16, 214:17
Verdict, § 248:59

APPEAL BOND
Defense, § 200:46
Filing, § 248:45
Third-party claims, § 205:44

APPEARANCE OF CONTRACT
Regulation, § 17:10

APPENDICITIS
Good health of insured, § 88:48

APPLIANCES
Contractors’ payment bonds, § 165:128
Property insurance, § 155:59

APPLICATIONS
Generally, § 11:1 et seq.
Acceptance or rejection
Generally, § 11:4 to 11:6
Binders and binding receipts, § 13:13
Conditions, § 11:4 to 11:6
Governing law, where application accepted, § 24:6
Actions against insurers, generally, § 242:200
Agents and Brokers (this index)
Age recitals, presumptions as to, § 254:167
Amended or and supplemental applications, § 18:8

APPLICATIONS—Cont’d
Attachment of application-policy, statutes requiring, § 18:6 to 18:18
Attachment of application to policy, statutes requiring, § 81:69
Beneficiaries (this index)
Best evidence rule, applicability to, § 253:60
Binders and Binding Receipts (this index)
Blank, application signed in, § 85:56
Communication of acceptance or rejection, § 11:5
Complaints, petitions, and declarations, § 244:26
Conditions and representations
Generally, § 11:7, 11:8, 81:8
Attachment of application to policy, applicability of representations tied to, § 81:69
Blank, application signed in, § 85:56
Breach of conditions, proof of, § 18:16
Construction and interpretation, § 81:32 to 81:48
Fraud or misrepresentation, proof of, § 18:14
Knowledge of applicant, facts peculiarly within, § 81:47
Prior applications, § 89:1 et seq.
Statutory or regulatory modification of distinctions, § 81:52
Stipulations, § 83:24
Construction and interpretation
Generally, § 21:23 to 21:25
Agents and brokers, information provided or omitted on interpretation, § 51:4
Liberal construction in favor of insured, § 22:26
Prior applications, § 89:11 to 89:16
Contract, application as part of, generally, § 18:1 to 18:16, 245:4
Counteroffers, § 11:7, 11:8
APPLICATIONS—Cont’d
Defense of misrepresentation, § 18:13, 18:18
Definitions, § 11:1, 18:7
Delay in acting on
Generally, § 11:9 to 11:11
Burden of proof, § 254:136
Governing law, negligent delay in acting on application, § 24:32
Estoppel and waiver
Generally, § 18:5
Attachment of application to policy, § 18:17
Prior applications, § 89:4
Reinstatement of policy, application for, § 239:130
Evidence, attachment of application to policy, § 18:12, 18:15, 18:16
Evidentiary use, § 253:123 et seq.
Fraud, § 18:15, 232:108
Good Health of Insured (this index)
Governing Law (this index)
Group insurance, attachment of application to policy, § 8:5
Incontestability clause, § 240:31, 240:71
Incorporating application into contract, § 18:2
Integration clause, § 81:32
Knowledge presumptions, § 254:174
Liberal construction in favor of insured, § 22:26
Limitation of actions, § 234:59
Marine insurance, representations and warranties, § 81:37
Medical records in, evidentiary use of, § 253:125
Misstatements, burden of proof as to, § 254:96
Offer
Generally, § 11:1
Counteroffers, § 11:7, 11:8
Policies, attachment of applications to, § 253:124
Presumption of correctness, § 254:166
Prior applications
Generally, § 18:3
Application of Law (this index)
Appointed Fiduciary Bond sz (this index)
APPOINTED FIDUCIARY BONDS
See Public Official and Appointed Fiduciary Bonds (this index)
APPOINTMENT
Agency (this index)
Agents and brokers, § 44:39 to 44:41
Arbitration awards, objections, § 213:64
Arbitrators, appraisers, and proceedings before them, § 211:24, 211:25, 211:40, 211:75, 211:77, 211:80
Attorneys, appointment of counsel, § 202:34 to 202:37, 205:24
Conservators, § 5:20, 5:21
Fidelity insurance, § 160:32
Foreign insurers, agent for service of process, § 3:26 to 3:34
Incontestability clause, § 240:43
Limitation of actions, § 237:61
Process and Service of Process and Papers (this index)
Receivership (this index)
APPORTIONMENT
See Premiums and Assessments (this index)
APPRAISAL
Arbitration and Appraisal (this index)
Demand or Request (this index)
Homeowners’ Insurance (this index)
Inland Marine Insurance (this index)

APPRAISERS
See Arbitrators, Appraisers, and Proceedings Before Them (this index)

APPRECIATION
Deductions and offsets, § 178:5 to 178:8
Hearsay exclusion and exceptions, § 249:35
Limitation of actions, § 236:41, 236:42

APPROVAL
See Consent (this index)

APPURTENANT BUILDINGS
Description of subject matter, § 20:29 to 20:33
Property insurance, § 148:23

ARBITRATION AND APPRAISAL
Generally, § 209 to 214, 212:1 et seq.
Admission, demand for appraisement as, § 254:235
Admissions, appraisement demand as, § 254:235
Agents and brokers, adjustment of losses, § 53:5, 53:36
Agreements, See Arbitration, Appraisal, or Submission Agreements (this index)
American arbitration association rules, § 209:7
Amount of loss, § 212:9
Appeal and review of stay, § 209:33, 209:34
Appraisal agreements, § 212:13
Appraisal distinguished, § 209:8
Arbitrability, generally, § 212:7 et seq.
Arbitration agreement, § 212:15

ARBITRATION AND APPRAISAL—Cont’d
Arbitration, Appraisal, or Submission Agreements (this index)
Arbitration Awards (this index)
Arbitrators, Appraisers, and Proceedings Before Them (this index)
Attorneys’ fees, § 207:90, 212:20
Authority of court, § 209:10
Awards, us as demonstrative evidence, § 253:219
Bad faith of insurer, § 212:27
Broad arbitration provisions, § 212:3
Commercial liability insurance, § 201:63
Compulsory arbitration, § 209:12, 209:20
Conditions precedent, § 212:16
Construction, § 209:19
Contractual arbitration clause, § 209:6
Costs of action, § 233:71, 233:72
Court, § 209:10, 212:8
Coverage issues, generally, § 212:12 et seq.
Default and waiver, § 209:30
Defend, duty to, § 212:25
Delayed payment or nonpayment, § 207:18
Demand or Request (this index)
Demonstrative evidence, use of arbitration records as, § 253:219
Disability provisions, § 147:114
Documentary evidence, appraisal files as, § 253:175
Factual issues, § 212:7 to 212:11
Federal arbitration act, § 209:13, 209:27
Foreign arbitration awards, convention on recognition of, § 209:22
Fulfillment of conditions and requirements, § 212:26
Group insurance, § 7:59 to 7:61
Handling claims, § 212:25 to 212:27
Hearsay exclusion and exceptions, § 249:25
Interest on money, § 178:36
INDEX

ARBITRATION AND APPRAISAL
—Cont’d
Interlocutory order, appeal of,
§ 209:34
International commercial arbitration,
§ 209:23
International conventions on recognition
and enforcement of awards,
§ 209:22, 209:23
Jurisdiction, § 209:21, 229:50
Laches, § 212:23
Liability policies, § 242:26
Limitation of actions
Generally, § 212:23
Commencement of period, trigger
points, § 236:9, 236:10
Demand for, § 237:87
Enforcement of payment pursuant
to terms of contract, § 234:25
Tolling of limitation period,
§ 237:53, 237:97
Triggers, § 236:9, 236:10
Uninsured motorist claims,
§ 234:25
Workers’ compensation claim as
tolling arbitration of uninsured
motorist claim,
§ 237:97
Mediation and other forms of alternative
dispute resolution, § 209:5
Narrow arbitration provisions,
§ 212:4
No-Fault Insurance (this index)
Nonparties, § 209:31
Offsets, § 212:22
Payments, § 212:22
Placement of clause in policy,
§ 212:5
Post-loss duties, § 212:25 to 212:27
Premiums, § 212:21
Prior demand, necessity of, § 209:29
Priority of payments, § 212:22
Prior judgment, § 239:5
Property insurance policies,
§ 245:77, 245:113
Public policy, § 209:17
Records of, use as demonstrative evi-
dence, § 253:219
Refeerability to arbitration, § 209:28

ARBITRATION AND APPRAISAL
—Cont’d
Reformation proceedings, § 26:14 to
26:17
Repair or replace, option to, § 176:8
Retroactivity, § 209:18
Specific performance, § 232:170
State actions, § 209:26
Statutes
Generally, § 209:11 et seq.
Arbitrability, § 212:2
Compulsory arbitration, § 209:20
Compulsory arbitration statutes,
§ 209:12
Construction, § 209:19
Coverage issues as arbitrable,
§ 212:14, 212:15
Federal arbitration act, § 209:13
Jurisdiction, § 209:21
Public policy, § 209:17
Retroactivity, § 209:18
Uniform arbitration act, § 209:14
Validity, generally, § 209:15
Voluntary arbitration, § 209:20
Stay of judicial proceedings pending
arbitration
Generally, § 209:24 et seq.
Appeal and review of stay,
§ 209:33, 209:34
Default and waiver, § 209:30
Federal arbitration act
prerequisites, § 209:27
Interlocutory order, appeal of,
§ 209:34
Nonparties, § 209:31
Prior demand, necessity of,
§ 209:29
Referability to arbitration,
§ 209:28
State actions, § 209:26
Vacating stay of proceedings,
§ 209:32
Waiver, § 209:30
Submission agreements. See
Arbitration, Appraisal, or
Submission Agreements (this
index)
ARBITRATION AND APPRAISAL
—Cont’d
Subrogation
Automobile no-fault and personal injury protection insurance, § 225:69 to 225:72
Waiver, § 224:167, 224:168, 225:53
Total loss, § 212:10, 212:11
Uniform arbitration act, § 209:14
Uninsured and underinsured motorist coverage, § 123:2
Uninsured and Underinsured Motorist Coverage (this index)
Vacating stay of proceedings, § 209:32
Validity, § 209:15, 212:17, 212:24
Valued policy, total loss under, § 212:11
Venue, § 230:21
Voluntary arbitration, § 209:20
Waiver, § 209:30
ARBITRATION, APPRAISAL, OR SUBMISSION AGREEMENTS
Generally, § 210:1 et seq., 212:13, 212:15
Affirmative defense, § 210:28
Amendment of agreement, § 210:10
Answers, § 210:28
Appeal, § 210:34
Arbitration, generally, § 210:42
Arbitrability of issues, determination of, § 210:29
Arbitration, generally, § 210:41
Assignee of mortgagee, insurer’s right as, § 210:19
Authorization of arbitration or appraisal, language, § 210:51
Avoidance, revocation or, § 210:58 to 210:63
Bad faith of insurer, § 210:78
Beneficiaries, § 210:17
Burden of proof, § 210:32
Common law, construction and interpretation, § 210:14
Compelling arbitration, § 210:25
Compulsory appearance clause, § 210:53
ARBITRATION, APPRAISAL, OR SUBMISSION AGREEMENTS
—Cont’d
Condition precedent, arbitration as, § 210:21, 210:48
Consideration, § 210:9
Construction and interpretation, § 210:13 to 210:15
Court, § 210:30
Death of party, § 210:62
Defense, § 210:28
Denial or recognition of claim, § 210:71 to 210:75
Deny liability, insurer’s right to, § 210:45
Enforcement
Generally, § 210:20 et seq.
Affirmative defense, § 210:28
Answers, § 210:28
Appeal, § 210:34
Arbitrability of issues, determination of, § 210:29
Burden of proof, § 210:32
Compelling arbitration, § 210:25
Condition precedent, arbitration as, § 210:21
Erisa, § 210:22
Jurisdiction, § 210:26
Motion, § 210:24
Necessary parties, § 210:24
Notice, § 210:27
Petition, disposition by court, § 210:30
Petition, disposition by jury, § 210:31
Service of process, § 210:27
Statutes, arbitration, § 210:23
Venue, § 210:26
Erisa, § 210:22
Estoppel and waiver, § 213:35, 213:36
Forms, § 210:6
Future disputes, agreement to arbitrate as submission, § 210:40
Group insurance, § 7:60
Group insureds, § 210:16
Implied revocation, § 210:61
ARBITRATION, APPRAISAL, OR SUBMISSION AGREEMENTS —Cont’d
Joinder of loss payee, arbitration without, § 210:79
Jurisdiction, § 210:26, 210:43
Jury, § 210:31
Limitation of actions, § 210:11, 210:12
Limitations period for action under policy, § 210:44
Mortgage, § 210:18 to 210:19, 210:56
Motion, § 210:24
Multicoverage policies, § 210:47
Necessary parties, § 210:24
Negotiation for settlement, § 210:73
Noncompliance, effect on right of action, § 210:54 to 210:57
Notice, § 210:12, 210:27
Other court proceedings, participation in litigation as waiver, § 210:67 to 210:70
Participation in litigation and other court proceedings as waiver, § 210:67 to 210:70
Payment, § 210:74, 210:79
Petition, § 210:30, 210:31
Precondition, § 210:49, 210:50
Proof of loss, § 210:12
Read policy, duty to, § 210:8
Reference to other documents, agreements by, § 210:7
Refusal, § 210:57
Reinsurance, § 9:35
Repair and salvage operations, § 210:75
Replace lost property, § 210:52
Repudiation, breach, or illegality of policy, § 210:36
Revocation or avoidance, § 210:58 to 210:63
Right to bring action, generally, § 210:46 et seq.
Salvage, § 210:75
Service of process, § 210:27
Settlement, § 210:73
Standardized forms, § 210:6

ARBITRATION, APPRAISAL, OR SUBMISSION AGREEMENTS —Cont’d
Statutes
Condition precedent, arbitration as, § 210:48
Construction and interpretation, § 210:14
Enforcement, § 210:23
Submission agreements, § 210:39
Waiver and estoppel, § 210:65
Submission agreements
Generally, § 210:38 to 210:40
Arbitrate future disputes as submission, agreement to, § 210:40
Statutes, § 210:39
Subrogee of mortgagee, insurer’s right as, § 210:19
Termination of policy, § 210:37
Third-party beneficiaries, § 210:17
Time, § 210:12
Uninsured/underinsured motorist coverage, § 214:11
Validity, invalidity of arbitration clause, § 210:35
Venue, § 210:26
Waiver and estoppel
Generally, § 210:64 et seq.
Bad faith of insurer, § 210:78
Delay or failure to request arbitration, § 210:77
Denial or recognition of claim, § 210:71 to 210:75
Failure to comply with arbitration or appraisal, § 210:76
Failure to comply with policy terms, § 210:80
Joinder of loss payee, arbitration without, § 210:79
Loss, agreement as to, § 210:72
Negotiation for settlement, § 210:73
Other contractual rights, exercise of, § 210:81
Other court proceedings, participation in litigation as waiver, § 210:67 to 210:70

INDEX
Index-53
ARBITRATION, APPRAISAL, OR SUBMISSION AGREEMENTS—Cont’d
Waiver and estoppel—Cont’d
Participation in litigation and other court proceedings as waiver, § 210:67 to 210:70
Payment by insurer, § 210:74
Repair and salvage operations, § 210:75
Statutes, § 210:65
Withdraw refusal to arbitrate, right to, § 210:57

ARBITRATION ASSOCIATION RULES
Generally, § 211:19

ARBITRATION AWARDS
Generally, § 213:1 et seq.
Agreement, existence of, or compliance with, § 213:39 to 213:44
Appeal of court order, § 213:72
Appointing party, zealousness in protecting rights of appointing party, § 213:64
Appraisers, § 213:44, 213:71
Attorneys’ fees, inclusion or omission of, § 213:53
Basis of award, giving, § 213:8
Bias of arbitrators, § 213:62, 213:63
Burden of proof, § 213:28
Challenges, § 213:25
Collateral estoppel, § 213:5
Compromise award, § 213:47
Conduct of proceedings and parties generally, § 213:55 et seq.
Confirmation of award, § 213:17 to 213:20, 213:33
Construction, § 213:18
Contribution and apportionment, § 217:23
Corruption, § 213:65
Costs, inclusion or omission of, § 213:52
Court, § 213:23
Decisions, § 213:11, 213:67

ARBITRATION AWARDS—Cont’d
Deductions, inclusion or omission of, § 213:54
Defects, § 213:35
Enforcement, § 213:37
Equitable relief, § 213:46
Estoppel when party has come to rely on award, § 213:36
Excessive award, § 213:51
Ex parte contacts and investigations, § 213:59
Federal arbitration act, grounds for modification or vacation of award, § 213:31
Finality, § 213:2
Fraud, corruption, and undue means, § 213:65
Gross inadequacy of award, § 213:50
Hearing, failure to appear at, § 213:70
Impeachment, proceedings subsequent to, § 213:71, 213:72
Inadequate award, § 213:49, 213:72
Interim award, § 213:20
Investigation, § 213:59
Itemization of loss, § 213:9
Judgment, failure to exercise judgment on some or all issues presented, § 213:42, 213:43
Less than all arbitrators, proceedings before, § 213:58
Limitations period, § 213:19
Majority decisions, § 213:11
Manifest mistake, § 213:66
Master arbitrator, § 213:22, 213:41
Mistake, § 213:66, 213:67
Modification
Generally, § 213:21 to 213:23
Determination, § 213:16
Grounds for, § 213:31
Uniform arbitration act, grounds for modification or vacation under, § 213:32
No contract to arbitrate, § 213:39
No-fault coverage, § 214:51
Noncompliance, § 213:40, 213:56
Notice, failure to give, § 213:69
Objections
Generally, § 213:30 et seq.
ARBITRATION AWARDS—Cont’d
Objections—Cont’d
Agreement, existence of, or compliance with, agreement to arbitrate, § 213:39 to 213:44
Amount warranted, generally, § 213:47 et seq.
Appointing party, zealousness in protecting rights of appointing party, § 213:64
Appraiser’s determination of legal issues, § 213:44
Arbitrators, conduct of, § 213:62 to 213:67
Attorneys’ fees, inclusion or omission of, § 213:53
Bias of arbitrators, § 213:62, 213:63
Compromise award, § 213:47
Conduct of proceedings and parties, generally, § 213:55 et seq.
Confirmation, objection to, § 213:33
Corruption, § 213:65
Costs, inclusion or omission of, § 213:52
Decisions, § 213:67
Deductions, inclusion or omission of, § 213:54
Defects, procedural
Generally, § 213:55 et seq.
Appointing party, zealousness in protecting rights of appointing party, § 213:64
Arbitrators, conduct of, § 213:62 to 213:67
Bias of arbitrators, § 213:62, 213:63
Ex parte contacts and investigations, § 213:59
Fraud, corruption, and undue means, § 213:65
Modification, § 213:31, 213:32
No contract to arbitrate, § 213:39

INDEX
Objections—Cont’d
Noncompliance with formalities of office, § 213:56
Noncompliance with submission, § 213:40
Notice, failure to give, § 213:69
Parties’ conduct, § 213:68 to 213:70
Postponement, refusal to grant, § 213:60
Prejudice to third party as, § 213:38
Public policy objections to enforcement, § 213:37
Punitive damages, § 213:45
Questions of law, decisions on, § 213:67
Reasons for award, failure to give, § 213:61
Remedy granted, § 213:45, 213:46
Remand to same or new arbitrators or appraisers, § 213:71
Remis granted, § 213:45, 213:46
Requisites, generally, § 213:6 et seq.
Res judicata, § 213:5
Review, standard of, § 213:29
Right to be heard, violation of, § 213:57
Setoffs, inclusion or omission of, § 213:54
Severability, § 213:27
Signature as requisite, § 213:7
Submission, § 213:40
Sufficiency of proof, § 213:28
Third party, § 213:38
Time for challenging award, § 213:25
Time limits, § 213:14
Umpire, § 213:13, 213:43
Unanimous decisions, § 213:11
Undue means, § 213:65
Unholding award, § 213:34
Uniform arbitration act, grounds for modification or vacation under, § 213:32
Vacation, § 213:31, 213:32
Waiver of defects and objections, § 213:35
Zealousness in protecting rights of appointing party, § 213:64
Panel, entire panel’s participation in process, § 213:12
Partial award, § 213:20
Parties’ conduct, § 213:68 to 213:70
Postponement, refusal to grant, § 213:60
Prejudice to third party as, § 213:38
Presumption of validity, § 213:26
Public policy objections to enforcement, § 213:37
Punitive damages, § 213:45
Question of liability not settled by damage award, § 213:4

Questions of law, decisions on, § 213:67
Reasons for award, failure to give, § 213:61
Reimbursement, § 226:31
Remand to same or new arbitrators or appraisers, § 213:71
Remedy granted, § 213:45, 213:46
Requisites, generally, § 213:6 et seq.
Res judicata, § 213:5
Review, standard of, § 213:29
Right to be heard, violation of, § 213:57
Setoffs, inclusion or omission of, § 213:54
Severability, § 213:27
Signature as requisite, § 213:7
Submission, § 213:40
Sufficiency of proof, § 213:28
Third party, § 213:38
Time for challenging award, § 213:25
Time limits, § 213:14
Umpire, § 213:13, 213:43
Unanimous decisions, § 213:11
Undue means, § 213:65
Unholding award, § 213:34
Uniform arbitration act, grounds for modification or vacation under, § 213:32
Waiver, § 213:35
Written award as requisite, § 213:7
Zealousness in protecting rights of appointing party, § 213:64

ARBITRATORS, APPRAISERS, AND PROCEEDINGS BEFORE THEM
Generally, § 211:1 et seq.
Additional arbitrators, § 211:3, 211:23
Agents, § 211:8, 211:36
All arbitrators, requirement that hearing be before, § 211:62
Answers, § 211:45
INDEX

ARBITRATORS, APPRAISERS, AND PROCEEDINGS BEFORE THEM—Cont’d
Appointment of
Failure to appoint on continuation of proceeding, § 211:25
Refusal to, § 211:75, 211:77
Removal of, § 211:40
Selection, § 211:24, 211:25
Umpire, appraiser’s refusal or failure to appoint, § 211:80
Appraisals, notice of hearing, § 211:50
Arbitration, appraisal, or submission agreements, § 210:43
Arbitration association rules, § 211:19
Attorney-adversary relationship, § 211:37
Attorney-client or attorney-adversary relationship, § 211:37
Authority
Delegate authority, power to, § 211:10
Letter of credit as security, § 211:12
Revocation or termination of, generally, § 211:13
Termination of authority by award, § 211:14
Awards, § 213:44, 213:71
Bias or prejudice
Generally, § 211:33 et seq.
Attorney-client or attorney-adversary relationship, § 211:37
Employee, officer, or agent of party or related corporation, § 211:36
Habitual appraisers or arbitrators, § 211:35
Interest in case, § 211:34
Object, failure to, § 211:39
Professional or habitual appraisers or arbitrators, § 211:35
Remedy, § 211:38
Waiver, § 211:39
Burden of proof, § 211:67
Community, residency in community, § 211:28

ARBITRATORS, APPRAISERS, AND PROCEEDINGS BEFORE THEM—Cont’d
Compensation, § 211:29 to 211:32
Compliance, § 211:27
Compliance, necessity of, § 211:17
Consequences of failure of arbitration or appraisal, generally, § 211:73 et seq.
Consolidation of proceedings, § 211:48
Contesting duty-arbitrate, § 211:68 to 211:71
Continuation of proceedings, § 211:25
Corporations, § 211:36
Court, § 211:18, 211:32
Declaratory relief, § 211:72
Delegate authority, power to, § 211:10
Demand, § 211:42, 211:44
Discovery, § 211:64
Employee, § 211:36
Enforcement by lien, action, or court, § 211:32
Estoppel and waiver
Generally, § 211:53, 211:60
Bias or prejudice, § 211:39
Evidence, right-obtain and submit, § 211:64 to 211:67
Existence of controversy, § 211:43
Ex parte proceedings, § 211:63
Experts, § 211:56, 211:66
Fault
Both parties, § 211:78
Insured, § 211:76, 211:77
Insurer, § 211:74, 211:75
Neither party, § 211:79
Forfeiture, § 211:30
Form of notice, § 211:51
Habitual appraisers or arbitrators, § 211:35
Hearing
Necessity of, § 211:55
Notice of hearing, § 211:49 to 211:53
Scope of, § 211:61
Immunity, § 211:15

Index-57
ARBITRATORS, APPRAISERS, AND PROCEEDINGS BEFORE THEM—Cont’d
Initiating arbitration or appraisal, generally, § 211:42 et seq.
Interest in case, § 211:34
Interpret agreement, power to, § 211:9
Judicial immunity of arbitrator, § 211:15
Judicial removal and substitution, § 211:41
Jurisdiction of arbitrators, § 210:43
Knowledge as specialist, exercising, § 211:11
Letter of credit, § 211:12
Liability of parties, § 211:31
Liens, § 211:32
Modification or correction, § 213:21, 213:22
Notice, § 211:49 to 211:53
Oath, necessity of, § 211:47
Object, failure to, § 211:39
Objections, § 213:62 to 213:67
Officer, § 211:36
Outside experts, § 211:66
Participation, effect of, § 211:59
Prior judgment, § 239:21
Proceedings, generally, § 211:42 et seq.
Professional or habitual appraisers or arbitrators, § 211:35
Qualification or disqualification, § 211:26 to 211:28
Referee, § 211:4, 211:7, 211:57
Remand to same or new arbitrators or appraisers, § 213:71
Removal, § 211:40, 211:41
Residency in community, § 211:28
Revocation or termination of authority, generally, § 211:13
Right to agree on nonneutral arbitrators or appraisers, § 211:20, 211:21
Right to be heard, generally, § 211:55 et seq.
Rules of evidence, § 211:67
Security, § 211:12

ARBITRATORS, APPRAISERS, AND PROCEEDINGS BEFORE THEM—Cont’d
Selection
Generally, § 211:16 et seq.
Additional arbitrators, § 211:23
Appointment, effect of, § 211:24
Appointment, failure to appoint on continuation of proceeding, § 211:25
Arbitration association rules, § 211:19
Compliance, necessity of, § 211:17
Court, selection by, § 211:18
Right to agree on nonneutral arbitrators or appraisers, § 211:20, 211:21
Substitute arbitrators, § 211:22
Three-member panels, § 211:21
Umpires, § 211:23
Service of notice, § 211:52
Specialist, § 211:11
Stay of arbitration, § 211:69 to 211:71
Substitution, § 211:22, 211:41
Termination of authority, generally, § 211:13
Third parties, right to participate, § 211:58
Three-member panels, § 211:21
Time to commence stay of arbitration, § 211:70
Time within which demand must be made, § 211:44
Umpire, § 211:2, 211:3, 211:6, 211:23, 211:80
Validity of ex parte proceedings, § 211:63
Venue, § 211:54
Waiver, § 211:39, 211:53, 211:60
Witnesses, § 211:65, 252:54

ARCHITECTS
Contractors’ payment bonds, § 165:70
Contractors’ performance bonds, § 164:40
Risks covered under policies, § 131:46, 131:47
INDEX

ARMED FORCES
Accident and Life Insurance (this index)
Automobile Insurance (this index)
Disability insurance, § 182:34
Government insurance, § 10:17 to 10:20
Medical payments, § 158:11, 158:27
Occupation of insured, § 86:24, 86:27
Premiums and assessments, § 77:26

ARREST
Accident and life insurance, § 140:14
Public official and appointed fiduciary bonds, § 166:53, 166:54
Representations, warranties, conditions, and concealment, identity of insured, § 86:51, 86:52

ARSON
See also Fire Insurance (this index)
Burden of proof, § 254:118 et seq.
Evidence, § 249:13
Fraud, § 245:126
Instructions to jury, § 246:79
Mortgages and deeds of trust, § 65:26
Subrogation, § 224:11
Use and occupancy, § 94:22

ARTERIOSCLEROSIS
Accident and life insurance, § 141:55
Good health of insured, § 88:26

ARTHRITIS AND RELATED CONDITIONS
Accident and life insurance, § 141:51
Disability provisions, § 147:78, 147:79
Good health of insured, § 88:59

ARTIFICIAL HEART
Medical insurance, § 181:23

ARTIFICIAL HEAT
Accident and life insurance, § 143:109

ARTIFICIAL LIMBS
Injury to artificial limbs, § 136:59
Workers’ compensation, § 173:19, 174:24

ASBESTOSIS
Good health of insured, § 136:38

AS INTEREST MAY APPEAR
Mortgages and deeds of trust, § 65:17
Sales, § 68:4, 68:13, 243:52, 243:53
Title and ownership, § 91:26

AS REASONABLY POSSIBLE
No-fault insurance, § 190:62
Uninsured/underinsured motorist coverage, § 190:51

ASSAULT AND BATTERY
Accident and Life Insurance (this index)
Accident or occurrence as, § 127:21
Agents and brokers, § 56:24
Automobile insurance, § 119:9 to 119:13, 121:98
Business entity, coverage when insured is, § 127:23
Co-workers, assaults by, § 136:6
Intentional act exclusion, § 103:26
Liability insurance, § 201:47
Negligent or intentional acts, § 201:19
Physicians, § 131:17
Specific policy provisions addressing assault, § 127:22, 127:23
Subrogation, § 225:195

ASSESSMENTS
See Premiums and Assessments (this index)

ASSIGNED RISK PLANS
Generally, § 1:27
Automobile insurance, § 109:37

ASSIGNMENT
Generally, § 34:1 et seq., 35:1 et seq., 68:3, 68:9
Absolute assignment
Generally, § 37:1 to 37:19
Change of beneficiary, § 34:12
ASSIGNMENT—Cont’d

Absolute assignment—Cont’d
Collateral agreements, § 37:57 to 37:61
Acceptance, § 36:5 to 36:14
Adverse claimants, § 37:16 to 37:19
Affection as consideration, § 36:22
Agent of insured, § 36:54
Agent of insurer, § 52:7 et seq.

Agents and Brokers (this index)
Agents, assignee of conditional vendor as, § 44:21
Ambiguous statements of insured, § 34:16
Amount of debt, § 37:89
Arbitration, appraisal, or submission agreements, § 210:19
Assets, transfer of, § 34:36

Assignment for Benefit of Creditors (this index)
Attorneys’ fees, § 37:87
Automobile insurance, § 36:73
Automobile no-fault insurance, § 225:67
Bad faith, § 242:150, 242:154
Beneficiaries
Generally, § 34:10 to 34:16, 34:29, 35:16 to 35:18, 58:17
Bankruptcy of insured, § 35:38
Change of beneficiary, § 34:12, 34:34, 35:29, 37:64, 60:10, 60:15, 60:32
Conditional or qualified assignment, § 37:46, 37:62 to 37:77
Consideration, § 36:17
Death caused by beneficiary’s assignee, § 62:2
Fraud, § 36:98
Notice, § 36:43
Bills and notes, § 36:26
Blank forms, § 36:7
Cancellation and rescission
Generally, § 31:16
Conditional or qualified assignment, § 37:66
Cash surrender value
Generally, § 35:28 to 35:35
Life insurance, § 34:19

ASSIGNMENT—Cont’d

Change
Absolute assignment, change of marital status after assignment, § 37:3
Beneficiary, change of, § 34:12, 34:34, 35:29, 37:64, 60:10, 60:15, 60:32
Partnership, change of, § 34:39

Children
Generally, § 34:31
Vested rights, § 35:18
Chose in action, § 37:33
Common law, § 204:18
Conditional or qualified assignments, § 37:20 to 37:91

Consent
Generally, § 34:38, 36:45 to 36:76, 241:14
Beneficiaries, § 35:19 to 35:22
Conditional or qualified assignment, § 37:45, 37:46
Life of insured, insurable interest in, § 36:92
Title and ownership, § 91:99

Consideration
Generally, § 36:15 to 36:27
Conditional or qualified assignment, § 37:58
Life of insured, insurable interest in, § 36:91
Presumption of, § 254:199

Construction of assignment, § 34:4
Contingent debts, § 37:55
Contractors’ payment bonds, § 165:24

Contractors’ Performance Bonds (this index)
Contracts, generally, § 232:194
Contractual capacity of assignor, § 34:27

Creditors
Generally, § 66:3
Absolute assignment, § 37:10
Bankruptcy of insured, § 35:24 to 35:39
Conditional or qualified assignment, § 37:47, 37:84 to 37:87
Fraud, § 36:94, 36:96

Index-60
ASSIGNMENT—Cont’d
Creditors—Cont’d
Mortgages, insurable interest,
§ 42:33, 42:34, 42:36
Pre-existing debts, § 36:24
Creditors
Assignment for Benefit of Creditors (this index)
Decedents’ estates
Bankruptcy of insured, § 35:30
Wills, § 34:40
Defenses
Generally, § 239:151
Absolute assignment, § 37:6
Waiver of defenses, consent as, § 36:66 to 36:68
Delivery of policy
Generally, § 36:28 to 36:38
Conditional or qualified assignment, § 37:32, 37:49, 37:83
Trusts, § 37:25
Deposits into court, § 35:14
Direct action claims, § 34:22
Directions as to payment, § 34:33
Disability Insurance (this index)
Distribution of policy proceeds, § 34:7, 37:78 to 37:92
Divorce decrees, § 37:35
Duress, § 36:100
Endorsement
Consent, § 36:60
Rubber-stamp endorsement, § 34:35
Equitable assignments or liens, § 37:27 to 37:42
Estate taxes, § 63:39
Estoppel and waiver
Generally, § 34:9, 35:12 to 35:15
Agents and brokers, § 52:8, 52:9
Conditional or qualified assignment, § 37:61, 37:77, 37:92
Consent, § 36:59 to 36:68
Failure to inform insured that claim is nonassignable, § 238:27
Fraud, § 36:99
Subrogation, § 224:170
ASSIGNMENT—Cont’d
Estoppel and waiver—Cont’d
Validity of assignment of policy, § 36:4
Evidence, conditional or qualified assignment, § 37:57 to 37:59
Executors and administrators
Generally, § 34:32
Life insurance, § 34:21
Exemptions from claims of creditors
Cash surrender value, repayment of, § 35:34
Trustee in bankruptcy, § 35:39
Expenses recoverable, § 37:84 to 37:87
Facility of payment clause, § 37:5
Fire insurance
Generally, § 34:24
Acceptance, § 36:11
Consent, § 36:74
Fraud
Generally, § 36:93 to 36:99
Consent, § 36:52
Consideration, § 36:20
Health policies, § 242:173
Frauds, statute of, § 36:10
Future debts, § 37:54
Gift of policy, § 38:18, 38:19
Good-faith assignments despite lack of insurable interest in life of insured, § 36:86 to 36:92
Governing law
Generally, § 34:1
Life of insured, insurable interest in, § 36:85
Group insurance, § 8:35 to 8:38
Husband and wife
Absolute assignment, § 37:3
Conditional or qualified assignment, § 37:47
Consent, § 35:19, 35:21
Divorce decrees, § 37:35
Immoral relationship with assignee, § 36:103
Incompetent and insane persons, § 34:27
Indemnity insurance, § 34:25
<table>
<thead>
<tr>
<th>ASSIGNMENT—Cont’d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insolvency of insured</td>
</tr>
<tr>
<td>Generally, § 35:24 to 35:39</td>
</tr>
<tr>
<td>Fraud, § 36:95</td>
</tr>
<tr>
<td>Insurable interest in life of insured,  § 36:77 to 36:92</td>
</tr>
<tr>
<td>Intent</td>
</tr>
<tr>
<td>Generally, § 34:15</td>
</tr>
<tr>
<td>Delivery, need for delivery with intent to vest ownership, § 36:30</td>
</tr>
<tr>
<td>Life of insured, insurable interest in, § 36:87, 36:88</td>
</tr>
<tr>
<td>Interest on money</td>
</tr>
<tr>
<td>Expenses recoverable, § 37:85</td>
</tr>
<tr>
<td>Usurious loans, § 37:50</td>
</tr>
<tr>
<td>Investigation by insurer, § 34:28</td>
</tr>
<tr>
<td>Joinder of parties, § 243:51, 243:70, 243:125</td>
</tr>
<tr>
<td>Joint policies, § 35:23</td>
</tr>
<tr>
<td>Jurisdiction of federal proceedings, § 229:34</td>
</tr>
<tr>
<td>Jury trial, § 246:46</td>
</tr>
<tr>
<td>Laches, § 37:81</td>
</tr>
<tr>
<td>Liability insurance, § 34:25</td>
</tr>
<tr>
<td>Liens and encumbrances, § 35:33, 37:27 to 37:42, 37:65</td>
</tr>
<tr>
<td>Life Insurance (this index)</td>
</tr>
<tr>
<td>Limitation of actions, § 37:82, 235:22, 236:119</td>
</tr>
<tr>
<td>Limitations and restrictions</td>
</tr>
<tr>
<td>Generally, § 34:6</td>
</tr>
<tr>
<td>Conditional or qualified assignment, § 37:84, 37:89</td>
</tr>
<tr>
<td>Spendthrift restrictions, § 34:5</td>
</tr>
<tr>
<td>Loans</td>
</tr>
<tr>
<td>Generally, § 80:2</td>
</tr>
<tr>
<td>Cash surrender value, repayment of loan where cash surrender value exempt, § 35:34</td>
</tr>
<tr>
<td>Subrogation, loan receipt transaction, § 222:89</td>
</tr>
<tr>
<td>Usurious loans, § 37:50</td>
</tr>
<tr>
<td>Love and affection as consideration, § 36:22</td>
</tr>
<tr>
<td>Marine insurance, § 34:26</td>
</tr>
<tr>
<td>Marriage, promise of, § 36:25</td>
</tr>
<tr>
<td>Mistake</td>
</tr>
<tr>
<td>Generally, § 36:102</td>
</tr>
</tbody>
</table>

| ASSIGNMENT—Cont’d                                                                 |
| Mistake—Cont’d                                                                  |
| Acceptance, § 36:14                                                              |
| Modification of Contract (this index)                                            |
| Name of insured, § 241:57                                                       |
| Negligence in handling claim, § 242:150, 242:154                                |
| No-fault coverage, § 242:11                                                     |
| Nonwaiver clauses, § 36:62                                                      |
| Notice                                                                          |
| Generally, § 36:39 to 36:44                                                     |
| Consent, knowledge of, § 36:51, 36:64                                            |
| Life, health, and disability insurance, § 187:40                                |
| Payment (labor and materials) bonds, § 187:47                                   |
| Premiums, § 35:15, 71:21                                                        |
| Objections                                                                      |
| Consent, § 36:47                                                                 |
| Consideration, lack of, § 36:17                                                  |
| Life of insured, insurable interest in, § 36:84                                 |
| Notice, § 36:41                                                                 |
| Prohibitory clauses, breach of, § 35:4                                           |
| Validity of assignment, § 36:2                                                   |
| Officer of insurer, consent to, § 36:56                                          |
| Options, right-exercise, § 37:12 to 37:13                                        |
| Parol assignment, § 36:32, 37:32, 37:41                                         |
| Parol evidence of, § 253:61                                                      |
| Partial assignment, § 37:21                                                       |
| Parties, generally, § 242:143, 245:18                                           |
| Partnership                                                                     |
| Change of partnership, § 34:39                                                   |
| Conditional or qualified assignment, § 37:22                                     |
| Payment                                                                         |
| Conditional or qualified assignment, § 37:90                                     |
| Directions as to payment, § 34:33                                               |
| Facility of payment clause, § 37:5                                               |
| Payment into court, § 35:14                                                      |
ASSIGNMENT—Cont’d
Penalties, fees and similar consequences, § 204:69, 204:75
Performance and payment bonds, § 242:137
Power of sale as including right to surrender, § 37:73
Pre-existing debts, § 36:24
Premiums and assessments
Absolute assignment, § 37:15
Conditional or qualified assignment, § 37:68, 37:86
Consideration, § 36:16, 36:23
Liability for assessments, § 70:21
Life of insured, insurable interest in, § 36:90
Notice, § 35:15, 71:21
Return of premiums, § 79:19
Presumptions and burden of proof
Generally, § 34:8
Conditional or qualified assignment, § 37:28, 37:91
Consent, § 36:53
Consideration, § 36:21
Delivery of policy, § 36:35
Prior assignment, consent as waiver of defenses, § 36:66
Priorities
Absolute assignment, § 37:18
Bankruptcy, trustee in, § 35:36 to 35:39
Proceeds
Absolute assignment, § 37:8 to 37:10
Burden of proving, § 254:129
Conditional or qualified assignment, § 37:37
Distribution of policy proceeds, § 34:7, 37:78 to 37:92
Facility of payment clause, § 37:5
Gift of policy, § 38:19
Promissory notes, § 36:26
Proof of, generally, § 255:106
Property insurance, § 187:114, 243:39
Public official and appointed fiduciary bonds, § 166:90
Purchaser’s rights, § 37:48, 37:70
ASSIGNMENT—Cont’d
Qualified assignments, § 37:20 to 37:91
Questions of law or fact
Generally, § 36:3
Conditional or qualified assignment, § 37:60
Consent, § 36:65
Life of insured, insurable interest in, § 36:86
Ratification of unauthorized consent, § 36:55
Real party in interest statutes, § 35:11
Reassignment, § 37:75 to 37:77
Reciprocal insurance exchanges and interinsurance, § 39:50
Recital of consideration, § 36:19
Records of insurer, completion of assignment on, § 36:38
Redelivery of policy, § 37:83
Redemption, § 35:35
Reformation, § 27:63
Release of other security when debt is satisfied, § 37:80
Renewal notes, § 37:51
Repair or replace, option to, § 176:25
Repayment of loan where cash surrender value exempt, § 35:34
Revocability of trust, § 37:26
Rubber-stamp endorsement, § 34:35
Safekeeping, retention of policy for, § 36:29
Sale of policy, generally, § 37:69, 37:70
Secured transactions
Absolute assignment, § 37:11
Delivery of collateral, § 36:33
Life of insured, insurable interest in, § 36:82
Settlement and compromise of claim, § 215:50
Specific performance, § 232:177
Spendthrift restrictions, § 34:5
Standard mortgage clause, § 35:7
Standard of proof, § 37:59
Statute of limitations, § 37:82

Index-63
ASSIGNMENT—Cont’d

Subrogation (this index)
Subsequent assignments, § 37:76
Surrender of policy, § 37:71 to 37:74
Temporary return of policy to insured, § 36:37
Third persons
   Generally, § 35:15
   Absolute assignment, § 37:17
   Conditional or qualified assignment, § 37:36
   Consent, § 36:76
   Delivery of policy, § 36:34
Threshold principles, § 34:1 et seq.
Time
   Bankruptcy laws, time period covered by, § 35:37
   Consent, date of, § 36:49
   Laches, § 37:81
   Life of insured, insurable interest in, § 36:89
   Limitation of actions, § 37:82
   Notice, § 36:40
   Surrender of policy, § 37:74
Title and ownership
   Consent to assignment, § 91:99
   Delivery with intent to vest ownership, § 36:30
Trustee in bankruptcy
   Generally, § 35:25
   Cash surrender value, § 35:28, 35:31
   Conditional or qualified assignment, § 37:23 to 37:26
   Priority of trustee, § 35:36 to 35:39
   Undertakers, debts to, § 35:36
   Undue influence, § 36:101
   Usurious loans, § 37:56
Validity
   Generally, § 36:1 et seq.
   Prohibitory clauses, § 35:6
   Vested interests or rights
   Generally, § 35:16 to 35:18
   Delivery of policy with intent to vest ownership, § 36:30
Wills, § 34:40

ASSIGNMENT—Cont’d

Written form of acceptance, § 36:10 to 36:14

ASSIGNMENT FOR BENEFIT OF CREDITORS
   Generally, § 34:30
   Insurable interest, § 42:27

ASSOCIATED COSTS
   Loss and recovery, generally, § 168:11

ASSOCIATIONS
   See also Burial Insurance or Associations (this index)
   Automobile property insurance, § 157:43 to 157:45
   Declaratory judgments, § 242:178
   Guarantee associations, insolvency, § 6:27 to 6:34
   Hospital associations, § 39:65
   Jurisdiction of federal proceedings, § 229:23
   Lloyds associations, § 39:46, 39:47, 241:10
   Representations, warranties, and conditions, § 91:85
   Service of process, § 231:87
   Underwriters’ associations, antitrust legislation, § 4:14
   Unincorporated associations, § 241:9

AS SOON AS POSSIBLE
   Automobile liability insurance, § 190:49
   Evidence, § 190:100 to 190:101
   Fidelity insurance, § 190:71
   Financial institution blanket bonds, § 190:71
   Marine insurance, § 190:83
   No-fault insurance, § 190:62
   Uninsured/underinsured motorist coverage, § 190:51

AS SOON AS PRACTICABLE
   Automobile liability insurance, § 190:46
   Evidence, § 190:100 to 190:101
   Excess insurance, § 190:87
INDEX

AS SOON AS PRACTICABLE
—Cont’d
Fidelity insurance, § 190:72
Financial institution blanket bonds, § 190:72
No-fault insurance, § 190:56, 190:61
Property insurance, § 190:67
Uninsured/underinsured motorist coverage, § 190:50

AS SOON AS PRACTICAL
No-fault insurance, § 190:61

AS SOON AS REASONABLY POSSIBLE
Estoppel and waiver, § 195:69
Life, health, and disability insurance, § 190:77

AS SOON AS REASONABLY PRACTICABLE
No-fault insurance, § 190:57

ASSUMED LIENS
Title insurance, § 159:78

ASSUMED NAMES
Generally, § 40:4
Real party in action, § 241:27

ASTHMA
Disability provisions, § 147:90
Good health of insured, § 88:71

AT EARLIEST PRACTICABLE MOMENT
Fidelity insurance, § 190:72
Financial institution blanket bonds, § 190:72

ATHLETES
Workers’ compensation, § 134:38

ATTACHED PAPERS
Agents and brokers, § 85:54
Applications, § 18:6 to 18:18, 81:69
Group insurance, attachment of application to policy, § 8:5
Renewal, § 29:27

ATTACHMENT OF CLAIM
Generally, § 232:198 to 232:201

ATTACHMENT OF CLAIM
—Cont’d
Complaints, petitions, and declarations, § 244:24 to 244:26
Delayed payment or nonpayment, § 207:19
Garnishment, § 232:198
Liability insurers, § 232:199
Life insurance, § 232:200
Property insurance, § 232:201

ATTACHMENT OF PROPERTY
Agents and brokers, attachment of commissions, § 57:14
Automobile liability insurance, § 170:38
Insurable interest, § 42:25
Performance bonds, guaranties, suretyship, and like arrangements, § 166:100
Public official and appointed fiduciary bonds, § 166:72

ATTACK ON JUDGMENT
See Judgments (this index)

ATTENDANT CARE
Workers’ compensation, § 174:22, 174:23

ATTORNEY-ADVERSARY RELATIONSHIP
Arbitrators, appraisers, and proceedings before them, § 211:37

ATTORNEY-CLIENT RELATIONSHIP
Generally, § 250:12 et seq.
Adjuster, § 250:22
Anticipation of litigation, work product privilege material in, § 250:15
Arbitrators, appraisers, and proceedings before them, § 211:37
Claims files, § 250:29
Defense, § 250:13, 250:25
Exception, § 250:17
Filing claims, § 250:29
First-party insurers, communications between insureds and, § 250:27, 250:28

Index-65
ATTORNEY-CLIENT
RELATIONSHIP—Cont’d
Fraud exception, § 250:17
Health insurance, communications between insureds and first-party insurers, § 250:28
Independent claims adjuster, § 250:22
Insurers, communications between, § 250:30
Intent, communications intended to be repeated, § 250:16
Inter-company communications, § 250:29
Joint defense privilege to preclude waiver of attorney-client privilege, § 250:13
Legal advice, must seek, § 250:20
Liability insurer, communications between insured and
Generally, § 250:18 et seq.
Claim by person also insured by insurer, § 250:24
Claim other than one in which discovery sought, § 250:21
Defense of claim, unrelated to, § 250:25
Independent claims adjuster, § 250:22
Legal advice, must seek, § 250:20
Potential suit, communications concerning, § 250:19
Suit between insurer and insured, § 250:26
Third party’s liability insurer, § 250:23
Potential suit, communications concerning, § 250:19
Preclusion, § 250:13
Privilege, generally, § 250:12 et seq.
Property insurance, § 250:27
Third party’s liability insurer, § 250:23
Waiver of privilege
Generally, § 250:52
Assertion of claim or defense placing privileged matter in issue, § 250:55, 250:57

ATTORNEY-CLIENT
RELATIONSHIP—Cont’d
Waiver of privilege—Cont’d
Joint defense privilege to preclude, § 250:13
Other actions deemed not to be waiver, § 250:67
Other actions deemed to be waiver, § 250:66
Witness as attorney, § 250:14

ATTORNEY GENERAL
Declaratory judgments, § 243:97

ATTORNEY IN FACT
See Power of Attorney (this index)

ATTORNEYS
Adjusters, authority limited by statutes on practice of law, § 48:66
Agency, § 44:14
Attorneys’ Fees (this index)
Business of law practice, activity related to, § 131:24
Claims and activities covered, generally, § 131:23 to 131:29
Conflict of interest, § 202:34 to 202:37
Costs of action, § 233:6
Defense, § 202:66
Disability provisions, § 147:118
Discovery, § 251:36
Dishonest acts exclusion, § 131:21, 131:22
Examination under oath, § 196:10, 196:17
Expert witnesses, § 252:74
Fidelity insurance, § 160:48
Fiduciary and similar capacities, services as, § 131:25
Guardian and similar capacities, services as, § 131:25
Handling client cases, generally, § 131:26
Injunctions, § 232:145
Investment activities, § 131:27
Joinder of parties, § 243:107
Jury trial, § 246:39, 246:49
Liability policies, § 242:23
ATTORNEYS—Cont’d
Limitation of actions, § 235:78, 237:59, 237:96
Non-client contracts, § 131:29
Notice and proof of loss
Automobile liability insurance, § 187:22, 187:24
Negligence of insured’s attorney or adjuster, § 192:120
Sufficiency of notice from other entities, § 187:13
Other activities and entities, § 208:8

Power of Attorney (this index)
Premiums and assessments, forfeiture for nonpayment, § 78:18
Public official and appointed fiduciary bonds, § 166:62
Representations of own interests, § 131:23
Risks covered under policies, § 131:1, 131:2, 131:20 to 131:29
Sanctions, § 233:99
Settlement and compromise of claim, § 203:33, 215:52
Stock companies, § 39:13
Third-party claims, § 205:24, 205:48, 206:18
Trustee and similar capacities, services as, § 131:25
Witnesses, § 252:4, 252:74

ATTORNEYS’ FEES
Appeals, delayed payment or nonpayment, § 207:89, 207:96
Appraisals, § 207:90
Arbitration, § 207:90, 212:20
Arbitration awards, § 213:53
Assessment of fees, conduct warranting, § 207:84
Assignment, § 37:87
Attempt to determine or collect attorneys’ fees, fees incurred in, § 207:86
Automobile liability insurance, § 170:37
Conflict of interest, § 202:36
Construction contract guaranties, § 184:43 to 184:46

ATTORNEYS’ FEES—Cont’d
Contribution and apportionment, § 217:13
Costs of action, § 233:21
Declaratory judgment actions, § 207:88
Delayed payment or nonpayment
Generally, § 207:80 et seq.
Appeals, § 207:89, 207:96
Appraisals, § 207:90
Arbitration, § 207:90
Assessment of fees, conduct warranting, § 207:84
Attempt to determine or collect attorneys’ fees, fees incurred in, § 207:86
Declaratory judgment actions, § 207:88
Denial of liability on policy, § 207:85
Judgment, effect of present judgment, § 207:93
Permanent or retained counsel as affecting right to fees, § 207:87
Reasonableness of fees, § 207:92, 207:95
Services on appeal, § 207:96
Statutes, § 207:80 to 207:82
Denial of liability on policy, § 207:85
Fidelity insurance, § 185:39, 185:40
Group insurance, § 7:65
Insolvency, § 6:12
Interest on money, § 168:5
Judgment, effect of present judgment, § 207:93
Jurisdiction
Generally, § 228:59
Federal proceedings, § 229:51
Loss of fee, § 131:28
No-fault insurance, § 171:49, 171:73, 214:47
Permanent or retained counsel as affecting right to fees, § 207:87
Reasonableness of fees, § 207:92, 207:95
Retained counsel, § 207:87
Services on appeal, § 207:96
Statutes, § 207:80 to 207:82

Index-67
ATTORNEYS’ FEES—Cont’d
Third-Party Claims (this index)
Uninsured and underinsured motorist coverage, § 171:12

AT WILL TENANCY
Insurable interest, § 42:53

AUDIO REPRESENTATIONS AS EVIDENCE
See Documentary Evidence (this index)

AUDITS
Costs of action, § 233:72
Fidelity insurance, § 185:41

AUNTS AND UNCLES
Life insurance, insurable interest, § 43:9

AUTHORITY
See also Agents and Brokers (this index)
Admissions (this index)
Arbitrators’ delegations, § 211:10
Certificate of authority—do business, § 47:10 to 47:24
Ostensible authority, § 48:12 to 48:20
Private limitations, § 48:27 to 48:29
State insurance board delegations, § 2:9
State officials, judicial notice of authority of, § 254:267
Uniform Unauthorized Insurers Act (this index)

AUTOLOGOUS BONE MARROW TRANSPLANT
See Medical Insurance (this index)

AUTOMOBILE CLUBS
Generally, § 39:62

AUTOMOBILE COLLISION INSURANCE
Limitation of actions, § 235:63

AUTOMOBILE DEALERS
Bonds, § 184:60
Insurance, § 156:93
Witnesses, § 252:56

AUTOMOBILE INSURANCE
Generally, § 108:1 et seq.
Accident
Generally, § 119:1 to 119:13
Assault as accident, § 119:9 to 119:13
Construction, generally, § 119:1
Intentional acts, § 119:6 to 119:13
Negligence, § 119:3, 119:4
Physical involvement of vehicle in collision, requirement of, § 119:5
Unexpected happening without intention or design, § 119:2
Additional insureds, § 111:14, 111:15, 111:16, 114:16
Age, compulsory insurance, § 110:32
Agricultural work, § 115:58
Alighting from automobile and related uses, § 121:89
Ambulances, § 120:102, 120:113
Appeal and review. Defense and indemnification, below
Assault, § 119:9 to 119:13, 121:98
Assigned risk plans, § 109:37
Assignment, consent to, § 36:73
Automatic insurance clause
Generally, § 117:1 to 117:60
Additional premium payment, provision for, § 117:7
Agent or subagent of insurer, notice to, § 117:30
Alternative nature of automatic coverage provisions, generally, § 117:4
Blanket or fleet provision
Generally, § 117:56 to 117:60

Index-68
INDEX

AUTOMOBILE INSURANCE
— Cont’d
Automatic insurance clause—Cont’d
Blanket or fleet provision—Cont’d

All vehicles be insured by
insurer, requirement that,
§ 117:57 to 117:59
Same or similar use of vehicles,
requirement of, § 117:60
Construction of clause, § 117:3
Financial responsibility statute,
accident after notice period
terminates, § 117:39
Joint ownership, effect of,
§ 117:14
Limitation as to type of new vehi-
cle, § 117:5
Multiple vehicles or multiple poli-
cies applying to same vehicle,
effect of, § 117:8
Nature and scope of clause,
§ 117:1 to 117:9
Notice

Accident before notice given,
effect of, § 117:35 to
117:39
Agent or subagent of insurer,
note to, § 117:30
Computation of time for notice,
§ 117:31 to 117:32
Delay in placing vehicle into
service or operation, effect
of, § 117:32
Expiration or renewal of policy
during notice period, effect
of, § 117:33
Insurer, notice to

Generally, § 117:25 to 117:41
Condition precedent, notice
as, § 117:26
Condition subsequent, notice
as, § 117:27
Purpose and source of
requirement, § 117:25
Manner and time of giving
notice, § 117:28 to 117:34
Oral notice, § 117:29
Successive replacements, effect
of, § 117:34

AUTOMOBILE INSURANCE
— Cont’d
Automatic insurance clause—Cont’d
Notice—Cont’d

Sufficiency and form of notice,
§ 117:28 to 117:30
Oral notice, § 117:29
Owner and possession of
automobile

Generally, § 117:10 to 117:20
Defective title, effect of,
§ 117:15
Delivery concept, generally,
§ 117:11
Joint ownership, effect of,
§ 117:14
Knowledge of agent that named
insured not owner, original
and newly-acquired vehi-
cle, § 117:13
Lack of title, effect of, § 117:15
Need to place vehicle in service,
§ 117:21
Original and newly-acquired
vehicle, § 117:12 to 117:13
Temporary use or bailment,
effect of, § 117:18
Timing of ownership or posses-
sion of new vehicle,
§ 117:21 to 117:24
Title without possession, effect
of, § 117:19 to 117:20
Purpose of clause and alternative
coverage, § 117:2
Replacement and fleet provisions,
elements of clause common
to, § 117:10 to 117:41
Replacement provision of clause

Generally, § 117:42 to 117:55
Described vehicle, requirement
that new vehicle replace,
§ 117:44, 117:45
Disposed of or inoperable,
requirement that prior vehi-
cle be

Generally, § 117:49 to 117:55
Continued possession or use
of original automobile,
§ 117:50, 117:51

Index-69
AUTOMOBILE INSURANCE — Cont’d
Automatic insurance clause — Cont’d
Replacement provision of clause
— Cont’d
Disposed of or inoperable, requirement that prior vehicle be — Cont’d
Inoperability of original automobile, § 117:53 to 117:55
Intent as a factor in determining issue of replacement, § 117:46, 117:47
Similarity of vehicle type and use, § 117:48
Sample text, § 117:1
Specific insurance covering new automobile, effect of obtaining, § 117:9
Terms of prior vehicle coverage effective as to newly-acquired vehicle, § 117:6
Waiver and estoppel, § 117:40, 117:41
Automobile collision insurance, § 235:63
Automobile Liability Insurance (this index)
Bailments
Generally, § 111:43
Automobile liability insurance, § 170:15
Basis and nature of insurer’s liability, § 108:11 to 108:17
Borrowed servants, § 115:60
Buses, loading and unloading provisions, § 121:26
Business, occupational, and commercial uses
Generally, § 120:1 to 120:114
Ambulance used in emergency, § 120:113
Deadhead exclusion, § 120:25
Exclusionary provisions
Generally, § 120:22 to 120:36

AUTOMOBILE INSURANCE — Cont’d
Business, occupational, and commercial uses — Cont’d
Exclusionary provisions — Cont’d
Commercial use or delivery, generally, § 120:33 to 120:36
Deadhead exclusion, § 120:25
Form of exception, § 120:22
Government-related activities, § 120:29, 120:30
Lessee, business of, § 120:25, 120:26
Military duty, § 120:30
Pleasure, provision limiting use to, § 120:24
Private passenger automobiles, § 120:23
What constitutes use in business or occupation within exclusion, § 120:27 to 120:32
Workers’ compensation principles, application of, § 120:28
Inclusionary provisions
Generally, § 120:3 to 120:21
Commercial purpose, clause relating-use for, § 120:18 to 120:21
Construction of term, § 120:3
Mixed use, § 120:13 to 120:18
Occasional use for other business purposes, under provision permitting, § 120:6
Outside scope of employer’s business, use by employee for purposes, § 120:7 to 120:9
Outside specified business purposes, effect if use, § 120:4
Particular business use, under provision confined to, § 120:5
Partnerships, § 120:10
Questions of law and fact, § 120:12
Sufficiency of evidence, § 120:12

Index-70
AUTOMOBILE INSURANCE
—Cont’d
Business, occupational, and commercial uses—Cont’d
Inclusionary provisions—Cont’d
  Truckers between loads, § 120:8
  What constitutes use within clause, § 120:5 to 120:12
Military duty, § 120:30
Overview of business use provisions, § 120:1
Cancellation
  Compulsory insurance, cancellation of, § 109:9
Cargo, § 119:51 to 119:54
Car pools, § 120:103
Cement buckets, § 121:39
Chauffeurs and other special operators of vehicles, § 110:42, 110:43
Children and minors
  Emancipation of child, § 114:20, 114:37
  Express policy exclusions, § 110:35
  Omnibus clause, § 112:25, 112:52 to 112:54
Uses or causes of loss within coverage, § 119:41 to 119:43
Combining or Stacking of Coverages (this index)
Commercial automobile policies
  Accident and life insurance, § 142:80 to 142:82
Commercial automobile policies
  Compensatory actions, below
  Declaratory judgments, below
  Denial of payment, below
  Indemnification. Defense and indemnification, above in this group
  Interrogatories, below
  Notice of claims, below
  Release or discharge, below
  Settlement agreements, below
Compulsory insurance
Age of driver, exclusion as to, § 110:32

AUTOMOBILE INSURANCE
—Cont’d
Compulsory insurance—Cont’d
  Automobile liability insurance, § 170:4
  Cancellation, notice of, § 109:9
  Car rental agencies, § 109:7, 109:13
Construction of compulsory insurance statute and corresponding contracts
  Generally, § 109:14 to 109:23
  Effect of statute on other agreements and rights, § 109:22, 109:23
  Incorporation of statute into contract, § 109:17 to 109:21
  Against insurer, construction, § 109:16
  Legislative purpose, construction in favor of, § 109:15
  Role of legislative intent, § 109:14
  Forms of requirement for compulsory insurance, § 109:3, 109:4
Harm covered, § 109:24 to 109:26
Liability insurance, § 170:4
Location of use
  Generally, § 109:29 to 109:33
  Geographic area, specific, § 109:31
  Highways, use on, § 109:29, 109:30
  Outside municipality requiring compulsory insurance, § 109:32
  Outside state requiring compulsory insurance, § 109:33
Nature of statutory requirement, § 109:1, 109:2
Nature of use, § 109:28
Negligence, § 109:25
Notice of termination or cancellation, § 109:9
Purpose of compulsory insurance, § 109:5
AUTOMOBILE INSURANCE
—Cont’d
Compulsory insurance—Cont’d
Restrictions on termination, § 109:9
Sale or transfer of vehicle as terminating duty to insure, § 109:8
Scope of use covered, § 109:27 to 109:33
Termination, restrictions on, § 109:9
Validity of compulsory insurance requirement, § 109:10 to 109:13
Who must procure insurance, § 109:6, 109:7
Willful and reckless conduct, § 109:26
Condition of vehicle, § 116:7
Conflict of laws, § 114:47, 115:100
Consignment, § 111:44
Construction and interpretation
Exclusions, generally, § 108:6
Private passenger automobile, § 116:3
Terms limiting or extending vehicle coverage, § 116:26 to 116:32
Contract or agreement, liability assumed by
Generally, § 108:15 to 108:17
Breach of warranty, application to, § 108:16
Sponsor another’s automobile license, application to, § 108:17
Contributing cause, § 108:13
Cooperation
Compulsory automobile insurance, finding of breach, § 199:141
Delay, service effected under non-resident motorist statute, § 199:123
Corporations, § 110:6
Cranes, § 121:38, 121:39

AUTOMOBILE INSURANCE
—Cont’d
Deadhead exclusion, business, occupational, and commercial uses, § 120:25
Death of named insured
Generally, § 110:8 to 110:10
Extending coverage after death, provisions as to, § 110:9
Financial responsibility laws, provisions as to effect of death of insured, § 109:79
Legal representative, executor, or administrator, § 110:9
Rules absent express policy or statutory provisions, § 114:42
Temporary possession within specified period after death, coverage of persons in, § 110:10
Delayed payment or nonpayment
Denial of payment, below
Demand
Defense and indemnification, above
Denial of defense and indemnification, Defense and indemnification, above
Denial of payment
Cancellation, above
Defense and indemnification, above
Exemptions and exclusions, below
Derricks, § 121:38, 121:39
Divorce or separation, § 112:50, 112:51, 114:18, 114:21
Dollies, loading and unloading provisions, § 121:43
Dune buggies, § 116:12
Emancipation of child, § 114:20, 114:37
Employees of insured, coverage of
Generally, § 115:1 to 115:94
Agricultural work, § 115:58
Borrowed servants, § 115:60
Casual employment relationship, § 115:52

Index-72
INDEX

AUTOMOBILE INSURANCE —Cont’d
Employees of insured, coverage of
—Cont’d
Construction of exclusion
Generally, § 115:18 to 115:30
Conflicting statutory endorsement, § 115:21
Effect of severability clause, § 115:22
Parties between whom employment relationship must exist for exclusion-apply, § 115:23 to 115:30
Relationship of employee exclusion-other statutory provisions and requirements, § 115:31 to 115:34
Workers’ compensation, § 115:19, 115:20
Control over employee, exercise of, § 115:36, 115:37
Evidence, sufficiency to support finding of employee relationship, § 115:65
Excess policies, § 115:1

Exclusions
Generally, § 115:10 et seq.
Camp attendees, § 115:45
Compelled activity, § 115:46
Connection between employee’s activity and employer’s business, § 115:66 to 115:86
Cooperative work, § 115:49
Entity for which employment is performed, § 115:60, 115:61
Prospective employee, § 115:44
Service rendered as favor, § 115:47
Transported-or from work, employee being, § 115:75 to 115:86
Uncompensated workers as employees, § 115:43 to 115:49
What constitutes business or employment activity, § 115:69 to 115:86

AUTOMOBILE INSURANCE —Cont’d
Employees of insured, coverage of
—Cont’d
Exclusions—Cont’d
Who is employee under exclusion, § 115:35 to 115:65
Workers’ compensation, § 115:71, 115:87 to 115:94
Executive officers and partners as fellow employees, § 115:50
Express provision excluding claims by employees, § 115:14, 115:15
Inability to sue employer, exclusion via employee’s, § 115:17
Inclusionary provisions
Generally, § 115:3 to 115:9
Additional insureds, status as, § 115:3, 115:4
Employment relationship requirement, § 115:6
Officers, managers, stockholders, directors and similar positions as employees, § 115:8, 115:9
Scheduled employees, provisions covering only, § 115:7
Independent contractor or similar relationship, § 115:55
Multiple employers, § 115:60
Nature of employment as removing it from exclusion
Generally, § 115:57 to 115:59
Agricultural work, § 115:58
Domestic servant, § 115:57
Minor illegally employed, § 115:59
Omnibus provision, conflict with employee exclusion, § 115:31
Partnerships, § 115:50, 115:61
Part-time employment, § 115:54
Payment or lack thereof, effect of
Generally, § 115:38 to 115:49
Form of compensation, § 115:39, 115:40

Index-73
AUTOMOBILE INSURANCE
—Cont’d
Employees of insured, coverage of
—Cont’d
Payment or lack thereof, effect of
—Cont’d
Piecework, payment by,
§ 115:40
Uncompensated workers as employees, § 115:43 to 115:49
Withholding of taxes, § 115:41
Piecework, payment by, § 115:40
Purpose of exclusion, § 115:13
Questions of law or fact, § 115:64
Relationship of employee exclusion to other statutory provisions and requirements,
§ 115:33, 115:34
Social service programs, participants in, § 115:56
Sufficiency of evidence to support finding of employee relationship, § 115:65
Types of exclusions, § 115:14 to 115:17
Validity, § 115:11, 115:12
Waiver and estoppel, § 115:62, 115:63
Welfare recipients, § 115:56
Who is employee under exclusion, § 115:35 to 115:65
Employment relationship, § 111:42
Endorsements, § 111:12
Estoppel, § 111:13
Evidence
Categorization of vehicle, § 116:10
Express policy provisions,
§ 110:49, 110:50
Exemptions and exclusions
Coverage absent exclusions
Generally, § 110:11 to 110:15
Additional insured injured by named insured, § 110:16
Additional or omnibus insured, when vehicle operated by,
§ 110:13, 110:14

AUTOMOBILE INSURANCE
—Cont’d
Exemptions and exclusions—Cont’d
Coverage absent exclusions—Cont’d
Named insured’s coverage for own injuries or damages,
§ 110:12 to 110:14
Permissive clauses as to other drivers, § 110:17, 110:18
Fee, carrying persons or cargo for,
§ 121:87
Uses not specifically allowed, exclusion of, § 121:87, 121:88
Validity of automobile liability coverage, § 108:3, 108:4
Expand coverage, relationship to other provisions which, § 119:77
Express policy exclusions
Generally, § 110:19 to 110:54
Age of driver, exclusion as to
Generally, § 110:28 et seq.,
Burden of proof, § 110:50
Chauffeurs and other special operators of vehicles,
§ 110:42, 110:43
Construction of age exclusion clause, § 110:38 to 110:43
Effect of special minimum age statutes, § 110:42, 110:43
Factors affecting application of age exclusion, § 110:44 to 110:48
Knowledge or consent of insured to operation of vehicle, § 110:46
Manner of effecting age exclusion
Generally, § 110:34 to 110:37
Additional premium, effect of payment of, § 110:36
Change in age of insured’s children, effect of,
§ 110:35
Failure to declare underage driver, § 110:34
Risk classification and premium charge in accordance with age,
INDEX

AUTOMOBILE INSURANCE —Cont’d
Express policy exclusions —Cont’d
Age of driver, exclusion as to —Cont’d
Manner of effecting age exclusion —Cont’d
§ 110:34 to 110:36
Minimum driving age, role of statute setting, § 110:39 to 110:43
Presence of licensed operator in vehicle, § 110:47
Proof, § 110:49, 110:50
Questions of law or fact, § 110:49
Relation to, and conflict with, statutes, § 110:31 to 110:33
Validity and enforceability of age exclusions, § 110:30 to 110:33
Violation of laws and restrictions other than age restrictions, § 110:45
Waiver and estoppel, § 110:48
All insureds, exclusion of, § 110:20
Exclusion of specific persons by name, § 110:24
Military, members of, § 110:22
Named and additional insured, restriction of coverage to, generally, § 110:21 to 110:23
Named insured, exclusion of, § 110:25 to 110:27
Proximate cause, § 110:53
Students, § 110:22
Unlicensed drivers, exclusion as to, § 110:51 to 110:54
Waiver and estoppel, § 110:54
Failures
Agents, brokers, and insurers, actions against, above
Family purpose doctrine, § 111:4
Farm purposes, use of vehicle for, § 120:111
Farm (non-tractor) vehicles, § 116:14
Fee, carrying persons or cargo for, § 121:93

AUTOMOBILE INSURANCE —Cont’d
Financial responsibility laws
Generally, § 109:34 to 109:78
Administrative mistake, effect of, § 109:38
Age of driver, exclusion as to, § 110:32
Application of statute, § 109:63 to 109:78
Assigned risk plans, § 109:37
Circumstances when financial responsibility must be shown, § 109:39 to 109:47
Commencement and duration of risk under policy, § 109:74
Construction of statutes and policies
Generally, § 109:56 to 109:62
Conflict between statute and policy provisions, § 109:61
General rules of construction, § 109:56
Incorporation of statute into contract, § 109:58 to 109:62
Relation of statute to policy provisions generally, § 109:58
Retroactive application of statute, § 109:57
Statute as part of policy, § 109:59
Death of insured, provisions as to effect of, § 109:79
Distinction from compulsory insurance, § 109:1, 109:2
Drop-down or step-down clauses, § 109:77
Effect on insurer’s obligation to issue and right to cancel policy, § 109:37
Governing law, § 109:63, 109:64
Identification of vehicle covered, § 109:67
Intentional harm, § 109:65
Motor carriers’ liability insurance, regulations of
Generally, § 109:80 to 109:102

Index-75
AUTOMOBILE INSURANCE  — Cont’d
Financial responsibility laws  — Cont’d
Motor carriers’ liability insurance, regulations of—Cont’d
Assault by insured or employee, § 109:94
Assault by third person, § 109:95
Cancellation of certificate or license to act as carrier, effect of, § 109:102
Carriers subject—regulations, § 109:87 to 109:90
Construction of regulations and policies, § 109:85, 109:86
Drivers covered, § 109:98
Duration of risk, § 109:103
Employee exclusions, § 109:92
Exempting particular carriers from regulations, § 109:82
Harm covered, § 109:93 to 109:95
Interstate carriers, § 109:89
Municipal ordinances, § 109:83
Purpose, § 109:84
Scope of coverage, § 109:91 to 109:103
Statutory requirement of security or insurance as precondition to license, § 109:80
Territorial coverage, § 109:101, 109:102
Validity of regulations, § 109:81 to 109:83
Vehicles covered, § 109:96, 109:97
Waiver of description, § 109:97
Zones, statute making classifications by, § 109:88
Nature of statutes, § 109:34
Omnibus clause, § 109:75, 109:76
Other insurance clauses, § 109:78

AUTOMOBILE INSURANCE  — Cont’d
Financial responsibility laws  — Cont’d
Owners’ and operators’ policies, distinction between
Generally, § 109:48 to 109:55
Coverage of operating lessee, § 109:54
Double coverage, effect of, § 109:52
Later acquisition of ownership, effect of, § 109:53
Ownership by insured, determination for purpose of distinction, § 109:50
Requirement of owner-operator coverage, § 109:51
Statutory distinction between policies, significance of, § 109:49
Waiver and estoppel, § 109:55
Policies covered, § 109:68 to 109:72
Proof of financial responsibility as condition precedent to receiving first-party benefits, § 109:47
Proof of financial responsibility as condition to granting license or registration, § 109:39, 109:40
Purpose of statutes, § 109:36
Specific automobile liability contract provisions as conflicting or complying with statute, § 109:73 to 109:78
Suspension or revocation of license or registration, § 109:41 to 109:46
Types of financial responsibility laws, generally, § 109:39 to 109:55
Validity of statutes, § 109:35
What constitutes voluntary policy, generally, § 109:70

Index-76
AUTOMOBILE INSURANCE
—Cont’d
Fire and explosions, § 121:90
Forklifts, § 116:15
Fraud and deceit
Generally, § 116:45, 117:97, 120:53
Garage, automobile repair, or sales business
Generally, § 120:37 to 120:91
Exclusionary provisions
Generally, § 120:57 to 120:91
Automobile business or sales agency
Generally, § 120:57 to 120:75
Agreement of sale or like provision, exclusions as to,
§ 120:61
Automobile parts dealers,
§ 120:74
Employee of sales agency, exclusion as to,
§ 120:59, 120:60
Employment relationship requirement, § 120:58
Hobby, repairs as, § 120:68
Loaned vehicles, § 120:73, 120:89 to 120:91
Minor repairs, making of,
§ 120:68
Nature, validity, and construction of clause, generally,
§ 120:57
Non-business use by employee of insured,
§ 120:63
Parking lot attendants,
§ 120:72
Pick-up or return of automobile, § 120:67
Repairs of customer’s vehicles as use of those vehicles,
§ 120:64
Sales demonstrations and test-drives, § 120:69, 120:70
Test-drives, § 120:66, 120:69, 120:70
Transporting and delivering vehicles, § 120:71, 120:72

AUTOMOBILE INSURANCE
—Cont’d
Garage, automobile repair, or sales business—Cont’d
Exclusionary provisions—Cont’d
Automobile business or sales agency—Cont’d
What constitutes use in automobile business,
§ 120:62 to 120:75
Garages, service stations, repair shops, and public parking places, generally, § 120:76 to 120:88
Loaned vehicles, § 120:89 to 120:91
Pick-up or delivery service,
§ 120:85
Road testing, § 120:86
Policies explicitly covering such businesses
Generally, § 120:37 to 120:56
Construction, § 120:39
Corporations, § 120:48
Employees, § 120:45 to 120:47
Loaned or rented vehicles
Generally, § 120:50 to 120:54
Car dealership, § 120:54
Car rental agency, § 120:51 to 120:53
Fraud or misrepresentation, rental obtained by,
§ 120:53
Repair facility, by, § 120:50
Nature of policy, generally,
§ 120:38
Non-business uses if principle use is business related,
§ 120:41
Partnerships, § 120:48
Persons insured, § 120:44 to 120:49
Scope of coverage, generally,
§ 120:40 to 120:56
Teritorial limitations, § 120:43
Test drives, coverage during,
§ 120:55, 120:56
Unrelated business, § 120:42
Garages, § 111:47

INDEX
Index-77
AUTOMOBILE INSURANCE
—Cont’d
Geographic area, § 119:78 to 119:83
Golf carts, § 116:16
Good faith, § 170:29, 170:36, 170:54
Guests and occupants
Generally, § 115:95 to 115:126
Conflict of laws issues, effect of guest statute on, § 115:100
Customers of insured, § 115:127
Fare-paying passengers, exception provisions as to
Generally, § 115:107 to 115:113
Application of exclusion, § 115:114 to 115:126
Conflict with statutes, § 115:109, 115:110
Customers, transportation of, § 115:120
Employees, transportation to and from work, § 115:119
Factors, generally, § 115:114 to 115:120
Fixed charge, § 115:122
Form of payment, § 115:126
Form of provision, generally, § 115:107
Guest statute, effect of, § 115:110
Joint ventures, § 115:115
License or registration, nature of, § 115:114
Limited class of persons, carriage of, § 115:118 to 115:120
Non-paying passengers, presence of, § 115:116
Payment, § 115:121 to 115:26
Regularity of use of vehicle for carrying passengers, § 115:117
Reimbursement of expenses, § 115:123
Relation to public or livery conveyance exception, § 115:111
Sharing expenses, § 115:124, 115:125

AUTOMOBILE INSURANCE
—Cont’d
Guests and occupants—Cont’d
Fare-paying passengers, exception provisions as to—Cont’d
Sufficiency of evidence, § 115:113
Validity, generally, § 115:108
Waiver and estoppel, § 115:112
Who are passengers, § 115:115
Guest statutes, § 115:98
Independent contractor, § 115:129
Joint adventurer, § 115:130
Lessee and lessor, § 115:128
Loss of guest status, § 115:106
Nature and type of provisions, § 115:95 to 115:100
Persons considered guests, § 115:104, 115:105
Policy provisions explicitly covering or excluding injuries to guests, occupants, or passengers, § 115:96, 115:97
Relationship between guest/occupant provisions and fare-paying passenger provisions, § 115:98
Relation to other policy provisions, § 115:99
Trailers or specific parts of vehicle, § 115:97
Trespassers as guests, § 115:105
Validity of exclusions, § 115:101 to 115:103
What constitutes a guest, § 115:104 to 115:106
Hauling vehicle, § 111:36
Hired motor vehicles, § 111:48
Identifying the insured
Generally, § 110:3 to 110:5
Named insured not principal user, § 110:5
Owner of vehicle not named in policy, § 110:4
Indemnification. Defense and indemnification, above
Intoxicating liquor transportation, § 121:91
Joint adventurer, § 115:130
AUTOMOBILE INSURANCE
—Cont’d
Joint ownership, automatic insurance clause, § 117:14
Joint ventures, § 115:115
Judgment holder
Compensatory actions, above
Defense and indemnification, above
Release or discharge, below
Jurisdiction, § 228:34 to 228:36
Learners’ permits, § 110:43
Limitation or exception as-property in charge, or in custody, of insured
Generally, § 119:88 to 119:99
Application-specific property and circumstances, § 119:95 to 119:99
Effect of specific factors on application of provisions, § 119:91 to 119:94
Limitation or exception as to property in charge, or in custody, of insured
Bailee, vehicle driven by insured as a, § 119:97
Customer vehicles under repair by insured garage, § 119:96
Hired vehicles, § 119:98
Offer to return property, § 119:91
Other named insureds, application to, § 119:90
Possession by person other than insured, § 119:93
Presence of owner, § 119:92
Property of person to whom delivery or service call is made, § 119:95
Scope of permission as to property, § 119:94
Validity and construction, § 119:89
Loading and unloading provisions
Generally, § 121:1 to 121:47
Activities constituting unloading, § 121:36 to 121:47
Alteration and restoration of vehicle, § 121:41
Ambulance stretchers, § 121:44

AUTOMOBILE INSURANCE
—Cont’d
Loading and unloading provisions
—Cont’d
Borrower of vehicle, policy provision limiting loading and unloading coverage to,
§ 121:19
Buses, § 121:26
Causal connection, need for, § 121:8
Cement buckets, § 121:39
Cement delivery, § 121:39
Cleaning up, § 121:42
Coming to rest doctrine, § 121:9, 121:10, 121:14, 121:15
Complete operation doctrine
Generally, § 121:11 to 121:13
Loading, application to, § 121:12
Unloading, application to, § 121:13
Conditions of loading area, injuries from, § 121:23, 121:24
Construction of clause, § 121:2, 121:3
Coverage and exception clauses, distinction between, § 121:3
Cranes, § 121:38, 121:39
Derricks, § 121:38, 121:39
Dollies, use of, § 121:43
Falling of load, § 121:28
Filling truck tank, § 121:30
 Firearms, handling of, § 121:22
Handtrucks, use of, § 121:43
Hoisting operation, § 121:38, 121:39
Improper unloading, consequences of, § 121:36
Inclusive clause as extending concept of use, § 121:4
Misdelivery, consequences of, § 121:37
Nonmoving vehicles, § 121:7
Open trapdoors and shafts, § 121:24
Particular activities as within loading and unloading clause, § 121:20 to 121:47
AUTOMOBILE INSURANCE
—Cont’d
Loading and unloading provisions
—Cont’d
Pipeline or filling chute usage, § 121:32
Pipeline usage, § 121:40
Poor loading, consequences of, § 121:28, 121:29
Preparatory actions, § 121:33
Relationship to which persons are covered, § 121:16
Reloading efforts, § 121:29
Restoring normal conditions after unloading, § 121:41, 121:42
Self-loading equipment, effect of, § 121:21
Sequential loadings, activity between, § 121:27
Specific events as falling within loading clause, § 121:25 to 121:35
Status of claimant or person against whom claim is made, effect of, § 121:16 to 121:19
Supervision of operation, § 121:34
Trailer to be hauled by truck, loading, § 121:31
Types of harm covered by clause, § 121:5
Views regarding general boundaries of loading and unloading, § 121:6 to 121:19
Waiting for space to unload, § 121:45
Wheelchairs, § 121:44
Location, device, or activity, risks associated with, § 1:50
Maintenance, § 111:37

Medical Payments (this index)
Merchandise, transportation of
Generally, § 120:105 to 120:110
Carriage of passengers, § 120:108
Empty vehicle, § 120:107
Hire, transporting goods for, § 120:109, 120:110
Inclusion of use, § 120:105 to 120:108
Repairs, § 120:106

AUTOMOBILE INSURANCE
—Cont’d
Military
Additional insureds, § 114:16
Business, occupational, and commercial uses, exclusionary provisions, § 120:30
Express policy exclusions, § 110:22
Household exclusion, § 114:39
Miscellaneous use clauses, § 121:86 to 121:98
Motorcycles, § 116:18, 116:19
Multiple policies, § 108:9, 108:10
Named insured
Coverage absent exclusions, § 110:12 to 110:16
Express policy exclusions, § 110:25 to 110:27
Principal user, named insured not, § 110:5
Nature and manner of use, introduction-provisions governing, § 119:73 to 119:77

No-Fault Insurance (this index)
Notice
Compulsory insurance, notice of cancellation, § 109:9

Notice
Agents, brokers, and insurers, actions against, above
Claims. Notice of claims, below
Liability insurance. Automobile Liability Insurance (this index)
Uninsured and Underinsured Motorist Coverage (this index)
Occupying vehicle, § 119:71, 119:72
Official purposes, use of vehicle for, § 120:112

Omnibus clause
Generally, § 111:1 to 111:48
Additional insureds, § 111:14, 111:15, 111:16
Altering coverage and exclusions, § 111:17
Ambiguity, § 111:9
Ambiguous exclusions, § 111:20
AUTOMOBILE INSURANCE
—Cont’d
Omnibus clause—Cont’d
Application of statute, § 111:25, 111:26
Bailments, § 111:43
Business, occupational, and commercial uses, relationship to, § 120:2
Consignment, § 111:44
Construction of statutory clause, § 111:28
Deviation from scope, effect of
Generally, § 113:5 to 113:14
Introduction to rules concerning deviation, § 113:5, 113:6
Moderate or minor deviation rule, § 113:11, 113:12
Return to permitted use before accident, § 113:14
Strict, conversion, or specific purpose rule, § 113:7
Employment relationship, § 111:42
Employment relationships
Generally, § 113:15 to 113:24, 115:4
Adverse to employer’s interests, purposes, § 113:23
Carrying riders in violation of express prohibition, § 113:24
Grant of permission by employer to employee, § 113:15
Mixed business and personal purposes, § 113:22
Particular uses by employee, § 113:20 to 113:24
Personal purposes, § 113:20, 113:21
Scope of employment as test of scope of permission, § 113:16
Specific purpose, narrowing of scope of employment rule by limitation of employee’s use to, § 113:18, 113:19
Status or position of employee, § 113:17
Endorsements, § 111:12

AUTOMOBILE INSURANCE
—Cont’d
Omnibus clause—Cont’d
Estoppel, § 111:13
Evidence and proof
Generally, § 112:83 to 112:92
Burden of proof, § 112:83
Circumstantial evidence, § 112:89
Verdict of no permission, adequacy of evidence to sustain finding or, § 112:92
Verdict of permission, adequacy of evidence to sustain finding of, § 112:90, 112:91
Family purpose doctrine, § 111:4
Garages, § 111:47
General rules of construction, § 111:6
Hauling vehicle, § 111:36
Hired motor vehicles, § 111:48
Incorporation of statutory clause into policy, § 111:29
Leased vehicles, § 113:27
Legally operating vehicle, § 111:33
Liberal interpretation in favor of insured, § 111:7
Limitations on coverage, § 111:18
Loading, § 111:38
Loaner vehicle pending repair or servicing, § 113:27
Maintenance, § 111:37
Mandatory, § 111:5
Narrow interpretations for exclusions, § 111:8
Non-business relationships
Generally, § 113:29 to 113:33
Family relationship, § 113:31
Friends and other social relationships, § 113:32
Other circumstances, based on, § 113:31 to 113:33
Possessions or access, based on, § 113:29, 113:30
Strangers, § 113:33
Other business relationships, § 113:25 to 113:28
Particular circumstances giving rise to, or possession
AUTOMOBILE INSURANCE
—Cont’d
Omnibus clause—Cont’d
of, vehicle, application of principles to, § 113:15 to 113:33
Permission
Generally, § 112:1 to 112:41
Additional insureds, § 112:31
Agency and employment, permission distinct from concepts of, § 112:4
Agents, officers, or representatives
Generally, § 112:34 to 112:37
Administrator, executor, personal representative, § 112:37
Agent or employee of named insured, § 112:34
Officer of corporate insured, § 112:35
Partner of named insured, § 112:36
Authority-delegate implied from particular circumstances of original permission
Generally, § 112:77 to 112:82
Loan of car-child or family member of insured, § 112:77 to 112:78
Authority to delegate implied from particular circumstances of original permission
Business car regularly furnished to officer or employee, § 112:82
Lease from commercial lessor, § 112:81
Loan of car to child or family member of insured, § 112:78
Temporary loan to business customer, § 112:79, 112:80
Bailee, § 112:56
Binding effect of scope of original permission, § 112:43

AUTOMOBILE INSURANCE
—Cont’d
Omnibus clause—Cont’d
Permission—Cont’d
Child
Generally, § 112:52 to 112:54
Automobile purchased for minor, § 112:54
Express prohibition of delegation, § 112:53
Construction of permission and consent, § 112:3
Continuing or blanket permission, § 112:7
Dealership, permissive use by, § 112:17
Delegation of permission as deviation, § 113:3
Duration, § 112:7
Elements of permission, § 112:6 to 112:20
Eliminating requirement, policy clause, § 112:2
Employee, § 112:58, 112:59
Employer, § 112:57
Express and implied permission, § 112:21, 112:22
Express grant or prohibition, § 112:61 to 112:64
Family or household, adult member of, § 112:32, 112:33
Garage, permissive use by, § 112:17
Implied authority-delegate, general views as to, § 112:65 to 112:67
Implied grant or prohibition, § 112:65 to 112:82
Lessee, § 112:24
License, delegee’s lack of, § 112:44
Manner in which permission signified, § 112:38 to 112:41
Minor relative
Generally, § 112:52 to 112:54
Automobile purchased for minor, § 112:54
AUTOMOBILE INSURANCE
—Cont’d
Omnibus clause—Cont’d
Towing vehicle, § 111:36
Unloading, § 111:38
Validity of, § 111:2
Variance between policy and statute, § 111:30
Voided clauses, § 111:10
Voluntary, § 111:5
Waiver, § 111:13
Operation of vehicle
Generally, § 119:14 to 119:25
Activity incidental to operation, § 119:19
Assault, § 119:20
Definition as dependent on context, § 119:14
Discharge of passengers, § 119:23
Exercise of control, as requiring, § 119:17
Leaking of gas or oil, § 119:24
As meaning vehicle must be driven, § 119:15
Parking, § 119:21
Physical presence in vehicle, as requiring, § 119:16
Repairs, § 119:25
Unloading vehicle, § 119:22
Vicarious operation through another person, § 119:18
Ownership and possession of automobile
Control not equivalent to ownership, § 116:35
Evidence and proof, § 116:36
Transfer or attempted transfer of title to vehicle, effect of
Certificate of title and statutory requirements, § 116:39
Effect of transfer of possession of vehicle, § 116:43
Equitable ownership with title in name of third party, § 116:44
Fraudulent or sham transactions relevant to ownership, § 116:45

AUTOMOBILE INSURANCE
—Cont’d
Ownership and possession of automobile—Cont’d
Transfer or attempted transfer of title-vehicle, effect of
Generally, § 116:38 to 116:45
Incomplete sale of covered vehicle, § 116:39 to 116:42
Waiver or estoppel, § 116:37
Ownership, maintenance, or use of vehicle, arising out of
Generally, § 119:26 to 119:70
Activity incidental to vehicle or its operations, § 119:44, 119:50
Adjustment of cargo, § 119:51
Assault, § 119:59 to 119:62
Basic construction of phrase, § 119:27
Cargo and the like, relating to, § 119:51 to 119:54
Causal relationship, necessity of, § 119:28 to 119:31
Condition of vehicle, relating to, § 119:55 to 119:57
Drunk driving, § 119:68
Entering or alighting from vehicle, § 119:47
Firearm, accidental discharge of, § 119:63, 119:64
Incendiaries, explosives, and the like, use of, § 119:65, 119:66
Incidental activity
Fleeing collision, § 119:46
Leaking oil, gas or other substances, § 119:45
Movement of vehicle as requisite, § 119:44
Police activity, § 119:49
Intentional torts, § 119:58 to 119:62
Intoxicating liquors, furnishing of, § 119:68
Loading and unloading, § 119:52 to 119:54
Meaning of specific words in clause, § 119:32 to 119:40
Passengers, children, animals, relating acts of, § 119:41 to 119:43

Index-84
AUTOMOBILE INSURANCE
—Cont’d
Ownership, maintenance, or use of vehicle, arising out of—Cont’d
Proximate causation, § 119:28 to 119:31
Relationship to exclusion in non-automobile policy, § 119:26
Repair of vehicle, § 119:57
Salvage and rescue operations, § 119:55
Seeking directions, § 119:47
Shooting, § 119:60
Supervisory or directory actions, § 119:69
Thrown persons or objects from or into vehicle, § 119:67
Towing, § 119:56
Partnerships, § 120:10, 120:48, 121:75
Payment. Denial of payment, above
Permittee present as passenger, § 111:34
Personal automobile policies
Compensatory actions, above
Declaratory judgments, above
Denial of payment, above
Interrogatories, above
Notice of claims, above
Release or discharge, below
Settlement agreements, below
Persons within coverage, generally, § 110:1 et seq.
Premiums and assessments, § 69:20
Presumptions and burden of proof
Express policy exclusions, § 110:50
Omnibus clause, § 112:83
Regular use exception provisions, § 121:74
Substitution clause, § 117:67
Prohibited person, operation of vehicle by, § 121:96
Proximate cause, § 108:13, 110:53
Public or livery conveyance exceptions
Generally, § 120:92 to 120:104
Ambulances, § 120:102
Car pools, § 120:103

INDEX

AUTOMOBILE INSURANCE
—Cont’d
Public or livery conveyance exceptions—Cont’d
Construction, § 120:93
Factors affecting applicability of exclusion
Generally, § 120:97 to 120:101
Accident, use at time of, § 120:98
Certain class of persons, use of vehicle limited to, § 120:99
Compensation for use, § 120:101
Freight transportation, § 120:100
Regularity of use, § 120:97
Questions of law and fact, § 120:96
Waiver and estoppel, § 120:94
What constitutes public or livery conveyance, generally, § 120:95
Public policy, § 111:3
Public ways, use on, § 116:7
Pushing vehicle, § 111:36
Questions of law or fact
Business, occupational, and commercial uses, § 120:12
Employees of insured, coverage of, § 115:94
Public or livery conveyance exceptions, § 120:96
Races, § 121:94
Racing vehicles, § 116:17
Regular use exception provisions
Blanket grant of permission, § 121:73
Burden of proof, § 121:74
Business relationship, vehicles used in connection with
Generally, § 121:75 to 121:79
Employee use of employer’s vehicle
Generally, § 121:76 to 121:79
Government vehicle, § 121:79
Infrequent or casual use, § 121:78

Index-85
AUTOMOBILE INSURANCE
—Cont’d
Regular use exception provisions
—Cont’d
Business relationship, vehicles
used in connection with
—Cont’d
Employee use of employer’s
vehicle—Cont’d
Personal purposes, for,
§ 121:77
Partnership vehicles, § 121:75
Construction of terms, § 121:70,
121:71
Drive other cars provision,
§ 121:67
Excess coverage provision,
§ 121:68
Factual issue, regular use as,
§ 121:69
Fleet vehicles, § 121:80
Frequency of use, § 121:72
General rules of construction,
§ 121:66
Infrequent or casual use, § 121:83,
121:84
Miscellaneous applications and
circumstances, § 121:85
Nature and scope of provision,
generally, § 121:65
Partnership vehicles, § 121:75
Permission to use vehicle,
§ 121:73
Pools, § 121:80
Purchased or sold vehicles,
§ 121:81
Purpose of use, § 121:72
Relation to other provisions,
§ 121:67, 121:68
Rented vehicles, § 121:82
Single or multiple use vehicles,
clause as contemplating,
§ 121:71
What constitutes regular, § 121:72
What constitutes regular use, gen-
erally, § 121:69 to 121:85
Relatives or members of family or
household
Generally, § 114:1 to 114:51

AUTOMOBILE INSURANCE
—Cont’d
Relatives or members of family or
household—Cont’d
Additional insureds
Generally, § 114:12 to 114:16
Children
Generally, § 114:19 to 114:21
Emancipation, § 114:20
Separation or divorce, effect
of, § 114:21
Construction, § 114:12
Military service, § 114:16
More than one household or
residence, effect of having,
§ 114:14
Non-relatives living in home,
§ 114:22
Own homes, effect of relatives
living in, § 114:15 to
114:16
Particular persons as constitut-
ing member of family,
household, or relatives,
§ 114:17 to 114:23
Separation or divorce, effect of,
§ 114:18, 114:21
Spouses, informally living apart,
§ 114:17, 114:18
Temporary status, § 114:14
Children, emancipation of,
§ 114:20, 114:37
Economic analysis, relationship to
tort immunity, § 114:2
Exclusion of liability claims, pro-
visions for
Generally, § 114:24 to 114:51
Application of exclusion-
claims not involving named
insured, § 114:48 to 114:51
Conflict of laws, statutory exclu-
sion of spouses, § 114:47
Contribution claims, § 114:51
Emancipation of child, § 114:37
Express policy exclusion of
members of family or
household (household
exclusion), generally,
§ 114:26 to 114:45

Index-86
INDEX

AUTOMOBILE INSURANCE
—Cont’d
Relatives or members of family or household—Cont’d
Exclusion of liability claims, provisions for—Cont’d
Express policy exclusion of relatives, § 114:24, 114:25
Living under common roof, § 114:34, 114:35
Omnibus or additional insureds as operator of vehicle, § 114:48, 114:49
Spouses, statutory exclusion of, § 114:46, 114:47
Subrogation claims, § 114:50
Express policy or statutory provisions, rules absent
Generally, § 114:6 to 114:11
Exclusion of claims based on tort immunities, § 114:7 to 114:9
Immunity, insurance as abrogating, § 114:10, 114:11
Inclusion as additional insureds, § 114:6
Parent/child immunity, § 114:11
Inclusions versus exclusions, § 114:3
Named insureds who are not natural persons as having households or relatives, § 114:5
Schedule naming family or household members, effect of, § 114:4
Waiver of estoppel, household exclusion, § 114:29
Release or discharge
Expense of procuring discharge, § 170:38
Repairs, § 111:37, 120:106
Restrictions on use, effect of, § 119:75
Retroactivity, financial responsibility laws, § 109:57
Riders, § 111:12
Road maintenance, construction, and similar heavy equipment, § 116:20 et seq.

AUTOMOBILE INSURANCE
—Cont’d
Self-insurance, uninsured or underinsured motorist insurance requirements, § 10:3, 10:4
Service stations, § 111:47
Signaling directions, § 111:39, 111:45
Snowmobile, § 116:22
Speed contests, § 121:94
Subordination of policy to statutes, ordinances, and regulations, § 108:7, 108:8
Subrogation, § 224:39
Substitution clause
Generally, § 117:61 to 117:99
Breakdown, repair, servicing, loss, destruction, and the like, requirement that withdrawal be due to, § 117:74 to 117:78
Burden of proof, § 117:67
Construction, § 117:63
Mechanical and operational defects or problems as meeting requirement, § 117:75, 117:76
Nature and scope of clause, § 117:61
Owned by insured, requirement that substitute vehicle not be
Generally, § 117:93 to 117:99
Factors affecting insured’s ownership, § 117:95 to 117:97
Form of requirement, § 117:94
Fraudulent registration, § 117:97
Incomplete sale, § 117:95
Joint insureds, § 117:96
Spouse, relative, or household member of insured, vehicles owned by, § 117:98
State of title, § 117:95
Purpose of clause, § 117:62
Questions of law or fact, § 117:68
Relationship to non-owned vehicle clause, § 117:64
Requirement that new vehicle be substitute
Generally, § 117:83 to 117:92

Index-87
AUTOMOBILE INSURANCE
—Cont’d
Substitution clause—Cont’d
Requirement that new vehicle be substitute—Cont’d
One vehicle at a time, substitution restricted to, § 117:84
Permission of owner, use of substitute vehicle must be by, §§ 117:86, 117:87
Replacement vehicle, substitution involving, § 117:85
Similar, uses must be, §§ 117:89, 117:90
Similar, vehicle type must be, §§ 117:91, 117:92
Substitute vehicle must be in insured’s possession and control, § 117:88
Sample text, § 117:61
Servicing as meeting requirement, § 117:77
Substitute as referring to vehicle, not driver, § 117:65
Temporary usage requirement, §§ 117:79 et seq.
Who is entitled to make substitution, § 117:66
Withdrawal of vehicle from service or use, §§ 117:69 to 117:73

Tender
Liability insurance, §§ 170:53 to 170:55

Tender
Defense and indemnification, above
Terms limiting or extending vehicle coverage, §§ 116:26 to 116:32
Threshold loss-related terms, generally, § 119:1 to 119:72

Towing and Trailers (this index)
Towing vehicle, § 111:36
Traffic laws, § 121:95
Trailers, § 116:24
Trucks and tractors, § 116:23

Uninsured and Underinsured Motorist Coverage (this index)
Unloading, § 111:38

AUTOMOBILE LIABILITY INSURANCE
—Cont’d
Upon vehicle, being, §§ 119:71, 119:72
Uses or causes of loss within coverage, §§ 119:1 to 119:99
Validity of automobile liability coverage
Generally, §§ 108:3, 108:4
Intentional and unlawful acts, § 108:4
Vicarious liability, § 108:14
Violation of laws, §§ 121:94 to 121:96
Voided clauses, § 111:10
Voluntary associations and similar organizations, § 110:7
Waiver and estoppel
Express policy exclusions, §§ 110:48, 110:54
Guests and occupants, § 115:112
Public or livery conveyance exceptions, § 120:94
Willful, wanton, or intentional conduct, §§ 121:97, 121:98

AUTOMOBILE LIABILITY INSURANCE
Generally, §§ 170:1 et seq., 191:29 to 191:31
Admissions, statements constituting
Generally, §§ 254:242, 254:245
Scope of admission, §§ 254:249, 254:251
Uninsured status, § 254:250
Appealed judgment, § 170:51
Attachment lien, expense of procuring, § 170:38
Attempt to pay, § 170:54
Attorneys’ fees as costs, § 170:37
Automobile property insurance, relationship to, § 156:4
Bad faith or breach by insurer or insured, § 170:36
Beneficiary, § 242:3

Index-88
AUTOMOBILE LIABILITY INSURANCE—Cont’d
Breach by insurer or insured, § 170:36
Burden of proof
Generally, § 254:54 et seq.
Valuation, § 254:82
Business, loss of, § 170:16
Claim as trigger of notice obligation, § 191:30
Combining or stacking of coverages, § 169:109
Compulsory insurance, § 170:4
Computation of loss
Generally, § 170:14 et seq.
Business, loss of, § 170:16
Credit, loss of, § 170:16
Exemplary damages, § 170:17, 170:18
Judgment, effect of insurer’s refusal to pay, § 170:16
Punitive damages, § 170:17, 170:18
Rental expenses, § 170:15
Travel expenses, § 170:15
Use, loss of, § 170:15
Vehicle, damage to, § 170:14
Wages, loss of, § 170:16
Conditions of policy, § 245:73
Conflicting judgments, § 170:6
Consortium claims, § 170:8, 170:9
Cooperation clause, costs incurred in compliance with, § 170:39
Credit, loss of, § 170:16
Deductions and offsets
Generally, § 170:19 et seq.
Coordination of benefits, generally, § 170:20
Entitlement to proceeds, payments to one not entitled to, § 170:19
Legal responsibility, sums paid by or for anyone legally responsible, § 170:23
Medical payments coverage, § 170:21, 170:22
No-fault and uninsured motorist coverages, § 170:24
Other available benefits, § 170:20

AUTOMOBILE LIABILITY INSURANCE—Cont’d
Deductions and offsets—Cont’d
Uninsured motorist coverages, § 170:24
Default judgment, § 170:50
Dependants, § 242:6
Direct action by injured party, § 242:1
Discharge, expense of procuring, § 170:38
Disclaimer by insurer as invalid, § 170:49
Distribution among multiple claimants, § 170:27 to 170:30
Estate of injured party, § 242:4
Estate of insured, § 242:5
Exceptions, recovery not subject to limits, § 170:33, 170:34
Excess of policy limit, § 170:43 to 170:46
Excess policy, § 170:34, 170:46
Exemplary damages, § 170:17, 170:18
Final judgment, pre-judgment interest included in final judgment, § 170:33
Financial responsibility law, § 170:4
Good faith, § 170:29, 170:54, 242:149 to 242:151
Ignorance of existence of policy or insurer identity, § 192:34
Ignorance of existence or character of loss, occurrence or accident
Generally, § 192:7
Automobile liability insurance, ignorance of details of occurrence, § 192:14, 192:15
Automobile liability insurance, imputation of knowledge, § 192:11
Ignorance of substance of policy provisions, § 192:54
Insured as party, generally, § 242:1
Interest and costs
Generally, § 170:31 et seq.
Amount of judgment, generally, § 170:41
Appealed judgment, § 170:51

Index-89
AUTOMOBILE LIABILITY
INSURANCE—Cont’d
Interest and costs—Cont’d
Attachment lien, expense of procuring, § 170:38
Attempt to pay, § 170:54
Attorneys’ fees as costs, § 170:37
Bad faith or breach by insurer or insured, § 170:36
Breach by insurer or insured, § 170:36
Cooperation clause, costs incurred in compliance with, § 170:39
Costs, generally, § 170:37 to 170:40
Default judgment, § 170:50
Discharge, expense of procuring, § 170:38
Disclaimer by insurer as invalid, § 170:49
Entire judgment, recovery permitted on, § 170:43
Exceptions, recovery not subject to limits, § 170:33, 170:34
Excess of policy limit, § 170:43 to 170:46
Excess policy, § 170:34, 170:46
Final judgment, pre-judgment interest included in, § 170:33
Good faith offer or attempt to pay, § 170:54
Interest on costs, § 170:47
Interest on interest, § 170:47
Judgment
Appealed judgment, § 170:51
Date of entry of, § 170:48
Default judgment, § 170:50
Pre-judgment interest included in final judgment, § 170:33
Settlement without entry of, § 170:35
Judgment amount, generally, § 170:41
Judicial demand, date of, § 170:48
Lien, expense of procuring attachment lien, § 170:38
Limits, § 170:31 to 170:34, 170:44
Offer, good faith offer or attempt to pay, § 170:54

AUTOMOBILE LIABILITY
INSURANCE—Cont’d
Interest and costs—Cont’d
Payment of policy limits, but not costs, § 170:55
Postjudgment interest, § 170:45
Pre-judgment interest, § 170:33, 170:40, 170:45
Settlement, § 170:35, 170:52
Tender of proceeds tolling running of interest, § 170:53 to 170:55
Time from which interest runs, § 170:48 to 170:52
Interest on interest, § 170:42
Judgment
Computation of loss, § 170:16
Conflicting judgments, limits of liability, § 170:6
Priority of judgments, § 170:28
Judicial demand, date of, § 170:48
Legal responsibility, § 170:23
Lien, expense of procuring attachment lien, § 170:38
Limitation of actions, § 235:59, 236:82, 236:107
Limitations on interest and costs, § 170:31 to 170:34, 170:43 to 170:46
Limits of liability
Generally, § 170:3 et seq.
Apportionment of inadequate proceeds among multiple claimants, § 170:10
Compulsory insurance, § 170:4
Conflicting judgments, § 170:6
Consortium claims, § 170:8, 170:9
Financial responsibility law, § 170:4
Judgments, conflicting judgments, § 170:6
Multiple accidents or injuries
Generally, § 170:7 et seq.
Apportionment of inadequate proceeds among multiple claimants, § 170:10
Consortium claims, § 170:8, 170:9

Index-90
## AUTOMOBILE LIABILITY INSURANCE—Cont’d

- **Subrogation**, § 224:13 to 224:16
- **Suit as trigger of notice obligation**, § 191:31
- **Tender of proceeds tolling running of interest**, § 170:53 to 170:55
- **Third-party beneficiary**, § 242:3
- **Time from which interest runs**, § 170:48 to 170:52
- **Tortfeasor’s insurer, recovery where claimant’s insurer paid claim**, § 170:26
  - **Travel expenses**, § 170:15
  - **Trigger**
    - **Generally**, § 191:29 to 191:31
    - **Accident or occurrence as trigger of notice obligation**, § 191:29
    - **Claim as trigger of notice obligation**, § 191:30
    - **Suit as trigger of notice obligation**, § 191:31
  - **Uninsured motorist coverages**, § 170:24
  - **Use of vehicle**, § 170:15, 245:38
  - **Venue**, § 230:41
  - **Wages, loss of**, § 170:16

## AUTOMOBILE PROPERTY INSURANCE

  - **Abandon, intent to take and**, § 157:16
  - **Abutments of highway, striking**, § 156:53
  - **Accidental loss defined**, § 156:51
  - **Accidental loss or damage**, § 156:20, 156:21
  - **Admissibility of evidence**, § 157:64, 157:65
  - **Admissions, statements constituting**
    - **Generally**, § 254:242, 254:243
    - **Scope of admission**, § 254:249, 254:253
  - **Uninsured status**, § 254:250
  - **Age of vehicle, burden of proof**, § 254:98
  - **Age, underage driver**, § 156:85

## AUTOMOBILE PROPERTY INSURANCE—Cont’d

- **Associates**, § 157:43 to 157:45
- **Attachment of trailers and towing**, § 156:88
- **Attempting to avoid accident or injury**, § 156:83
- **Attended vehicle**, § 157:49
- **Authorization**, § 156:84, 156:92
- **Automobile dealer’s insurance**, § 156:93
- **Within automobile, fire originating**, § 157:77
- **Automobile liability insurance, relationship to**, § 156:4
- **Avoidance, attempting to avoid accident or injury**, § 156:83
- **Bad check**, § 157:23
- **Bailment**, § 156:14, 156:91, 157:32
  - **Bailment of property**, § 154:75 to 154:77, 154:102
- **Borrowing with intent-return**, § 157:13 to 157:15
- **Building**, § 156:71
- **Burden of proof. Presumptions and burden of proof, below**
  - **Business use**, § 156:89, 156:90
  - **Carriage of passengers for hire**, § 157:60
  - **Carrier, fault of**, § 157:89
  - **Casualty to conveyance**, § 157:88
  - **Causation, comprehensive coverage**, § 156:22, 156:30
  - **Character evidence**, § 255:91
  - **Check, bad**, § 157:23
  - **Collision**
    - **Generally**, § 156:39 et seq.
      - **Abutments of highway, striking**, § 156:53
      - **Accidental loss defined**, § 156:51
      - **Age, underage driver**, § 156:85
      - **Attachment of trailers and towing**, § 156:88
      - **Attempting to avoid accident or injury**, § 156:83
      - **Authorization**, § 156:84, 156:92
      - **Automobile dealer’s insurance**, § 156:93
INDEX

AUTOMOBILE PROPERTY INSURANCE—Cont’d
Collision—Cont’d
Avoidance, attempting to avoid accident or injury, § 156:83
Bailment, § 156:91
Building, falling objects, § 156:71
Burden of proof, § 156:44
Business use, § 156:89, 156:90
Causation, generally, § 156:52
Comprehensive coverage, § 156:28 to 156:30
Construction and interpretation, § 156:40, 156:41, 156:45
Curb, § 156:60
Curbstone, § 156:60
Dealer, automobile dealer’s insurance, § 156:93
Defects in highway, striking, § 156:52 to 156:56
Definitions
Generally, § 156:46, 156:47
Accidental loss defined, § 156:51
Destruction, § 156:50
Object, § 156:48, 156:49
Destruction defined, § 156:50
Dictionary meanings, § 156:46
Ditch, § 156:61
Driver, conduct of
Generally, § 156:78 et seq.
Age, underage driver, § 156:85
Attempting to avoid accident or injury, § 156:83
Authorization, use without, § 156:84
Avoidance, attempting to avoid accident or injury, § 156:83
Intoxication, § 156:80
Regulations, use in violation of, § 156:82
Speed contests, § 156:81
Speeding, § 156:81
Underage driver, § 156:85
Use in violation of law, § 156:82
Use without authorization, § 156:84
Willful misconduct of driver, § 156:79

AUTOMOBILE PROPERTY INSURANCE—Cont’d
Collision—Cont’d
Elevator, § 156:68
Embankment, § 156:58
Exclusions, § 156:41, 156:56, 156:66
Falling objects
Generally, § 156:67 et seq.
Building, § 156:71
Elevator, § 156:68
Hail, § 156:73
Tornado, § 156:72
Tree, § 156:69
Truck, load or part of, § 156:70
Windstorm, by-product of, § 156:72
Fire, § 156:76
Fire insurance, § 157:75
Flood, § 156:75
Guardrail, § 156:60
Hail, § 156:73
Highway or defects therein, striking, § 156:52 to 156:56
Hole or depression in road, striking, § 156:54
Incline at side of road, § 156:59
Intentional damage by third persons, § 156:87
Intoxication, § 156:80
Loan or bailment, § 156:91
Mechanical breakdown, § 156:77
Object defined, § 156:48, 156:49
Passengers, public conveyance and carriage of, § 156:90
Pleasure use, § 156:89, 156:90
Popular meanings, § 156:47
Proximate cause, § 156:42
Public conveyance and carriage of passengers, § 156:90
Questions of law or fact, § 156:43
Regulations, use in violation of, § 156:82
Roadbed
Contact with, § 156:55
Curb, § 156:60
Curbstone, § 156:60
Ditch, § 156:61

Index-93
AUTOMOBILE PROPERTY
INSURANCE—Cont’d
Collision—Cont’d
Roadbed—Cont’d
Embankment, § 156:58
Exclusions as to striking, § 156:56
Guardrail, § 156:60
Incline at side of road, § 156:59
Shoulder of road, § 156:58
Sidewalk, § 156:60
Striking defects or obstacles in or near, generally, § 156:57 et seq.
Water main, § 156:61
Shoulder of road, § 156:58
Sidewalk, § 156:60
Sinking, § 156:74
Speed contests, § 156:81
Speeding, § 156:81
Subsequent to collision, operation of vehicle, § 156:86
Third persons, intentional damage by third persons, § 156:87
Time of use of public conveyance, § 156:90
Tornado, falling objects, § 156:72
Towing, attachment of trailers and, § 156:88
Trailers, attachment of, § 156:88
Tree, falling objects, § 156:69
Truck, load or part of, § 156:70
Underage driver, § 156:85
Upset, § 156:62 to 156:66
Use in violation of law, § 156:82
Use without authorization, § 156:84
Water, § 156:75
Water main, § 156:61
Willful misconduct of driver, § 156:79
Windstorm, by-product of, § 156:72
Collision insurance, interplay of, § 156:5
Comprehensive coverage
Generally, § 156:19 et seq.
Accidental loss or damage, § 156:20, 156:21

AUTOMOBILE PROPERTY
INSURANCE—Cont’d
Comprehensive coverage—Cont’d
Burden of proof, § 156:22
Causation, § 156:22, 156:30
Collision, § 156:28 to 156:30
Electrical breakdown, § 156:26, 156:27
Explosion, § 156:35
Falling objects, loss by, § 156:37
Fire, § 156:32, 156:33
Foreign substance in oil or gasoline, § 156:25
Glass, breakage of, § 156:37
Hill, vehicle rolling down, § 156:24
Limitations, collision, § 156:29
Mechanical or electrical breakdown, § 156:26, 156:27
Mechanic or repair shop, role of, § 156:27
Multiple causation, § 156:22
Oil or gasoline, foreign substance in, § 156:25
Overturning, § 156:31
Repair shop, role of, § 156:27
Repossession of stolen vehicle, § 156:33
Stolen vehicle, repossession of, § 156:33
Theft, § 156:32, 156:33
Upset or overturning, § 156:31
Vandalism and malicious mischief, § 156:23 to 156:25
Water, § 156:36
Wind, § 156:34
Concealment, § 157:84
Conditional sales, § 156:9
Connection to automobile, other property, § 156:18
Construction and interpretation
Collision, § 156:40, 156:41, 156:45
Conversion insurance, § 157:79
Theft insurance, § 157:2, 157:7 to 157:9

Index-94
AUTOMOBILE PROPERTY
INSURANCE—Cont’d

Conversion insurance
Generally, § 157:78 et seq.
Concealment, § 157:84
Construction and interpretation, § 157:79
Disposal, § 157:84
Finance company, insuring of, § 157:81
Noteholders, insuring of, § 157:81
Proceeds, conversion of, § 157:85
Waiver and estoppel, § 157:86
Wrongful act, procurement of insurance after, § 157:80
Conversion, theft insurance, § 157:41
Conveyance, casualty to, § 157:88
Corporations, intervening corporate entity, § 157:45
Curb, § 156:60
Curbstone, § 156:60
Custodian, § 157:55
Custody, surrender of, § 157:52
Damage by vehicles, § 155:98
Dealer, automobile dealer’s insurance, § 156:93
Defects in highway, striking, § 156:52 to 156:56
Definitions
Accidental loss, § 156:51
Collision, § 156:46, 156:47
 Destruction, § 156:50
Object, § 156:48, 156:49
Theft insurance, § 157:7 to 157:9
Delivery of automobile to prospective purchaser as taking, § 157:34
Damage defined, § 156:50
Dictionary meanings, § 156:46
Disposal, § 157:84
Ditch, § 156:61
Driver
Actual possession, vehicles in, § 156:13
Theft insurance, § 157:35, 157:36
Electrical breakdown, § 156:26, 156:27, 157:76
Elevator, § 156:68

AUTOMOBILE PROPERTY
INSURANCE—Cont’d

Embankment, § 156:58
Embezzlement, § 157:41
Endorsement, unendorsed storage places, § 157:50
Equipment, § 156:17
Evidence, fire insurance, § 157:69
Exceptions
Sale of automobile, § 156:9
Theft insurance, § 157:4, 157:5
Exclusions, collision, § 156:41, 156:56, 156:66
Explosion, § 156:35
Falling objects, comprehensive coverage, § 156:37
Fault of carrier, § 157:89
Fault of insured, § 157:68, 157:90
Finance company, insuring of, § 157:81

Fire
Collision, § 156:76
Comprehensive coverage, § 156:32, 156:33

Fire insurance
Generally, § 157:66 et seq.
Within automobile, fire originating, § 157:77
Collision, § 157:75
Electrical breakdown or failure, § 157:76
Evidence, § 157:69
Fault of insured, § 157:68
Hire, for, § 157:72
Intentional acts of third persons, § 157:68
Livery, use as, § 157:72 to 157:74
Mechanical or electrical breakdown or failure, § 157:76
Multiple purposes, § 157:73
Negligence of insured, § 157:68
Occasional use, § 157:71, 157:73
Proximate cause, § 157:67, 157:68
Public conveyance, use as, § 157:72 to 157:74
Questions of law or fact, § 157:69
Renting, § 157:72

INDEX

Index-95
AUTOMOBILE PROPERTY
INSURANCE—Cont’d
Fire insurance—Cont’d
Sufficiency of evidence, § 157:69
Temporary or occasional use,
§ 157:71, 157:73
Third persons, intentional acts of,
§ 157:68
Waiver and estoppel, § 157:74
Fire insurance, interplay of,
§ 156:5
Flood,
§ 156:75
Forcible entry,
§ 157:48
Foreign substance in oil or gasoline,
§ 156:25
Fraud, taking accompanied by,
§ 157:20 to 157:23
Glass, breakage of,
§ 156:37
Guardrail,
§ 156:60
Hail,
§ 156:73
Highway or defects therein, striking,
§ 156:52 to 156:56
Hill, vehicle rolling down,
§ 156:24
Hire, for,
§ 157:72
Hole or depression in road, striking,
§ 156:54
Household, member of,
§ 157:38, 157:39
Incidental violation,
§ 157:5
Incline at side of road,
§ 156:59
Independent contractors,
§ 157:46
Intent
Collision,
§ 156:87
Fire insurance,
§ 157:68
Theft insurance, evidence,
§ 157:62, 157:65
Intervening corporate entity,
§ 157:45
Intoxication,
§ 156:80
Joyride,
§ 157:17
Judicial notice of value of
automobile,
§ 254:283
Lease,
§ 156:9, 157:57, 157:72
Limitations, collision,
§ 156:29
Livery, use as,
§ 157:72 to 157:74
Loan or bailment,
§ 156:91
Locks,
§ 157:49
Mechanical breakdown,
§ 156:26, 156:27, 156:77, 157:76

INDEX-96

AUTOMOBILE PROPERTY
INSURANCE—Cont’d
Mechanic or repair shop, role of,
§ 156:27
Misappropriation of proceeds,
§ 157:23
Modern policy provisions,
§ 156:3
Multiple causation,
§ 156:22
Multiple coverages, effect of,
§ 156:5
Multiple purposes,
§ 157:73
Mysterious disappearance,
§ 157:33
Negligence of insured,
§ 157:68
Newly-acquired vehicles,
§ 156:10
Non-owned vehicles,
§ 156:12, 156:13
Noteholders, insuring of,
§ 157:81
Object defined,
§ 156:48, 156:49
Occasional use,
§ 157:71, 157:73
Oil or gasoline, foreign substance in,
§ 156:25
Overturning,
§ 156:31
Owned automobiles,
§ 156:8 to 156:11
Passengers,
§ 156:90, 157:60
Pilferage defined,
§ 157:7
Presumptions and burden of proof
Generally,
Age of vehicle,
§ 254:98
Valuation,
§ 254:82
Proceeds,
§ 157:23, 157:85
Property insurance, relationship to,
§ 156:4
Proximate cause,
Public conveyance,
§ 156:90, 157:72 to 157:74
Purchase agreement, possession
under,
§ 157:56
INDEX

AUTOMOBILE PROPERTY INSURANCE—Cont’d
Purchaser, § 157:34, 157:54
Recreational vehicles, § 154:102
Regulations, use in violation of, § 156:82
Related but absent person as member of household, § 157:39
Repair shop, role of, § 156:27
Replacement automobiles, § 156:10, 156:11
Repossession by secured creditor, § 157:29
Repossession of stolen vehicle, § 156:33
Resale, vehicles held for, § 156:15
Return of vehicle, § 157:13 to 157:15
Robbery defined, § 157:7
Sale of automobile, § 156:9, 157:28 to 157:30
Secured creditor, repossession by, § 157:29
Secured transaction debtor, § 157:40, 157:41
Shoulder of road, § 156:58
Sidewalk, § 156:60
Sinking, § 156:74
Speed contests, § 156:81
Speeding, § 156:81
Statutes, § 157:14
Stolen vehicle, § 151:92
Stolen vehicle, repossession of, § 156:33
Storage, unendorsed storage places, § 157:50
Subsequent to collision, operation of vehicle, § 156:86
Substitute and replacement automobiles, § 156:10, 156:11
Surrender of custody and possession, § 157:52
Temporary or occasional use, § 157:71, 157:73
Theft insurance
Generally, § 157:1 et seq.

AUTOMOBILE PROPERTY INSURANCE—Cont’d
Theft insurance—Cont’d
Abandon, intent to take and, § 157:16
Admissibility of evidence, § 157:64, 157:65
Associates, § 157:43 to 157:45
Attended vehicle, § 157:49
Bad check, § 157:23
Bailment, § 157:32
Borrowing with intent-return, § 157:13 to 157:15
Burden of proof, § 157:63
Carriage of passengers for hire, § 157:60
Check, bad, § 157:23
Claim or color of right, taking under
Generally, § 157:24 et seq.
Agent of insured, taking by, § 157:26, 157:27
Conditional vendor and vendee, § 157:28 to 157:30
Employee of insured, taking by, § 157:26, 157:27
Repossession by secured creditor, § 157:29
Retaking by debtor, § 157:30
Sale, conditional vendor and vendee, § 157:28 to 157:30
Secured creditor, repossession by secured creditor, § 157:29
True owner, taking by, § 157:25
Comprehensive coverage, § 156:32, 156:33
Construction and interpretation, § 157:2, 157:7 to 157:9
Conversion, § 157:41
Corporations, intervening corporate entity, § 157:45
Custodian, § 157:55
Custody, surrender of, § 157:52
Definitions, § 157:7 to 157:9

Index-97
AUTOMOBILE PROPERTY
INSURANCE—Cont’d
Theft insurance—Cont’d
Delivery of automobile to prospective purchaser as taking,
§ 157:34
Driver, identity or age of,
§ 157:35, 157:36
Embezzlement, § 157:41
Employment relationships
Generally, § 157:42 et seq.
Associates, § 157:43 to 157:45
Claim or color of right, taking under,
§ 157:26, 157:27
Corporations, intervening corporate entity, § 157:45
Independent contractors,
§ 157:46
Intervening corporate entity,
§ 157:45
Location or manner of theft,
§ 157:53
Third persons, § 157:44
Endorsement, unendorsed storage places, § 157:50
Evidence
Generally, § 157:61 et seq.
Admissibility of evidence,
§ 157:64, 157:65
Burden of proof, § 157:63
Questions of law or fact,
§ 157:61, 157:62
Sufficiency of evidence,
§ 157:64, 157:65
Exception, breach of, § 157:4, 157:5
Felonious act
Generally, § 157:18 et seq.
Bad check, § 157:23
Check, bad check, § 157:23
Fraud, taking accompanied by,
§ 157:20 to 157:23
Misappropriation of proceeds,
§ 157:23
Possession acquired by fraud,
§ 157:21
Possession, taking from possession of another, § 157:19

AUTOMOBILE PROPERTY
INSURANCE—Cont’d
Theft insurance—Cont’d
Felonious act—Cont’d
Proceeds, misappropriation of proceeds, § 157:23
Taking, necessity of, § 157:18, 157:19
Title acquired by fraud,
§ 157:20
Felonious intent
Generally, § 157:10 et seq.
Abandon, intent to take and,
§ 157:16
Borrowing with intent-return, § 157:13 to 157:15
Joyride, § 157:17
Return, borrowing with intent-return, § 157:13 to 157:15
Return, failure to, § 157:15
Return, unlawful taking with intent to return, § 157:14
Statutes, § 157:14
Time of existence of intent,
§ 157:12
Unlawful taking with intent to return, § 157:14
Forcible entry, § 157:48
Fraud, taking accompanied by,
§ 157:20 to 157:23
Household, member of, § 157:38, 157:39
Identity or age
Conditional vendee or secured transaction debtor,
§ 157:40, 157:41
Conversion, § 157:41
Driver, § 157:35, 157:36
Embezzlement, § 157:41
Household, member of,
§ 157:38, 157:39
Presence, related but absent person as member of household,
§ 157:39
Related but absent person as member of household,
§ 157:39
Secured transaction debtor, conditional vendee or

Index-98
AUTOMOBILE PROPERTY INSURANCE—Cont'd
Theft insurance—Cont'd
Identity or age—Cont'd
secured transaction debtor, § 157:40, 157:41
Wrongful conversion or embezzlement distinguished, § 157:41
Incidental violation, § 157:5
Independent contractors, § 157:46
Interests protected, generally, § 157:6
Interplay of, § 156:5
Intervening corporate entity, § 157:45
Joyride, § 157:17
Lease, § 157:57
Location or manner of theft
Generally, § 157:48 et seq.
Agent as voluntary party, § 157:53
Attended vehicle, unlocked and unattended vehicle, § 157:49
Custodian, § 157:55
Custody, surrender of custody and possession, § 157:52
Employee as voluntary party, § 157:53
Endorsement, unendorsed storage places, § 157:50
Forcible entry, § 157:48
Locks, unlocked and unattended vehicle, § 157:49
Parties, voluntary parties, generally, § 157:51 et seq.
Possession, surrender of custody and possession, § 157:52
Prospective purchaser, § 157:54
Purchase agreement, possession under, § 157:56
Purchaser, prospective purchaser, § 157:54
Storage, unendorsed storage places, § 157:50
Surrender of custody and possession, § 157:52

Index-99
AUTOMOBILE PROPERTY
INSURANCE—Cont’d
Theft insurance—Cont’d
Secured creditor, repossession by, § 157:29
Secured transaction debtor, § 157:40, 157:41
Statutes, § 157:14
Storage, unendorsed storage places, § 157:50
Sufficiency of evidence, § 157:64, 157:65
Surrender of custody and possession, § 157:52
Theft defined, § 157:7 to 157:9
Third persons, § 157:44
Time of existence of intent, § 157:12
Title acquired by fraud, § 157:20
Trade, unlawful, § 157:59
Transportation, unlawful, § 157:59
Unendorsed storage places, § 157:50
Unlawful taking with intent to return, § 157:14
Unlawful use, trade, or transportation, § 157:59
Upset or overturning, § 156:31, 156:62 to 156:66
Use in violation of law, § 156:82
Use without authorization, § 156:84
Value of automobile, judicial notice of, § 254:283
Vandalism and malicious mischief, § 156:23 to 156:25
Vehicles covered, generally, § 156:6 et seq.
Waiver and estoppel, § 157:74, 157:86
Water, § 156:36, 156:75
Water main, § 156:61
Willful misconduct of driver, § 156:79
Wind, § 156:34
Windstorm, by-product of, § 156:72
Wrongful act, procurement of insurance after, § 157:80
Wrongful conversion or embezzlement distinguished, § 157:41

AUTOMOBILES
Accident and Life Insurance (this index)
Additions to vehicle excluded, § 177:6
Agents and Brokers (this index)
Automobile collision insurance, § 235:63
Automobile Insurance (this index)
Automobile Property Insurance (this index)
Broad evidence test, § 177:3
Clubs, § 39:62
Contractors’ payment bonds, § 165:114 to 165:117

Index-100
AUTOPSY AND EXHUMATION
Generally, § 196:80 et seq.
Accident insurance, § 139:38, 139:41
Administrator or executor, lack of, § 196:86
Burial, demand by insurer required, § 196:95, 196:96
Consent, lack of, § 196:87
Construction and interpretation, § 196:83
Death notice distinguished, § 196:85
Demand by insurer required
Generally, § 196:92 et seq.
After burial, § 196:96
Noncompliance, § 196:106 to 196:108
Organ retention, § 196:100
Post-interment autopsy, purpose of, § 196:97
Prior to funeral or burial, § 196:95
Reasonable time, § 196:94
Time, specific, § 196:98
Unauthorized autopsy, liability for, § 196:100
Estoppel and waiver
Demand for proof, investigation or promise to investigate, § 194:43
Excuses for noncompliance, § 196:105
Notice, § 196:89
Excuses for noncompliance
Generally, § 196:101 et seq.
Ignorance of existence of policy, § 196:102
Objection or scope of autopsy, § 196:104
Objection to post-interment demand, § 196:103
Waiver, § 196:105
Funeral, demand by insurer required prior to funeral or burial, § 196:95
Ignorance of autopsy, § 196:87
Ignorance of existence of policy, § 196:102
Incompetency, § 196:90
Noncompliance, generally, § 196:106 to 196:108

AUTOPSY AND EXHUMATION
—Cont’d
Notice and proof of loss
Generally, § 196:84 et seq., 196:88
Administrator or executor, lack of, § 196:86
Consent, lack of, § 196:87
Death notice distinguished, § 196:85
Ignorance of autopsy, § 196:87
Incompetency, § 196:90
Noncompliance, effect of, § 196:91
Official autopsy, § 196:88
Waiver and estoppel, § 194:43, 196:89
Objection to post-interment demand, § 196:103
Objection to scope of autopsy, § 196:104
Organ retention, § 196:100
Physician-patient privilege, § 250:40
Post-interment autopsy, purpose of, § 196:97
Prior to funeral or burial, § 196:95
Reasonable time, § 196:94
Statutes, § 196:82
Time, specific, § 196:98
Unauthorized autopsy, liability for, § 196:100
Validity, § 196:81
Waiver, § 196:89, 196:105
AUTO TOURS BUSINESS
Generally, § 120:114
AVIATION
See Aircraft (this index)
AVOIDANCE OF CONTRACTS
Arbitration, appraisal, or submission agreements, § 210:58 to 210:63
Binders and binding receipts, avoidance of contract for false misrepresentations, § 13:5
Cancellation as waiver of right to avoid policy, § 31:110
Construction to avoid forfeiture, § 22:35

Index-102
INDEX

AVOIDANCE OF CONTRACTS —Cont’d
Departure, § 244:74
Fraudulent transfers or conveyances, § 92:27
Good health of insured, § 87:56, 87:57
Incontestability Clause (this index)
Iron safe clauses, election to avoid, § 97:27, 97:28
Jurisdiction of federal proceedings, § 229:47
Liens and encumbrances, § 93:20, 93:40
Premiums, nonpayment of, § 75:41
Proceeds, continuing liability of insurer for, § 62:13, 62:14
Release, § 216:46 to 216:49
Release or Discharge (this index)
Renewal, § 29:30
Representations, warranties, conditions, and concealment, § 83:21, 93:7 to 93:11
Settlement and Compromise (this index)
Value and cost of insured property, § 93:7 to 93:11

BACK DISORDERS
Accident and life insurance, § 141:37
Disability provisions, § 147:80, 147:81
Good health of insured, § 88:60, 136:28

BAD FAITH
See Good Faith (this index)

BAILMENTS
Generally, § 68:39 to 68:43
Accident and life insurance, § 142:31
Accountability of bailee, § 68:41
Adjustment of losses, § 178:43 to 178:45
Agency, § 44:26
Automobile Insurance (this index)
Bankruptcy, bailee’s trustee in, § 242:84
Beneficiary, § 242:79

BAILMENTS—Cont’d
Blanket coverage issued to bailor, § 242:78
Consequential damages, § 178:20
Construction contract guaranties, § 184:30, 184:36
Contractors’ payment bonds, § 165:137 to 165:141
Default, § 68:42
Description of goods held by bailee, § 20:39 to 20:43
Insurable interest, § 42:21
Liability insurance, § 201:31
Liens and encumbrances, § 93:36
Parties, generally, § 242:77 et seq.
Payments, provision making loss payable to bailee, § 242:82
Property Insurance (this index)
Receipts, § 242:81
Repair or replace, option to, § 176:52
Representations, warranties, and conditions, § 91:63, 92:67
Statutes, § 242:80
Subrogation, § 224:31, 224:59
Third-party beneficiary, bailor as, § 242:79
Trustee in bankruptcy, § 242:84
Valuation of bailed property, § 255:60
Warehouse receipt, § 242:81

BANK DEPOSIT GUARANTY
Generally, § 166:1 et seq., 184:1 et seq.
Accounting at termination of bond, § 166:22
Agents, § 166:10, 166:11
Alteration of contract, § 166:21
Amounts recoverable, § 184:4 to 184:7
Capacity of depositor and funds, § 166:8
Construction and interpretation, § 166:3
Custodian, funds held as, § 166:10
Deductions, § 184:4
Demand for payment, § 166:16, 166:17
Designation of depository, § 166:7
BANK DEPOSIT GUARANTY—Cont’d
Fiduciary, funds held as, § 166:10
Identity of and capacity of depositor and funds, § 166:8
Illegality of deposit, § 166:13
Insolvency, § 166:18
Interest, § 184:5 to 184:7
Limitations, § 166:20
Multiple sureties, § 184:3
Nature of funds deposited, § 166:9 to 166:11
Nonpayment, § 166:18
Notice of condition, § 166:18
Officer of insured, deposit by, § 166:11
Primary liability of insurer, § 166:2
Public officials, acts of, § 166:24
Rate of interest, § 184:7
 Receivership, bank in, § 184:2
Release of security, § 166:23
Secondary liability of insurer, § 166:2
 Statutes, § 166:4, 166:5, 166:20
Termination of bond, § 166:19, 166:22
Time, § 166:12, 184:6
Transfer of right to deposit, § 166:14

BANK DEPOSITORY GUARANTY BOND
Generally, § 185:45
See also Subrogation (this index)

BANKERS’ BLANKET BONDS
Financial Institution Blanket Bonds (this index)

BANKRUPTCY
See Insolvency (this index)

BANKS AND BANKING
Bank Deposit Guaranty (this index)
Blanket bond and like coverage, generally, § 132:40 to 132:52
Burden of proving forgery, § 132:46
Check-kiting, § 132:51
Counterfeit security, § 132:49
Delayed payment or nonpayment, § 207:36

BANKS AND BANKING—Cont’d
Deposit guaranty. See Bank Deposit Guaranty (this index)
Disability provisions, § 147:115
Extension of credit on forged, stolen, or like securities, § 132:48
False pretenses, § 132:50 to 132:52
Fidelity Bonds and Insurance (this index)
Financial Institution Blanket Bonds (this index)
Forgery
Generally, § 132:41 to 132:46
Burden of proving forgery, § 132:46
False documents with genuine signatures, § 132:45
Instruments or documents covered, § 132:42
Payment, requirement that loss be by, § 132:43
Group insurance, § 7:35
Iron safe clauses, bank statements, § 97:56
Non-payment of loans, § 132:47, 132:48
Premiums and assessments, use of bank as collecting agency, § 78:31
Representations, warranties, and conditions, bank deposit guaranty, § 100:29
Risks covered under policy, generally, § 132:40 to 132:52

BARBER
Disability provisions, § 147:134

BARGAIN PURCHASES
Value and cost of insured property, § 93:10

BARRATRY
See Marine Insurance (this index)

BATTERY AND ASSAULT
See Assault and Battery (this index)

BED OR BEDROOM
Disability insurance, confinement-to-house, § 146:49 to 146:51
BED PATIENT FACILITIES
Medical insurance, § 145:17

BELIEF
See Opinion or Belief (this index)

BENCH TRIAL
Generally, § 246:31

BENEFICIARIES
Generally, § 58:1 et seq.
Accident insurance, § 58:31, 58:32,
   60:81, 62:20, 245:35, 245:36
Accumulative insurance, § 59:30
Actions against insurers, § 242:203
Agents
   Insured’s agents, § 59:24
Agents
   Agents and Brokers (this index)
Agents and Brokers (this index)
Age of insured, representation as to, § 86:3

Alternative Beneficiaries (this index)
Applications
   Change of beneficiary, § 60:7,
   60:42 to 60:46
   Designation of beneficiary,
   § 59:14, 59:15
Arbitration, appraisal, or submission
   agreements, § 210:17
Assignment (this index)
   Automobile liability coverage,
   § 242:3
   Bailments, § 242:79
   Burial insurance, § 58:28, 58:29
Cancellation and Rescission (this index)
Change of beneficiary
   Generally, § 58:11 to 58:14, 60:1
e t seq.
   Assignment, § 34:12, 34:34,
   35:29, 37:64, 60:10, 60:15,
   60:32
   Attacks on change of beneficiary,
   § 60:64 et seq.
   Divorce or separation, § 64:13,
   64:14
   Exemption from claims of credi-
   tors, § 66:34

BENEFICIARIES—Cont’d
Change of beneficiary—Cont’d
   Gift of policy, § 38:4
   Group insurance, § 8:33
   Letter, establishment by, § 253:234
   Parol evidence, establishment by, § 253:103
   Proof of generally, § 255:107
   Witnesses, § 252:80, 252:84

Children (this index)
   Class beneficiaries, § 59:1 et seq.
   Cobeneficiaries (this index)
   Common disaster, § 61:43 et seq.
   Community property, § 61:47, 62:3
   Completion of application for change
   of beneficiary, § 59:15, 60:42 to
   60:46
   Concurrent Beneficiaries (this index)
   Conflict between application and
   policy regarding change of ben-
   eficiary, § 60:7

Consent
   Change of beneficiary, § 60:19,
   60:24, 60:34 to 60:37
   Loans, § 80:21
Construction and interpretation
   Generally, § 59:9, 59:18 et seq.
   Common disaster, § 61:43
   Constructive trusts, § 58:9, 58:10
Contingent Beneficiaries (this index)
   Contractors’ bonds, § 163:70
   Contracts and agreements of insured,
   § 58:19 to 58:21
   Conviction of death of insured,
   necessity for, § 62:9
   Corporations, § 59:8
   Costs of action, § 233:31 to 233:34
   Creditors
   Generally, § 58:20, 66:2
   Creditors
   Exemption from Claims of Cred-
   itors (this index)
   Death of beneficiary or insured,
   change of beneficiary, § 60:43,
   60:53 to 60:56
   Declaratory judgments, § 232:69,
   243:86, 243:91
BENEFICIARIES—Cont'd
Default designation rules, § 64:4
Defects in application for change of beneficiary, § 59:15, 60:46
Defenses, § 245:84
Definition of beneficiary, § 58:1
Delay in acting on request for change of beneficiary, § 60:63
Delivery of policy
  Change of beneficiary, application for, § 60:42 to 60:46
  Relative of beneficiary, delivery to, § 14:19
Designation of beneficiaries, generally, § 59:9 et seq.
Disability insurance, § 58:31, 58:32
Divorce or Separation (this index)
Duress, change of beneficiaries, § 60:75
Educational agreements, § 58:21
Election or option
  Change of beneficiary by will, § 60:25
  Right to enforce or exercise options of policy, § 58:24, 58:25
Eligibility requirements
  Generally, § 59:2, 59:4 et seq.
  Change of beneficiary, § 60:2
  Proceeds, payment of, § 62:1 et seq.
  Trusts and trustees, § 67:18
Endorsement, change of beneficiary, § 60:20, 60:34 to 60:37, 60:47 et seq.
Endowment insurance, § 59:30
Equitable remedies, § 232:122
Equity, change of beneficiary, § 60:27, 60:28
Estate of insured, generally, § 59:20
Estate Taxes (this index)
Evidence of common disaster, § 61:45, 61:48, 61:49
Excuse or justification
  Nonsurrender of policy, change of beneficiary, § 60:51, 60:52

BENEFICIARIES—Cont’d
Excuse or justification—Cont’d
Waiver by insurer of compliance with change of beneficiary requirements, § 60:62
Executors and administrators, § 59:21
Exemption from claims of creditors, § 66:31
Expectancies, § 58:14
Family or relatives, generally, § 59:5, 59:26 et seq.
Fraud
  Actions by insured or beneficiary against insurer or agent, generally, § 232:91 et seq.
  Change of beneficiaries, § 60:72 to 60:74
  Future, statements as to, § 232:100
Freedom of selection, § 59:1 et seq.
Gift of Policy (this index)
Good health of insured, § 86:26
Governing Law (this index)
Group insurance, § 8:30 to 8:38
Guardians, § 59:25, 60:13, 60:14
Health insurance
  Generally, § 58:31, 58:32
  Claimant, relationship to contract or insured, § 245:35, 245:36
  Group insured as third-party beneficiary, § 242:108
  Incidental beneficiary, § 242:109
Heirs or next of kin, generally, § 59:23, 59:36, 59:37
Homicide, § 61:34, 62:1 et seq.
Husband and Wife (this index)
Identification, parol evidence of, § 253:103, 253:107 et seq.
Identity of beneficiary, erroneous designation of, § 59:10
Ignorance of substance of policy provisions, § 192:48
Implied right to change beneficiary, § 60:9
Incompetent and Insane Persons (this index)
Incontestability clause, § 240:9, 240:41, 240:83

Index-106
INDEX

BENEFICIARIES—Cont’d
Industrial insurance, § 58:28, 58:29, 60:80

Insurable Interest (this index)
Intent
Generally, § 59:20
Change of beneficiary, § 60:23, 60:39 to 60:41
Death of insured, cause of, § 62:4, 62:5, 62:10
Good health of insured, § 86:26
Interest in policy, generally, § 58:11 et seq.
Interference, § 232:196
Intestate succession laws, § 61:36
Investigation of death of insured, § 62:7
Joinder of parties, § 243:71, 243:146, 243:151
Lapse of policy, § 58:22
Liability policies, § 242:24 to 242:26, 242:28

Life Insurance (this index)
Limitation of Actions (this index)
Limitations and designation or selection, § 59:2 et seq.
Loans, § 80:19 to 80:22, 242:124, 242:125
Loss of policy, change of beneficiary, § 60:49
Ministerial acts, consent to change of beneficiary, § 60:35

Mistake
Change of beneficiary, § 60:76
Designation of beneficiary, § 59:10, 59:11
Mortgages, § 242:65, 242:66
Murder, § 61:34, 62:1 et seq.
Name, designation by, § 59:18
No-fault coverage, § 242:15 to 242:18

Nominal Beneficiaries (this index)
Notice of change of beneficiary, § 60:17, 60:20, 60:24, 60:34 to 60:37
Number of times beneficiary may be changed, § 60:5

BENEFICIARIES—Cont’d
Owner other than insured, change of beneficiary, § 60:15
Parol evidence
Changes of beneficiaries, § 253:103
Identities of beneficiaries, § 253:107 et seq.
Payment into court, waiver by insurer of compliance with change of beneficiary requirements, § 60:61
Penalties, fees and similar consequences, § 204:71
Performance, right to enforce or exercise policy options as necessary to, § 58:25
Possession of policy, § 58:23, 58:27, 60:48

Predeceased Heirs or Beneficiaries (this index)

Premiums and Assessments (this index)
Presumptions and burden of proof
Generally, § 254:195 et seq.
Change of beneficiary, § 60:68, 60:74
Common disaster, § 61:49
Dependency, § 254:196
Survivorship, § 254:196
Undue influence, § 254:197
Prior judgment, § 239:62, 239:92
Privileged information, § 250:51
Proceeds
Generally, § 64:1 et seq.
Cause of death, generally, § 62:1 et seq.
Change of beneficiary requirements, waiver by insurer of compliance with, § 60:61
Death of beneficiary or insured, generally, § 61:32 to 61:49
Election after death of insured, § 61:7
Facility of payment clause, § 61:17
Waiver of payment of proceeds, § 61:3
Property insurance, § 154:71, 242:33

Index-107
BENEFICIARIES—Cont’d
Proving beneficial interest in policy, § 255:104 et seq.
Questions of law or fact
Change of beneficiary, § 60:71, 60:74
Common disaster, § 61:49
Death of insured caused by beneficiary, § 62:8
Designation of beneficiary, § 59:13
Real party in action, § 241:24 to 241:26
Recoupment, § 226:112
Reformation (this index)
Representations and warranties
Generally, § 81:103
Age of insured, § 86:3
Copies of statements or applications to beneficiaries furnished to, § 81:52
Fraud, change of beneficiaries, § 60:72 to 60:74
Relationship of beneficiary to insured, § 86:53
Requests, change of beneficiary, § 60:44, 60:62
Reservation of right-change beneficiary
Generally, § 58:14 to 58:16
Reservation of right to change beneficiary
Generally, § 58:11, 58:12, 60:8, 60:9
Exemption from claims of creditors, § 66:34
Secondary beneficiaries, § 58:3, 59:19
Selection of beneficiaries, generally, § 59:1 et seq.
Settlement and compromise of claim, § 215:46
Simultaneous death, § 61:43 et seq.
Standing-attack change of beneficiary, § 60:64 to 60:68
Statutes, § 242:195
Subrogation, § 224:49
Substituted beneficiary, § 60:2, 60:3, 61:40

BENEFICIARIES—Cont’d
Surplus funds, constructive trust as to, § 58:10
Surrender of policy for endorsement, change of beneficiary, § 60:47 et seq.
Third parties
Change of beneficiary, § 59:3, 60:45
Death caused by third person, § 62:6
Third-Party Beneficiaries (this index)
Time, policy payment to insured if living at certain date, § 61:42
Tontine insurance, § 59:30
Transfer of policy, § 58:17
Trusts and Trustees (this index)
Undue influence, change of beneficiaries, § 60:72 to 60:74
Unfair or deceptive trade practices acts, § 242:168
Uniform simultaneous death act, § 61:43 et seq.
Vested interest
Generally, § 58:11 to 58:13, 58:15, 58:16, 60:67
Death of beneficiary or insured, § 61:32 to 61:34
Divorce or separation, terms of voluntary agreement or judicial order pursuant to divorce or separation, § 64:26
Void or voidable acts or matters
Change of beneficiary, § 60:77
Intent to kill insured as voiding policy, § 62:4, 62:5
Waiver
Generally, § 239:128 to 239:130
Change of beneficiary requirements, waiver by insurer of compliance with, § 60:57 to 60:63
Payment of proceeds, § 61:3
Wills (this index)
Witnesses, § 252:11, 252:80, 252:84
INDEX

BENEFICIARIES—Cont’d
Wrongful or ineligible party, § 242:194

BENEFIT SOCIETIES
Burden of proof
Generally, § 254:88 et seq.
Expulsion, § 254:90
Good standing, § 254:89
Suspension, § 254:90
Injunctions, § 232:153, 232:154
Life insurance, § 242:107, 243:68, 245:100
Lost documents, best evidence rule, § 253:39
Premiums and assessments, § 72:7, 72:38 to 72:41
Service of process, § 231:24
Suspension, § 254:90
Venue, § 230:34

BENZENE
Use and occupancy, § 95:31

BEQUESTS
See Wills (this index)

BEST EVIDENCE RULE
Generally, § 253:6 et seq.
Admissions by opponent as exceptions to rule, § 253:19
Audio recordings, § 253:44
Benefit society documents, § 253:39
Business records, application to, § 253:41
Carbon copies, § 253:15
Certificate and master policy distinguished, § 253:14
Computers
Copies generated by, § 253:17
Summaries, § 253:21
Contents of document, limitation of rule to, § 253:8
Demand for production of original, § 253:30 et seq.
Destruction of original, § 253:26
Duplicate defined, § 253:13
Exceptions to rule, § 253:18 et seq.
Excused nonproduction of original
Generally, § 253:22 et seq.

BEST EVIDENCE RULE—Cont’d
Excused nonproduction of original
—Cont’d
Admissibility, § 253:24
Demand for production, § 253:30 et seq.
Destruction of original, § 253:26
Fault, unavailability caused without, § 253:23
Loss of original, § 253:27 et seq.
Sample policies, § 253:25
Fault, unavailability caused without, § 253:23
Form policies, § 253:25
General principle, § 253:10
Historical background, § 253:7
Letters, application to, § 253:42
Loss of original, § 253:27 et seq.
Master policy and certificate distinguished, § 253:14
Mutual insurers’ documents, § 253:39
Opponent’s control of original, § 253:29
Original defined, § 253:13
Parol evidence rule distinguished, § 253:4
Photostatic copies, § 253:16
Policy, missing, § 253:35
Probity, § 253:12
Purposes of rule, § 253:7
Recordings, § 253:9
Record-keeping policy, § 253:11
Relevance, § 253:12
Sample policies, § 253:25
Secondary evidence, use of copy as, § 253:8
Sound recordings, § 253:44
Specimen policies, § 253:25
Summaries of lengthy and complex records, § 253:20
Technology, role of, § 253:5
Telegrams, application to, § 253:43
Transcripts, § 253:9
Unavailability of original
Demand for production of, § 253:30 et seq.
Fault of party, § 253:23
BEST EVIDENCE RULE—Cont’d
Unavailability of original—Cont’d
Opponent’s control of original,
§ 253:29
X-rays, § 253:45

BETROTHED PERSONS
Life insurance, insurable interest of,
§ 43:25

BETTERMENTS
Description of subject matter, § 20:27

BIAS
See Prejudice or Bias (this index)

BICYCLES
Accident and life insurance, § 142:74
Uninsured and underinsured motorist
coverage, § 123:24

BID BOND
Generally, § 166:101, 166:102,
184:58

BIDDING
Cooperation, failure to bid at foreclo-
sure, § 199:36

BIFURCATED ELECTION
Repair or replace, option to, § 176:20

BIFURCATED TRIAL
Generally, § 246:5 to 246:7
Third-party claims, § 205:35

BILIARY CONDITIONS AND
LIVER
Accident and life insurance, § 141:62

BILIIOUSNESS
Good health of insured, § 88:50

BILL OF LADING
Property insurance, § 154:52

BILLS AND NOTES
Assignments, § 36:26
Automobile property insurance,
§ 157:81
Checks (this index)
Fidelity insurance, § 160:62
Premiums and Assessments (this
index)

BINDERS AND BINDING
RECEIPTS
Generally, § 13:1 to 13:9
Acceptance of application, § 13:13
Agent’s authority, § 13:4
Applications
Acceptance of application, § 13:13
Representations and warranties,
§ 81:34
Avoidance of contract for false
misrepresentations binders and
binding receipts, § 13:5
Cancellation and rescission, § 30:5
Conditional binders and receipts,
§ 13:10 to 13:16
Construction of binder, § 13:6
Delivery, § 13:16
Estoppel and waiver, § 238:73
Evidence, § 13:7, 186:20, 253:120
Insurability, § 13:14
Limitation of actions, § 235:84
Merger of temporary contract into
policy, § 13:8
Oral binders, § 13:3
Termination of temporary contract,
§ 13:9
Uninsurable risk, § 13:15
Validity, § 13:1, 13:2

BIRTHPLACE OF INSURED
Representations, warranties, condi-
tions, and concealment, identity
of insured, § 86:47

BLANKET BONDS
See Financial Institution Blanket
Bonds (this index)

BLANKET HEALTH INSURANCE
Limitation of actions, § 234:42

BLANKET POLICIES
Generally, § 177:74 et seq.
Average clause, modification by,
§ 177:75 to 177:77
Bailments, § 242:78
Building or location, covered,
§ 177:77
Location, covered, § 177:77
Modification by average clause,
§ 177:75 to 177:77
BLANKET POLICIES—Cont’d
Monthly reporting policies, § 177:78 to 177:81
Overvaluing or undervaluing property in report, effect of, § 177:80
Property insurance, § 148:27
Reporting, monthly reporting policies, § 177:78 to 177:81
Statutory regulation, § 177:76
Undervaluing property in report, effect of, § 177:80
Validity of monthly reporting policies, § 177:78
Valuing property in report, effect of, § 177:80
Waiver of monthly reports, § 177:81

BLANK FORMS
See also Estoppel and Waiver (this index)
Application signed in blank, § 85:56
Assignment, § 36:7

BLOCKADES
Marine insurance, § 137:61, 183:48

BLOOD DISORDERS
Accident and life insurance,
§ 141:43, 141:52, 141:60, 143:91
Good health of insured, § 88:24 to 88:37

BLOOD PRESSURE
Disability provisions, § 147:73
Good health of insured, § 88:27, 88:28

BLOOD TRANSFUSIONS
Accident and life insurance, § 141:86 to 141:89

BLUE CROSS & BLUE SHIELD PLANS
Generally, § 144:7

BLUE NOTES
Premiums and assessments, § 73:44

BOARDERS AND LODGERS
Contractors’ payment bonds,
§ 165:89 to 165:91
Use and occupancy, § 94:70, 94:79

BOARDERS AND LODGERS—Cont’d
Workers’ compensation, § 173:51

BOATS
See Ships, Vessels, Cargo, Stores, and the Like (this index)

BOILER AND MACHINERY INSURANCE
Generally, § 177:46 to 177:49
Location, device, or activity, risks associated with, § 1:51
Marine insurance, § 221:41

BONDS AND SECURITIES
See Stock and Stockholders (this index)

BONDS AND UNDERTAKINGS
Appeal bond, filing, § 248:45
Bottomry and Respondentia Bonds and Interests (this index)
Construction contract guaranties, § 184:45
Contract, relationship to, § 245:55
Contribution and apportionment, § 217:22
Deposit of bonds with state
Generally, § 2:28
Foreign insurers, § 3:24
Equitable remedies, § 232:183, 232:184
Estoppel and waiver, § 238:90
Fidelity Bonds and Insurance (this index)
Foreign or alien insurers, § 3:24
Impleader, § 243:9
Limitation of actions
see also fidelity bonds and insurance (this index)
Construction bonds, § 235:21
Construction contract bonds,
§ 234:9, 234:10
Contract and bond limitation, conflict between, § 235:49
Contractor’s bond, action for accounting against, § 234:64
Enforcement of payment pursuant-terms of contract, § 234:43 to 234:45
BONDS AND UNDERTAKINGS—Cont’d
Limitation of actions—Cont’d
Labor and material bonds,
§ 236:138
Performance and payment bonds,
§ 235:47 to 235:50, 235:70
Statute and bond, conflict between,
§ 235:50
Term of office, § 236:120
Tolling of limitation period,
§ 237:101
Notice, § 186:17, 186:40
Parties, § 242:144 to 242:146
Payment Bonds (this index)
Performance Bonds, Guaranties,
Suretyship, and Like Arrangements (this index)
Pleadings, generally, § 245:54, 245:55
Prior judgment, § 239:90, 239:91
Security bonds
Generally, § 232:6 et seq.
Satisfaction of requirements,
§ 232:10
Validity, § 232:7
Waiver and estoppel, § 232:11
Subrogation, existing cause of action,
§ 223:69

BONE DISORDERS
Accident and life insurance, § 141:37
Good health of insured, § 88:60

BONUSES
Contractors’ payment bonds,
§ 165:73
Workers’ compensation, § 173:48

BOOKKEEPING
See also Iron Safe Clauses (this index)
Disability provisions, § 147:135

BORROWED OR TEMPORARY EMPLOYEES
Fidelity insurance, § 160:30

BORROWED SERVANTS
Automobile insurance, § 115:60

BORROWING
See Loans (this index)

BOTTOMRY AND RESPONDENTIA BONDS AND INTERESTS
Description of subject matter, § 20:57
Insurable interest, § 42:37 to 42:39
Marine insurance, § 183:159 to 183:161

BOUNDARIES
Description or identification, § 20:66
Title insurance, § 159:42

BOWELS
Disability provisions, § 147:75

BOWING
Property insurance, § 148:55

BOYCOTTS
Sherman act, § 4:10

BRAIN DISEASES AND INJURIES
Disability provisions, § 147:66 to 147:68
Good health of insured, § 88:62
Medical insurance, § 181:55

BRANCH MANAGERS
Agents and Brokers (this index)

BREACH OF CONDITIONS OR WARRANTIES
See Representations, Warranties, Conditions, and Concealment (this index)

BREACH OF CONTRACT
See Contracts (this index)

BREAKS FROM WORK
Workers’ compensation, § 135:44 to 135:46

BREAST CANCER
Medical insurance, § 181:15 to 181:18

Index-112
INDEX

BREAST REDUCTION OR AUGMENTATION
Medical insurance, § 144:68

BREAST SURGERY
Medical insurance, § 181:26

BRICK BUILDINGS
Description of subject matter, § 20:24

BRIDGE INSURANCE
Location, device, or activity, risks associated with, § 1:52

BROADCASTING EQUIPMENT
Property insurance, § 154:99

BROAD EVIDENCE TEST
Actual cash value, § 175:33 to 175:35
Automobiles and other motor vehicles, § 177:3
Buildings and similar structures, § 177:25, 177:26
General merchandise, § 177:41
Household furniture, § 177:38, 177:39
Machinery and supplies, § 177:45
Personal effects, § 177:38, 177:39

BROKERS
Agents and Brokers (this index)
Public official and appointed fiduciary bonds, § 166:70
Real estate brokers bond, § 184:61

BRONCHITIS
Good health of insured, § 88:72

BROTHERS AND SISTERS
Life insurance, insurable interest, § 43:8

BUILDER'S RISK INSURANCE
See Property Insurance (this index)

BUILDING AND CONSTRUCTION CONTRACTS AND WORK
Generally, § 68:47
See also Property Insurance (this index)
Buildings and similar structures, § 177:33

BUILDING AND CONSTRUCTION CONTRACTS AND WORK—Cont’d
Construction contract guaranties, § 184:23
Contractors’ bonds, § 163:85
Contractors’ performance bonds, § 164:90
Description of building materials and buildings in course of construction, § 20:22
Design defect, § 132:25
Disability provisions, § 147:127, 147:152
Freezing, § 132:27
General liability insurance, § 172:72, 191:22, 191:26
Insurable interest, § 42:58, 42:59
Limitation of actions
Construction bond, § 235:21
Construction contract bond, § 234:9, 234:10
Construction contract performance and payment bonds, § 234:44
Materials delivered to worksite, presumptive use of, § 254:207
Property insurance, § 148:21
Repair or replace, option to, § 176:28
Risks covered under policy
Generally, § 131:50, 132:20 to 132:30
Affirmative coverage provisions
Generally, § 132:21 to 132:23
Equipment, § 132:22, 132:23
General provisions triggering coverage, § 132:21
Uninstalled equipment coverage, § 132:23
Builder’s risk policies, generally, § 1:53, 132:20 to 132:30
Collapse of building, § 132:24
Design defect, § 132:25
Dredging, § 132:30
Exclusions
Generally, § 132:24 to 132:28
Building collapse, § 132:24
Design defect, § 132:25
BUILDING AND CONSTRUCTION
CONTRACTS AND WORK
—Cont’d
BUILDINGS AND STRUCTURES
See also Property Insurance (this index) Accident and life insurance, § 140:80 Alarms, use and occupancy, § 95:45, 95:46 Limitation of actions, § 236:40 Watchmen or guards, § 96:14 BURIAL INSURANCE OR ASSOCIATIONS Generally, § 1:42, 39:63, 167:58 et seq., 185:94 et seq.
BURIAL INSURANCE OR ASSOCIATIONS—Cont’d
See also Funeral Insurance or Associations (this index)
Beneficiaries, § 58:28, 58:29
Implied warranty of dignified service, § 167:62
Incurring expense, necessity of, § 185:96, 185:97
Interest, liability for, § 185:99
Limitation of actions, § 235:55
Measure of damages, generally, § 185:94
Necessity of incurring expense, § 185:96, 185:97
Notice and proof of loss, § 187:54, 187:101, 189:36
Optional policy provisions, § 185:98
Performance, refusal of tender of, § 167:64
Place of burial, § 167:63
Production of body, § 167:61
Refusal of tender of performance, § 167:64
Statutes, § 167:59
Statutory regulation, § 185:95
Substitution of services, § 167:65
Tender of performance, refusal of, § 167:64
Third person paying burial expenses, § 185:97
Threshold requirements, § 167:60, 167:61
Trigger concept, § 191:59, 191:60
Workers’ compensation, § 174:33

BURNTING OF BUILDING
See Accident and Life Insurance (this index)

BURNS
Accident and life insurance, § 143:118
Disability provisions, § 147:93

BURSITIS
Good health of insured, § 88:59

USES
Automobile insurance, loading and unloading provisions, § 121:26

BUSINESS INTERRUPTION INSURANCE
Actual reduction of gross earnings, § 185:2
Adding business operations, § 167:10
Average daily charges for determining recovery, § 185:6
Burden of proof, § 185:17, 185:18, 254:67
Causation, § 167:13, 167:14, 185:18
Changing business operations, § 167:10
Coinurance, § 220:22
Consequential damages, § 178:21, 185:12
Curfews absent physical damage to property, § 167:15
Decision not to resume business, § 185:8
Duration of recovery, § 185:7, 185:8
Earnings, actual reduction of gross earnings, § 185:2
Employees’ salaries during interruption, § 185:9
Evidence, § 185:17 to 185:20
Expanding business operations, § 167:10
Gross earnings, actual reduction of, § 185:2
Interest on money, § 185:11
Limitation of liability, § 185:14 to 185:16
Measure of damages
Generally, § 185:1 et seq.
Actual reduction of gross earnings, § 185:2
Average daily charges for determining recovery, § 185:6
Decision not to resume business, § 185:8
Duration of recovery, § 185:7, 185:8
Earnings, actual reduction of gross earnings, § 185:2
Gross earnings, actual reduction of, § 185:2
Per diem liability, § 185:4 to 185:6

Index-115
BUSINESS INTERRUPTION
INSURANCE—Cont’d
Measure of damages—Cont’d
Rebuild, time to repair or, § 185:7
Reduction, actual reduction of gross earnings, § 185:2
Relevant periods for comparison, determination of, § 185:3
Repair, time to, § 185:7
Statutes, valued policy statute, § 185:5
Time, § 185:7, 185:8
Valued policy statute, § 185:5
Mitigation efforts, cost of, § 185:10
Non-continuation of expenses, § 185:15
Occupancy. See Use and Occupancy (this index)
Per diem liability, § 185:4 to 185:6
Possible resumption of business, § 185:16
Power failure, § 167:16
Property insurance perils, relationship to, § 167:12
Questions of law or fact, § 185:20
Rebuild, time to, § 185:7
Reconstruction and repair, loss during, § 167:18
Recoupment, § 226:96
Reduction, actual reduction of gross earnings, § 185:2
Rent Loss Insurance (this index)
Repair, § 167:18, 185:7
Salaries, employees’ salaries during interruption, § 185:9
Statutes, valued policy statute, § 185:5
Suppliers, interruption from damage to property of, § 167:14
Time, § 167:18, 185:7, 185:8
Use and Occupancy (this index)
Valued policy statute, § 185:5

BUSINESS INVITENEES
Medical payments, § 158:22

BUSINESS, LOSS OF
Automobile liability insurance, § 170:16

BUSINESS OWNER OR EXECUTIVE
Disability provisions, § 147:124, 147:125

BUSINESS PROPERTY
See also Venue (this index)
Fire insurance, § 149:9
Property insurance, § 148:13, 148:14

BUSINESS PURSUIT EXCLUSIONS
See Homeowners’ Insurance (this index)

BUSINESS RECORDS
See Documentary Evidence (this index)

BUSINESS RELATIONSHIPS
Adjustment of losses, § 178:67, 178:68

BUSINESS TRAVEL
See Accident and Life Insurance (this index)

BUSINESS USE
Automobile property insurance, § 156:89, 156:90

BUTCHER
Disability provisions, § 147:136

BUYER OR SELLER
Death of buyer, repossession of property by creditor, § 242:90
Release of conditional buyer or seller, § 216:28

BYLAWS
See also Agents and Brokers (this index)
Fidelity insurance, § 162:40
Fraternal benefit societies, premium payment, § 72:39, 72:40
Life insurance, § 245:100
Limitation of actions, § 235:87
Mutual insurance and insurance companies, § 39:23, 39:24, 39:27
Presumption of continued validity of, § 254:159
BYPASS SURGERY
Medical insurance, § 145:27, 181:28

CABLE
Contractors’ payment bonds,
§ 165:131

CANCELLATION
Automobile Insurance (this index)

CANCELLATION AND RESCISSION
Generally, § 30:1 et seq.
Acceptance and offer
Agents and brokers, acceptance of cancellation by, § 46:23, 46:24
Estoppel and waiver, § 31:114, 31:121, 31:122
Late payments, § 31:9
Mutual rescission and cancellation, § 31:56, 31:59
Address to which notice mailed, § 32:24, 32:25
Adequate remedy, pending action on policy as, § 31:91
Administrative regulations, § 30:12
Agent of insured, unilateral cancellation, § 31:14
Agent or broker of insurer
Generally, § 51:42 et seq., 57:59
Authority, § 46:3 to 46:11
Compensation, § 57:32 to 57:34
Estoppel and waiver, § 31:113, 46:8
Mutual rescission and cancellation, § 31:50
Notice, § 32:8, 46:22 to 46:26
Premium return, § 32:57
Unilateral cancellation, § 31:4, 31:9, 31:14, 31:15, 31:17, 31:42
Ambiguous or misleading notice, § 32:29
Amount of premiums, § 32:54
Anticipated loss, § 31:12
Assignment (this index)
Automobile Insurance (this index)

CANCELLATION AND RESCISSION—Cont’d
Avoidance of policy, cancellation as waiver of right to avoid policy, § 31:110
Beneficiaries
Surrender of policy, § 32:102
Unilateral cancellation, § 31:21
Binders, § 30:5
Burden of proof
Generally, § 254:31
Defenses, § 254:33, 254:35
Cash surrender value, § 32:83
Change or modification
Agent’s authority to make changes in policy, limitation of, § 31:50
Corporate existence, change in, § 31:40
Mailing address, change of, § 32:25
Communication of notice to insured, what constitutes, § 32:7
Complaints, petitions, and declarations, § 244:39
Conditions precedent
Premium return, § 32:60 to 32:71
Surrender of policy, § 32:84
Conditions subsequent, § 31:74
Consent
Substitution of policy, § 31:130 to 31:132
Surrender of policy, § 32:101 to 32:104
Consideration, § 31:60
Contingent interests, surrender of policy, § 32:104
Continuation of policy after cancellation, § 51:45
Coowners, unilateral cancellation by, § 31:22
Corporate existence, change in, § 31:40
Costs of action, § 233:41
Death
Incontestable clause, § 31:96
Obligations cancelable on, § 1:23
Pending actions, § 31:106
Defenses, § 31:87 to 31:106, 245:86
CANCELLATION AND RESCISSION—Cont’d
Delay and laches
Defenses, § 31:98 to 31:103
Payments, § 207:39
Unilateral cancellation, delayed transmission of premiums by insurer’s agent, § 31:9
Disability policies, § 30:26
Dividends, cancellation before dividend declared, § 80:58
Effective date
Notice of cancellation, § 32:43
Surrender of policy, § 32:96, 32:97
Unilateral cancellation, § 31:36
Entire contract statutes, § 31:104
Equity suit, § 31:88, 31:90, 31:93
Estate taxes, § 63:46
Estoppel and waiver
Generally, § 30:18, 31:107 to 31:123, 238:85
Acceptance and offer, § 31:114, 31:121, 31:122
Agent or broker of insurer, § 31:113, 46:8
Avoidance of policy, § 31:110
Ignorance of facts as barring waiver, § 31:111
Investigation of insurability or claim, § 31:116
Judicial rescission, § 31:90
Limitation of actions, § 31:118
Notice or knowledge
Generally, § 32:16, 195:56
Ignorance of facts as barring waiver, § 31:111
Mailing, proof of, § 32:23
Representations, warranties, conditions, and concealment, § 85:24
Premiums, § 31:114, 31:115, 31:121
Representations, warranties, conditions, and concealment, § 85:24
Surrender of policy, § 31:123
Third persons, § 31:108
Evidence
Generally, § 30:19 to 30:21

CANCELLATION AND RESCISSION—Cont’d
Evidence—Cont’d
Mail and mailing, § 30:20, 32:19 to 23
Prior cancellations, § 89:9
Excess premiums, return of, § 32:44
Expiration
Distinction from expiration from own terms, § 30:2
Judicial rescission, rescission when action brought after expiration of incontestable period, § 31:97
Final settlement document, notice in, § 32:15
Finance companies
Agents and brokers, § 46:11
Premium finance companies, § 32:58, 46:11
Unilateral cancellation, § 31:23, 31:43
Fraud
Future, statements as to, § 232:98
Judicial rescission, § 31:81, 31:82
Prior cancellations, § 89:8, 89:10, 89:11 to 89:16
Unilateral cancellation, § 31:10, 31:41
Governing law, § 24:31
Government agency or commission, unilateral cancellation by, § 31:18 to 31:20
Health and disability policies, § 30:26
Health, breach of condition as to, § 31:73
Identity of insured, notice of, § 32:41
Illegality of contract, § 31:72
Incompetent insured, surrender by, § 32:99, 32:100
Increased premiums, notice of, § 32:36
Injunctions, § 232:138, 232:139
Insolvency, § 31:124, 31:125

Index-118
INDEX

CANCELLATION AND
RESCISSION—Cont’d
Instructions to agent by insurer regarding notice, § 32:8
Intent, notice of, § 32:31 to 32:40
Investigation of insurability or claim, § 31:116
Iron safe clauses, canceled checks, § 97:56
Joinder of parties, § 243:149 to 243:151
Judicial rescission, generally, § 31:65 to 31:106
Judicial review, § 32:32
Jury trials, § 31:84
Lapse, distinction from, § 30:2
Limitation of actions
Estoppel and waiver, § 31:118, 236:180
Good faith, breach of, § 235:108
Judicial rescission, § 31:105
Labor and material bonds, § 236:138
Premium overpayments, recovery of, § 234:55
Wrongful cancellation of policy, § 235:108, 236:141, 236:144
Limitation of agent’s authority to make changes in policy, § 31:50
Loan provisions, breach of, § 31:80, 80:14
Mail and mailing
Generally, § 32:24 to 32:28
Evidence, § 30:20, 32:19 to 32 to 28
Form of notice, § 32:12, 32:16, 32:17
Verified mailings, § 30:20
Mandatory insurance, § 32:45
Mistake
Judicial rescission, § 31:77 to 31:79
Notice, incorrect statement as to overdue premiums, § 32:30
Surrender of policy, § 32:93
Unilateral cancellation, § 31:11
Mortgages
Agents and brokers, § 46:10
Notice, § 65:52, 65:75
CANCELLATION AND
RESCISSION—Cont’d
Mortgages—Cont’d
Mortgages, § 65:52
Unilateral cancellation, § 31:24, 31:26, 31:44, 31:45
Motive for unilateral cancellation, § 31:2
Mortgage cancellations, § 31:47 to 31:64, 31:127, 32:85
Necessary parties, § 31:61
Noncancellable clause, § 30:15
Nonconforming policy, § 31:72
Nonpayment of premiums
Notice of intent, § 32:33
Unilateral cancellation, § 31:5 to 31:9
Notice or knowledge
Generally, § 32:1 to 32:52
Agent or broker of insurer, § 32:8, 46:22 to 46:26
Form of notice, generally, § 31:29 to 32:28
Intent, notice of, § 32:31 to 32:40
Mortgages, § 65:52
Objection to agent’s cancellation of insurance, § 46:8
Oral notice, § 32:19
Other insurance, § 30:28, 219:13
Overdue premiums, notice of, § 32:30
Parol contracts, § 30:5
Partial cancellation, § 30:4
Parties
Generally, § 242:190, 242:191
Judicial rescission, § 31:83
Unilateral cancellation, § 31:61
Unilateral cancellation, § 31:42 to 31:46
Penalties, fees and similar consequences, § 204:93
Pending actions
Adequacy of remedy, § 31:91

Index-119
CANCELLATION AND RESCISSION—Cont’d
Pending actions—Cont’d
Death pending action, § 31:106
Pledge of policy by insurance agents and brokers, § 46:10
Post office receipts as proof of mailing, § 32:20
Potential action on policy, § 31:92
Prejudice, delay and laches, § 31:103
Premiums
Generally, § 30:23
Cash payment, § 73:6
Estoppel and waiver, § 31:114, 31:115, 31:122
Finance companies, § 32:58, 46:11
Loan agreement, insured’s right to cancel policy and recover premiums for breach of, § 30:23
Mutual rescission and cancellation, § 31:53, 31:56, 31:57
Notice, § 32:30, 32:33, 32:36, 32:37, 32:44
Retrospective rating adjustments, § 69:19
Return of premiums, generally, § 32:53 to 32:80
Unilateral cancellation, § 31:5 to 31:9, 31:34, 31:43
Presumptions and burden of proof
Generally, § 30:19, 254:188
Judicial rescission, § 31:85
Mail and mailing, § 32:19, 32:21, 32:22
Products liability policies, § 30:27
Questions of law or fact
Generally, § 30:21
Agents and brokers, § 46:26, 51:46
Judicial rescission, § 31:86
Prior cancellations, § 89:5
Ratification
Agents and brokers, § 46:8
Substitution of policy, § 31:131, 31:133
Reasonable time, premium return to be made within, § 32:71
Rebutting presumption of mailing, § 32:21

CANCELLATION AND RESCISSION—Cont’d
Receivership, § 31:125
Refund, § 32:37, 57:34
Registered mail, nondelivery of, § 32:28
Reinstatement, notice of intent, § 32:24
Reinsurance (this index)
Renewal, § 29:3
Rent insurance, § 167:31
Representations, warranties, conditions, and concealment
Generally, § 81:76
Breach of warrant, § 31:75
Concealment, generally, § 31:76
Estoppel and waiver, § 85:24
Judicial rescission, breach of condition as to health, § 31:73
Mutual rescission and cancellation, conditional agreement, § 31:63
Notice of conditional intention, § 32:32
Prior cancellations, § 89:1 et seq.
Repudiation, § 31:33, 31:37
Request
Generally, § 51:43
Premium return, § 32:32, 32:67
Setting aside, § 31:64, 32:92
Settlement document, notice in, § 32:15
Signing of notice, § 32:14
Size and placement of text, notice of, § 32:13
Standard of proof, § 30:19
State of mind, surrender requirements as to, § 32:87
Statutory regulation, generally, § 30:6 to 30:13
Strict compliance with provisions of statute or policy, requirement of, § 30:13, 30:17
Strict construction, § 30:10, 30:16
Subrogated uninsured motorist insurer, § 242:191
Substitution of policies
Generally, § 31:126 to 31:134

Index-120
INDEX

CANCELLATION AND RESCission—Cont’d
Substitution of policies—Cont’d
Agents and brokers, authority of, § 46:5
Notice of intent, § 32:34
Premium return, § 32:64
Unilateral cancellation, § 31:20
Surrender of policy
Generally, § 32:81 to 32:104
Effective date, § 32:96, 32:97
Estoppel and waiver, § 31:123
Intent
Generally, § 32:88
Notice of intent, § 32:35
Mutual rescission and cancellation, § 31:54
Notice
Generally, § 32:89
Intent, § 32:35
Premium return, § 32:69
Time
Generally, § 32:90
Effective date, § 32:96, 32:97
Temporary insurance, notice of, § 32:5
Third persons
Generally, § 30:24
Estoppel and waiver, § 31:108
Unilateral cancellation, notice of, § 31:39
Time
Agents and brokers, authority of, § 46:7
Notice, timing of, § 32:46 to 32:52
Premium return, § 32:71
Prior cancellations, § 89:3
Unilateral cancellation
Generally, § 31:1 to 31:46
Agent of insured, § 31:14
Agent of insurer, § 31:4, 31:9, 31:14, 31:15, 31:17, 31:42
Anticipated loss, § 31:12
Assignee of insured, § 31:16
Beneficiaries, § 31:21
Coowners, § 31:22
Corporate existence, change in, § 31:40
CANCER
Accident and life insurance, § 141:53
Disability provisions, § 147:94, 147:95

CANCER AND RESCISHION—Cont’d
Unilateral cancellation—Cont’d
Effective date, § 31:36
Finance companies, § 31:23, 31:43
Fraud, § 31:10, 31:41
Government agency or commis-
§ 31:18 to 31:20
Mistake, § 31:11
Mortgages, § 31:24, 31:26, 31:44, 31:45
Motive, § 31:2
Parties purporting-cancel on behalf
of insured, § 31:42 to 31:46
Premiums, § 31:5 to 31:9, 31:34, 31:43
Repudiation, § 31:33, 31:37
Substitution of policies
distinguished, § 31:128
Vendors, § 31:27
Wrongful termination of policy by
insurer, § 31:28 to 31:34
Unilateral mistake, § 31:78
Uninsured motorist coverage,
§ 242:191
Unopened notice, § 32:26
Validity of policy provisions as to
notice, § 32:2
Vendors, unilateral cancellation by,
§ 31:27
Venue, § 230:31
Verified mailings, § 30:20
Vested rights or interests
Mutual cancellation and rescission
on, § 31:50
Surrender of policy, § 32:103
Voluntariness of surrender of policy,
§ 32:87
Witnesses, § 252:83
Written or oral notice, § 32:19
Wrongful termination of policy by
insurer, § 31:28 to 31:34

CANCER
Accident and life insurance, § 141:53
Disability provisions, § 147:94, 147:95
CANCER—Cont’d
Good health of insured, § 88:87 to 88:91, 136:57
Medical insurance, § 144:79, 181:15 to 181:18, 181:33

CAPACITY OF PARTIES
See also Competency (this index)
Cure, amendment to pleadings, § 244:122
Insurer, § 245:13 to 245:15

CAPACITY OF WITNESS
See Witnesses (this index)

CAPACITY-SUE AND BE SUED
Parties, § 241:9 to 241:11

CAPITAL AND CAPITALIZATION
Mutual companies, § 39:18 to 39:21
Regulation, § 2:21
Stock companies, § 39:4

CAPITAL GAINS AND LOSSES
See Income Taxes (this index)

CAPITAL PUNISHMENT
Accident and life insurance, § 140:36

CAPS ON BENEFITS
See also Medical Insurance (this index)
Disability insurance, § 182:26 to 182:28

CAPTIONS
Construction of captions or clauses emphasized by size of type, § 22:6
Riders and endorsements, § 18:20

CAPTIVE INSURANCE COMPANIES
Generally, § 39:2
Income taxes, § 63:5

CAPTURE
See Marine Insurance (this index)

CARBON COPIES
Best Evidence Rule (this index)

CARBON MONOXIDE GAS OR POISON
Accident and life insurance, § 142:38, 143:97, 143:101

CARDIOVASCULAR DISORDERS
Generally, § 88:24 to 88:37, 136:31 to 136:36
See also Disability Insurance (this index)
Accident and life insurance, § 141:54 to 141:57, 143:90
Aggravation of preexisting heart condition, § 136:36
Course and scope of employment tests, § 136:32, 136:33
Medical insurance, § 181:23
Reinstatement and revival, § 33:73
Stress as causative factor, § 136:34
Time interval between work and onset of heart attack as factor, § 136:35

CAREFUL MAN TEST
Representations, warranties, conditions, and concealment, § 81:78

CARETAKERS
Vacancy of property, § 94:129

CARGO
See Freight (this index)

CARGO INSURANCE
Marine Insurance (this index)
Property Insurance (this index)

CARPENTER
Disability provisions, § 147:137

CAR POOLS
Automobile insurance, § 120:103

CARRIERS
Generally, § 40:19, 177:82, 177:83
Accident and Life Insurance (this index)
Agency, § 44:28
Automobile Insurance (this index)
Automobile property insurance, § 157:89
Freight (this index)
INDEX

CARRIERS—Cont’d
Inland marine, warehousing, and similar insurance, relationship to,
§ 132:55
Insurable interest, § 42:13 to 42:19
Limitation of liability, § 177:83
Location, device, or activity, risks associated with carrier’s insurance, § 1:54
Property Insurance (this index)
Representations, warranties, and conditions, § 100:30
Risks covered under policies, generally, § 132:54, 132:55
Ships, Vessels, Cargo, Stores, and the Like (this index)
Subrogation (this index)

CASH
See Money or Cash (this index)

CASHIER
Disability provisions, § 147:144
Fidelity insurance, § 161:69, 161:70

CASH SURRENDER VALUE
See also Assignment (this index)
Cancellation and rescission, § 32:83
Creditors, § 66:9, 66:24
Exemption from claims of creditors, § 66:24
Loans, § 80:44 et seq.
Mutual companies, § 39:33
Penalties, fees and similar consequences, § 204:98
Premiums and assessments, § 77:18 to 77:20, 77:36 et seq.
Reformation, § 27:39
Tax liens, § 63:55

CASH VALUE
Actual Cash Value (this index)
Cash Surrender Value (this index)
Deductions and offsets, § 178:5, 178:6
Notice, § 190:122

CASUALTY INSURANCE—Cont’d
Sales, § 68:2

CASUALTY INSURANCE—Cont’d
Disability provisions, § 147:56

CATCHINGS
Ships, vessels, cargo, stores, and the like, description of catchings, § 20:55

CAUSA MORTIS GIFTS
Gift of policy, inter vivos versus causa mortis gift, § 38:3

CAUSATION

ACCIDENT AND LIFE INSURANCE (this index)

ACCIDENT INSURANCE
§ 139:30, 139:31, 139:62

AUTOMOBILE PROPERTY INSURANCE, comprehensive coverage,
§ 156:22, 156:30

BOILER AND MACHINERY INSURANCE
§ 150:34 to 150:37

BURDEN OF PROOF
§ 254:41

BUSINESS INTERRUPTION INSURANCE
§ 167:13, 167:14, 185:18

CONCURRENT CAUSATION
Generally, § 101:39 to 101:60
Contexts to which causation relevant, § 101:41
Contractual provisions
Generally, § 101:51, 101:52
Arising out of, § 101:52
Principles of construction, § 101:51
Resulting from, § 101:52
Coordination of inclusions and exclusions between types of liability policies, § 101:42
Insurance causation versus tort causation, § 101:40
Multiple and concurrent causation
Generally, § 101:53 to 101:58
Analytical framework, § 101:54
Efficient proximate cause versus concurrent cause
Generally, § 101:55, 101:56
First-party versus third-party insurance, § 101:56
CAUSATION—Cont’d
Concurrent causation—Cont’d
Multiple and concurrent causation
—Cont’d
Efficient proximate cause versus concurrent cause—Cont’d
Negligent supervision, planning and similar claims as separate from underlying activity, § 101:58
Policy language addressing multiple causation, § 101:57
Proof
Generally, § 101:59, 101:60
Burden of proof, § 101:60
Caution as fact issue, § 101:59
Evidence, § 101:60
Questions of law, § 101:59
Right to contract out of common-law rules, § 101:50
Statutory and administrative provisions, § 101:50
Death, proving cause of, § 255:26
Defenses, § 245:120
Delayed payment or nonpayment, § 207:43, 207:44
Disability insurance, § 146:17, 146:21, 146:72
Disease, proving loss caused by, § 255:28
Fire insurance, § 149:17, 149:18
General liability insurance, § 172:12
Ignorance of existence of policy or insurer identity, § 192:36
Instructions to jury, § 246:77
Life, health, and disability insurance, § 189:88, 192:28
Loss, proving cause of
Generally, § 255:15
Accident insurance claims, § 255:25 et seq.
Certainty, degree required, § 255:18
Death, § 255:26
Disability, § 255:29 et seq.
Disease, § 255:28
Expert opinion, § 255:17

CAUSATION—Cont’d
Loss, proving cause of—Cont’d
Fidelity bond losses, § 255:37 et seq.
Health insurance claims, § 255:25 et seq.
Income, § 255:35
Lay testimony, § 255:19
Life insurance claims, § 255:25 et seq.
Lightning, § 255:21
Livestock loss or injury, § 255:24
Theft, § 255:22
Wind damage, § 255:23
Medical payments, § 158:2
Natural consequences of actions, presumption of intent as to, § 254:172
Notice, § 189:88
Other loss evidence, § 255:16
Property Insurance (this index)
Proximate Cause (this index)
Uninsured and underinsured motorist coverage, § 171:32, 214:24
Witnesses (this index)
Workers’ compensation, § 173:58, 173:60

CAUSES OF ACTION
Common law, § 204:18
Complaints, Petitions, and Declarations (this index)
Contractors’ payment bonds, § 165:162
Cure (this index)
Fraud and Deceit (this index)
Joinder of causes of action, § 232:25 to 232:28
Jurisdiction of federal proceedings, § 229:73, 229:85, 229:88 to 229:90
Limitation of actions, § 237:6 to 237:10
Prior judgment, § 239:38
Service of process, § 231:53, 231:61
Subrogation (this index)
Third-party claims, § 206:4
Venue (this index)
INDEX

CEILINGS ON BENEFITS
Disability insurance, § 182:28

CEMENT BUCKETS
Automobile insurance, § 121:39

CENTRAL INFORMATION EXCHANGE
 Representations, warranties, conditions, and concealment, § 85:15

CEREBRAL HEMORRHAGE
 Accident and life insurance, § 141:38

CERTAINTY AND DEFINITENESS
 Agents and Brokers (this index)
 Ambiguity (this index)
 Disability provisions, § 147:66, 147:169
 Expert witnesses, § 252:24
 Limitation of actions, § 236:96
 Pleadings, § 244:3
 Premium notice, amount or date, § 71:12, 71:13
 Reinstatement and revival, § 33:24
 Renewal, § 29:14
 Settlement and compromise of claim, § 215:15

CERTIFICATE OF AUTHORITY-DO BUSINESS
 Agents and brokers, § 47:10 to 47:24

CERTIFICATE OF MUTUAL BENEFIT
 Generally, § 232:124

CERTIFICATE OF TITLE
 Subrogation, § 224:169

CERTIFIED OR REGISTERED MAIL
 Labor and material bonds, delivery of notice, § 188:35

CESSATION OF BUSINESS OF INSURED OR INSURER

CHAIN OF CAUSATION RULE
 Suicide, § 136:54

CHALLENGES
 Actions against insurers, § 242:200, 242:201
 Arbitration awards, § 213:25
 Children, guardian of insured’s, § 242:185
 Convert life insurance policy, failure to, § 242:186
 Election of option, § 242:185, 242:186
 Guardian of insured’s children, § 242:185
 Limitation of actions, § 235:113
 Rejection of optional uninsured motorist coverage, § 242:185
 Uninsured and underinsured motorist coverage, § 214:19
 Uninsured motorist coverage, § 242:185
 Venue, § 230:26
 Wrongful or ineligible party, § 242:193

CHANGE OF BENEFICIARY
 See Beneficiaries (this index)

CHANGE OR MODIFICATION
 Agents and Brokers (this index)
 Applications, amended or and supplemental applications, § 18:8
 Arbitration, appraisal, or submission agreements, § 210:10
 Arbitration awards, § 213:21 to 213:23, 213:32
 Assignment (this index)
 Beneficiaries (this index)
 Cancellation and Rescission (this index)
 Contractors’ performance bonds, § 164:108
 Contract. See Modification of Contract (this index)
 Cure, § 244:118
 Defenses, § 245:121
 Delayed payment or nonpayment, § 207:22
 Description or Identification (this index)
CHANGE OR MODIFICATION
—Cont’d
Disability insurance, § 182:21, 182:22

Estate Taxes (this index)
Group insurance, change of beneficiary, § 8:33
Incontestability clause, § 240:11, 240:77
Injunctions, § 232:141
Instructions to jury, § 246:96
Interest rate on loans, change of, § 80:24
Judgments, motions for review or modification of, § 248:3
Jurisdiction, § 228:32
Liens and encumbrances, § 93:45 to 93:47
Life insurance, § 242:99
Limitation of actions, § 235:91, 235:92, 237:106
Mechanics, employment for alterations and repairs, § 96:23 to 96:27
Modification of Contract (this index)
Mortgages and deeds of trust, notice of change of ownership, § 65:78, 65:79
Motion for review or modification of judgment, § 248:3
Mutual Insurance and Insurance Companies (this index)
Notice, § 186:11, 195:76, 195:83
Occupation of insured, change of, § 86:29 et seq., 86:39
Parol evidence rule, applicability to evidence of, § 253:91
Possession, § 92:12, 92:52, 92:53
Premiums and Assessments (this index)
Property insurance, § 242:40, 245:117
Recoupment, § 226:78, 226:79
Representations, Warranties, Conditions, and Concealment (this index)
Risks, § 52:15 et seq., 54:7
Sales, § 92:49 et seq.

CHANGE OR MODIFICATION
—Cont’d
Statutes, amendment of, § 19:8
Title and ownership, § 91:9, 92:9, 92:10
Use and Occupancy (this index)
Venue (this index)
Verdicts, § 247:45
Witnesses, § 252:80, 252:84

CHARACTER EVIDENCE
Generally, § 255:89 et seq.
Criminal convictions, § 255:90
Life insurance claims, § 255:92
Property insurance claims, § 255:91

CHARITABLE INSTITUTIONS
Workers’ compensation, § 134:3

CHARTER
Aircraft insurance, § 155:37 to 155:39
Joinder of parties, § 243:152

CHARTERERS
Insurable interest, § 42:18

CHARTER PROVISIONS
Fraternal benefit societies, premium payment, § 72:39, 72:40
Insurance agents, appointment of, § 44:41

CHARTS
See Documentary Evidence (this index)

CHATTELS
See Personal Property (this index)

CHAUFFEURS
Automobile insurance, § 110:42, 110:43

CHECK-KITING
Banks and banking, § 132:51

CHECKS
See also Fidelity Bonds and Insurance (this index)
INDEX

CHECKS—Cont’d
Automobile property insurance, § 157:23
Iron safe clauses, canceled checks, § 97:56
Limitation of actions, § 236:60
Premiums and assessments, payment of, § 73:7 et seq., 73:53, 78:44
Property insurance, § 148:41
Recoupment, § 226:62
Reinstatement and revival, payment of overdue premiums by check, § 33:52, 33:53
Release, § 216:23
Settlement and compromise of claim, § 215:25

CHELATION THERAPY
Medical insurance, § 181:42

CHEMICALS AND CHEMICAL STORAGE
Disability provisions, § 147:57, 147:96
Multiple chemical sensitivity, § 136:58
Use and occupancy, § 94:27, 95:29 to 95:31

CHEMOTHERAPY
See Medical Insurance (this index)

CHEST PAINS
Good health of insured, § 88:29

CHILD ABUSE
Medical insurance, § 144:96

CHILDBIRTH
Medical insurance, § 144:48 to 144:51

CHILD CARE
Homeowners’ insurance, business pursuit exclusion, § 128:21

CHILDREN—Cont’d
Beneficiaries
Generally, § 59:7, 59:26
Adopted children, § 59:32
Afterborn children, § 59:27
Change of beneficiary, § 60:12
Grandchildren, § 59:28
Illegitimate children, § 59:31
Parents, § 59:34
Predeceased child, children of, § 59:29
Stepchildren, § 59:30
Challenge, § 242:185
Divorce or separation, § 64:27 to 64:29
Fidelity insurance, § 162:4
General liability insurance, § 172:16
Gift of policy, § 38:22
Grandchildren as beneficiaries, § 59:28
Illegitimate children as beneficiaries, § 59:31
Insurable interest
Generally, § 42:7
Life insurance, § 43:3 to 43:7
Joiner of parties, § 243:73
Life insurance, § 43:3 to 43:7, 243:66
Limitation of actions, § 237:58
Medical insurance, § 144:31 to 144:34
No-fault coverage, § 242:16
Parent organization of insurer, § 242:179
Parties, generally, § 241:11
Predeceased child, beneficiaries as children of, § 59:29

Premiums and Assessments (this index)
Reimbursement, § 226:39
Release, § 216:13, 216:14, 216:15
Representations, warranties, conditions, and concealment, § 81:100, 91:92
Settlement and compromise of claim, § 215:49

Stepparents and Stepchildren (this index)
CHILDREN—Cont’d
Subrogation
Automobile no-fault and personal injury protection insurance,
§ 225:87
Contractual subrogation, § 222:38
Medical expenses, § 223:80
Parental liability, § 223:63

CHIMNEYS
Fire insurance, § 149:31
Use and occupancy, § 95:55, 95:56

CHIROPRACTIC AND OSTEOPATHIC SERVICES
Medical insurance, § 181:40, 181:43
No-fault insurance, § 171:63
Workers’ compensation, § 174:17

CHOICE
See also Group Insurance (this index)
Attorney, choice of, § 232:145
Defense, § 200:37

CHOICE OF LAW
See Governing Law (this index)

CHOSE IN ACTION
Assignment, § 37:33

CHRONIC CONDITIONS OR DISEASES
Generally, § 141:33
Medical insurance, § 144:43, 181:52

CHRONIC FATIGUE SYNDROME (CFS)
Disability provisions, § 147:97

CHRONIC OBSTRUCTIVE PULMONARY DISEASE
Disability provisions, § 147:90

CHURCHES
See Religious Organizations (this index)

CHURCH PLANS
Group insurance, § 7:29

CIGARETTES
Fire insurance, § 149:32

CIRCUMSTANTIAL EVIDENCE
See Evidence (this index)

CIVIL AUTHORITY
See also Property Insurance (this index)
Aircraft insurance, § 155:20

CIVIL DISTURBANCE OR COMMOOTION
Property Insurance (this index)
War and Civil Disturbances (this index)

CIVIL ENGINEERS
Disability provisions, § 147:116
Risks covered under policies, § 131:47

CIVIL PROCEDURE
100-mile provision of federal rules of civil procedure, service of process, § 231:93
Sanctions, federal rule of civil procedure 11, § 233:95

CIVIL RIGHTS
Discrimination (this index)

CLAIM OR COLOR OF RIGHT
See Automobile Property Insurance (this index)

CLAIMS HANDLING PROCESS
Generally, § 198:1 et seq., 208:13 to 208:18
Arbitration, § 212:25 to 212:27
Conflict of interest, § 202:31
Documentary evidence, claims files as, § 253:176
Equitable remedies, § 232:142, 232:143
Estoppel and Waiver (this index)
Expert witnesses, § 252:25, 252:73 to 252:76
First versus third-party claims, § 198:3
Good Faith (this index)
CLAIMS HANDLING PROCESS
—Cont’d
Limitation of actions
  Negligent handling of application, § 234:59
  Tolling of limitation period, § 237:96
  Waiting period, § 236:182
Polygraph Tests (this index)
Subrogation
  Assignment, § 222:66
  Legal malpractice in handling original claim, application to
  claims for, § 223:82
  Workers’ compensation, § 225:194
Third-party claims, first versus, § 198:3
CLAIMS PERSONNEL
Third-party claims, § 206:18
CLASS ACTIONS
Generally, § 232:29 et seq.
Bankruptcy code, § 232:35
Commonality requirement, § 232:32
Discovery, § 251:22
Numerosity requirement, § 232:31
Representation of class, § 232:34
Superiority of action to other forms, § 232:33
Typicality requirement, § 232:30
CLASSES AND CLASSIFICATION
—Cont’d
Insurers and policies, classification of, § 1:4, 1:5
Mutual companies, change of membership classification, § 39:26
Premiums and assessments, classification of risks and funds, § 70:19
CLEAN HANDS DOCTRINE
Injunctions, § 232:126
CLEANING, DYEING, AND VERMIN-PROOFING
Public official and appointed fiduciary bonds, § 166:91
CLEANING MATERIALS
Contractors’ payment bonds, § 165:154
Property insurance, § 155:87
CLEANUP
Jurisdiction, environmental damage or cleanup, § 228:68
CLEAR SPACE CLAUSE
Adjoining buildings, § 96:30 to 96:32
CLERICAL ERRORS
Limitation of actions, § 237:84
Notice, § 192:112
Recoupment, § 226:61, 226:62
Reformation, § 27:27
CLERKS
See also Agents and Brokers (this index)
Disability provisions, § 147:145
CLOSED BUSINESSES
Watchmen or guards, § 96:18
CLOTHING
Contractors’ payment bonds, § 165:93
Description or identification, § 20:71
Insurable interest, § 42:5
Personal effects, § 177:38
COAL AND COKE
Contractors’ payment bonds, § 165:148

COBENEFICIARIES
Life insurance, joinder of parties, § 243:56

COBRA
Group insurance
Coverage, § 7:55
Rights, § 7:54
Medical insurance, § 144:17

CODEFENDANT
Cooperation, § 199:89, 199:101
Costs of action, § 233:57

COERCION
See Duress or Coercion (this index)

COINCIDENTAL EXCESS INSURANCE
Defense, § 200:39

COINS AND OTHER COLLECTIBLES
Property loss, generally, § 177:61, 177:62

COINSURANCE CONTRACTS
Generally, § 220:1 et seq.
See also Medical Insurance (this index)
Actual cash value, § 175:52, 220:16
Agreed limits, § 220:35 to 220:37
Building contents, § 220:23
Buildings, multiple, § 220:21
Burden of proof, § 220:13
Business interruption coverage, § 220:22
Computation of liability, generally, § 220:16 et seq.
Construction and interpretation, § 220:8
Contribution, § 218:24 to 218:26
Coordination of benefits. See Medical Insurance (this index)
Costs and interest, responsibility for, § 220:43
Deductible, effect of, § 220:36

COINSURANCE CONTRACTS — Cont’d
Definition, actual cash value, § 220:16
Disclose, duty to, § 220:10
Evidence, § 220:13
Foreign insurers, § 3:11
Formal requirements, § 220:9
Fraud, § 197:38
Interest on money, § 220:43
Joint and several liability, allocation under, § 220:27, 220:28

Medical Insurance (this index)
Mixed policies, § 220:17
Mortgagee, § 220:12
Multiple structures, § 220:21
Number of occurrences, effect of, § 220:26
Other insurance, § 220:40 to 220:42
Partial loss, § 220:19
Partial settlement of part of underlying claim, § 220:39
Percentage of loss borne by insurer, § 220:18
Primary insurance, § 220:33 to 220:38, 220:41
Property insurance, § 151:6, 154:67, 154:71
Pro rata allocation, § 220:30
Proration clause, § 220:20
Read, duty to, § 220:10
Replacement costs, § 220:24
Resolution of competing other insurance clauses, § 220:40 to 220:42
Sample clause, § 220:4
Self-insurance, § 220:28, 220:31
Sequential insurers, allocating liability among
Generally, § 220:25 et seq.
Joint and several liability, allocation under, § 220:27, 220:28
Number of occurrences, effect of, § 220:26
Pro rata allocation, § 220:30
Self-insurance, § 220:28, 220:31
INDEX

COINSURANCE CONTRACTS
—Cont’d
Settlement of part of underlying claim, § 220:39
Statutes, § 220:6, 220:7
Umbrella policies, § 220:32
Validity, § 220:5
Value and valuation, § 220:15, 220:16
Valued policy statute, § 220:6
Waiver and estoppel, § 220:14

COINSURED
See also Fire Insurance (this index)
Estoppel and waiver, § 238:58, 238:59
Fraud and deceit, § 197:38
Liability insurance, § 243:26
Property insurance, § 151:6, 154:67, 154:71
Subrogation, § 224:9 to 224:11, 224:63

COINSURERS
Declaratory judgments, § 243:88
Joinder of parties, § 243:36, 243:148
Subrogation
Amounts recoverable, § 223:97
Impairment of rights, § 224:110
Settlement of action as affecting rights against coinsurers, § 224:165

COLDS
Good health of insured, § 88:73

COLD WEATHER
Property insurance, § 153:19 to 153:22

COLITIS
Good health of insured, § 88:44

COLLAPSING BUILDING
Accident and life insurance, § 143:119
Adjoining buildings, § 96:34
Building and construction contracts and work, § 132:24
Fire insurance, § 149:38
Property insurance, § 148:54 to 148:56

COLLATERAL
Assignment for, § 241:23
Subrogation, § 225:266

COLLATERAL CLAIMS
Limitation of actions, § 234:19, 234:30

COLLATERAL DAMAGE
Marine insurance, § 221:22

COLLATERAL ESTOPPEL
Arbitration awards, § 213:5
No-fault coverage, § 214:48 to 214:50
Prior judgment, § 239:11, 239:14, 239:15
Uninsured and underinsured motorist coverage, § 214:3

COLLATERAL LIMITATIONS
Subrogation, § 223:90 to 223:93

COLLATERAL MATTERS
Instructions to jury, § 246:63

COLLATERAL REVIEW
Generally, § 2:19

COLLATERAL SECURITY
See Secured Transactions (this index)

COLLATERAL SOURCES
Insolvency, guarantee associations, § 6:32
Medical payments, § 158:12
Subrogation, § 223:49, 223:111
Third-party claims, § 205:70
Uninsured and underinsured motorist coverage, § 171:25

COLLATERAL TRANSACTION
Subrogation, § 224:78

COLLECTIBLES
Property loss, generally, § 177:61, 177:62

COLLECTION
Agents and Brokers (this index)
Assignment, § 241:22
Fidelity insurance, § 161:68
General liability insurance, § 172:65

Index-131
COLLECTION—Cont’d
Limitation of actions, § 234:63
Marine insurance, § 183:115, 221:69
Premiums and Assessments (this index)
Receivership (this index)
Service of process, § 231:69
Subrogation, § 225:111, 225:276
COLLECTION AGENCY BOND
Generally, § 166:92
COLLISIONS
Accident and life insurance, § 142:44
Aircraft insurance, § 155:34
Automobile Property Insurance (this index)
Marine Insurance (this index)
Property insurance, § 154:17, 154:55, 154:94, 154:95, 155:34
COLLUSION
Agents and brokers, § 51:6, 85:48 to 85:50, 85:65
Cooperation, § 199:33
Defenses, § 239:134
Jurisdiction of federal proceedings, § 229:76
Prior judgment, § 239:78
COLOR BLINDNESS
Disability insurance, § 146:78
COLOR OF OFFICE
Peace officer’s bond, § 166:50, 166:51
COLOR OF RIGHT
See Automobile Property Insurance (this index)
COLOR OF TITLE
Property insurance, § 151:13
COMA
Medical insurance, § 181:53
COMBINING OR STACKING OF COVERAGES
Generally, § 169:1 et seq.
Actual loss, § 169:12
Automobile insurance, single multivehicle policy, § 169:105, 169:106
Automobile liability insurance, § 169:109
Class 2 (permissive) insureds, § 169:53
Definitions, § 169:4 et seq.
Discounted multiple premiums, § 169:39
Double recovery precluded, § 169:12
Drugs, medical and drug-related liability insurance, § 169:111
Enforceability of clauses, § 169:34, 169:35
Excess insurance, recovery under, § 169:8
Exclusionary clauses, § 169:73
Exclusion of vehicles owned but not insured under policy, § 169:65
Fleet policies, § 169:50 to 169:53
General liability insurance, § 169:110, 169:111
Governing law, § 169:94
Higher single premiums, § 169:39
Liability insurance, § 169:108 to 169:111
Limitation of liability clause
Generally, § 169:40 to 169:42, 169:49
Medical payments coverages, § 169:106, 169:107
Malpractice insurance, § 169:111
Medical and drug-related liability insurance, § 169:111
Medical payments coverages
Generally, § 169:103 et seq.
Automobile insurance, single multivehicle policy, § 169:105, 169:106
Construction and interpretation, multiple policies, § 169:107
COMBINING OR STACKING OF COVERAGES—Cont’d
Medical payments coverages—Cont’d
Construction and interpretation, single multivehicle policy, § 169:105, 169:106
Limiting clauses and provisions, § 169:106, 169:107
Multiple policies, § 169:107
Separability clause, single multivehicle policy, § 169:105
Single multivehicle policy, § 169:105, 169:106
Statutes, § 169:104
No fault or personal injury protection (pip) coverages
Generally, § 169:92 et seq.
Different insureds, policies issued to, § 169:101, 169:102
Governing law, § 169:94
Multiple policies issued-same insured, § 169:98 to 169:100
Multiple vehicles, single policy insuring, § 169:95 to 169:97
Named insured injured, § 169:98, 169:101
Occupyng vehicle, § 169:96, 169:99
Single policy insuring two or more vehicles, § 169:95 to 169:97
Statutes, § 169:93
Third persons injured, § 169:97, 169:100, 169:102
Two or more policies issued-same insured, § 169:98 to 169:100
Other insurance clause, relationship to, § 169:9
Payment of separate premiums, § 169:16
Pedestrian, injury while, § 169:59
Permissibility, § 169:20, 169:53
Prohibiton of stacking, § 169:30
Retroactivity of statutes and decisions, § 169:3

COMBINING OR STACKING OF COVERAGES—Cont’d
Separability clause, § 169:10
Single policy stacking, generally, § 169:7
Stacking defined, § 169:4 et seq.
Status of insured, § 169:15
Statutes
Medical payments coverages, § 169:104
No fault or personal injury protection (pip) coverages, § 169:93
Retroactivity, § 169:3
Third persons
No fault or personal injury protection (pip) coverages, § 169:97, 169:100, 169:102
Uninsured and underinsured motorist coverages, § 169:47, 169:61, 169:75
Threshold limits, § 169:11, 169:12
Time periods, stacking of policies covering different time periods, § 169:5, 169:6
Uninsured and underinsured motorist coverage
Generally, § 169:18 et seq.
Arbitration, § 214:33
Class 2 (permissive) insureds, § 169:53
Construction and interpretation, § 169:41, 169:42
Discounted multiple premiums, § 169:39
Employer as non-relative, § 169:81
Enforceability of clauses, § 169:34, 169:35
Exclusions, § 169:65, 169:73
Fleet policies, § 169:50 to 169:53
Higher single premiums, § 169:39
Injured person’s policy and non-relative’s policy, stacking of, § 169:81 to 169:85
Injured person’s policy and relative’s policy, stacking of, § 169:77 to 169:80

Index-133
COMBINING OR STACKING OF COVERAGES—Cont’d
Uninsured and underinsured motorist coverage—Cont’d
Limitation of liability clause
Enforceability of, § 169:34, 169:35
Identified by their own terms, § 169:33
Multiple policies issued to same insured, § 169:55, 169:57
Multiple vehicles, one policy covering, § 169:40 to 169:42, 169:49
Separate policies issued to different insureds, § 169:72
Statutory provisions, § 169:28, 169:29
Multiple policies issued to same insured
Generally, § 169:54 et seq.
Covered by insurer’s policy, § 169:55, 169:56
By different insurer, generally, § 169:62 et seq.
Exclusion of vehicles owned but not insured under policy, § 169:65
Limiting liability clause, § 169:55, 169:57
Multiple premiums, payment of, § 169:67
Not covered by insurer’s policy, § 169:57, 169:58
Other insurance clause, pursuant to, § 169:64
Other insurance clause, relationship to, § 169:62
Payment of multiple premiums, § 169:67
Pedestrian, injury while, § 169:59
By same insurer, generally, § 169:54 et seq.
Third persons, injury to, § 169:61
Underinsured motorist, accidents involving, § 169:60, 169:61

COMBINING OR STACKING OF COVERAGES—Cont’d
Uninsured and underinsured motorist coverage—Cont’d
Multiple policies issued to same insured—Cont’d
Uninsured motorist, accidents involving, generally, § 169:55 et seq.
Unspecified ownership, § 169:59
Multiple premiums, payment of, § 169:37 to 169:39, 169:67, 169:69
Multiple vehicles, one policy covering
Generally, § 169:36 et seq., 169:48, 169:49
Class 2 (permissive) insureds, § 169:53
Construction and interpretation, § 169:41, 169:42
Discounted multiple premiums, § 169:39
Fleet policies, § 169:50 to 169:53
Higher single premiums, § 169:39
Liability limiting clause, § 169:40 to 169:42, 169:49
Multiple premiums, payment of, § 169:37 to 169:39
Not occupying motor vehicle, § 169:45
Occupying motor vehicle not owned by named insured, § 169:44
Other insurance clause, § 169:46
Payment of multiple premiums, § 169:37 to 169:39
Permissive insureds, class 2, § 169:53
Separability clause, § 169:42
Third persons, injury to, § 169:47
Underinsured motorist, accident involving, § 169:48, 169:49
Validity of liability limiting clause, § 169:40
COMBINING OR STACKING OF COVERAGES—Cont’d
Uninsured and underinsured motorist coverage—Cont’d
Named insured and relative, stacking of policies of, § 169:70 to 169:73
Non-relative employer, § 169:84
Non-relative, non-employee, § 169:82, 169:83
Non-relative, non-employer, § 169:85
Non-relative, one or both policies issued to, § 169:88 to 169:91
Not occupying motor vehicle, § 169:45
Occupying motor vehicle not owned by named insured, § 169:44
Other insurance clause
Enforceability of, § 169:34, 169:35
Multiple policies issued to same insured, § 169:62, 169:64
Multiple vehicles, one policy covering, § 169:46
Separate policies issued-different insureds, § 169:81 to 169:83, 169:88 to 169:91
Separate policies issued to different insureds, § 169:71, 169:77, 169:79, 169:86
Own policy plus policy issued to non-relative, § 169:74
Pedestrian, injury while, § 169:59
Permissibility, § 169:20
Permissive insureds, class 2, § 169:53
Prohibition of stacking, § 169:30, 169:32
Relatives and family members, § 169:70 to 169:73, 169:77 to 169:80, 169:86, 169:87
Separability clause, § 169:42
Separate policies issued-different insureds
Injured person’s policy and non-relative’s policy, stacking

COMBINING OR STACKING OF COVERAGES—Cont’d
Uninsured and underinsured motorist coverage—Cont’d
Separate policies issued-different insureds—Cont’d
of, § 169:81 to 169:85
Injured person’s policy and relative’s policy, stacking of, § 169:77 to 169:80
Named insured and relative, stacking of policies of, § 169:70 to 169:73
Non-relative, one or both policies issued to, § 169:88 to 169:91
Relatives and family, § 169:70 to 169:73, 169:77 to 169:80
Separate policies issued to different insureds
Generally, § 169:68 et seq.
By different insurers, generally, § 169:76 et seq.
Employer as non-relative, § 169:81
Exclusionary clauses, § 169:73
Injured person as uninsured, generally, § 169:86 et seq.
Limitation of liability clause, § 169:72
Multiple premiums, payment of, § 169:69
Non-relative employer, § 169:84
Non-relative, non-employee, § 169:82, 169:83
Non-relative, non-employer, § 169:85
Own policy plus policy issued to non-relative, § 169:74
Payment of multiple premiums, § 169:69
Relatives and family, § 169:86, 169:87
By same insurer, generally, § 169:68 et seq.
Third persons, injury to, § 169:75
Statutory provisions
Generally, § 169:23 et seq.
COMBINING OR STACKING OF COVERAGES—Cont’d

Uninsured and underinsured motorist coverage—Cont’d
Statutory provisions—Cont’d
Authorizing stacking, § 169:23 to 169:25
Barring stacking, § 169:24
Limiting stacking, § 169:28, 169:29
Permitting stacking, § 169:26
Prohibiting stacking, § 169:27
Prohibition of stacking, § 169:30
Requiring stacking, § 169:23 to 169:25
Third persons, injury to, § 169:47, 169:61, 169:75
Underinsured motorist, accident involving, § 169:48, 169:49
Validity of liability limiting clause, § 169:40
Validity of liability limiting clause, § 169:40

COMBUSTION
Fire insurance, § 149:23, 149:28, 149:33

COMING TO REST DOCTRINE
See Automobile Insurance (this index)

COMMENCEMENT OF COVERAGE
Group insurance, § 8:3
Parol evidence of date of policy, § 253:77, 253:105

COMMENCEMENT OF RIGHT TO BENEFITS
See Disability Insurance (this index)

COMMENCEMENT OF SUIT
Interest on money, § 178:35

COMMENCEMENT OF UNIT
Conduct warranting liability, § 204:128

COMMERCIAL ARBITRATION
Generally, § 209:23

COMMERCIAL AUTOMOBILES
Automobile Insurance (this index)

COMMERCIAL FACTORS AND BROKERS

Public official and appointed fiduciary bonds, § 166:93

COMMERCIAL GENERAL LIABILITY POLICIES
Generally, § 129:1 to 129:34

Additional insureds, application to claims involving, § 129:13

Advertising injury, § 129:37

Advertising injury, provision regarding
Generally, § 129:9

Communication or dissemination to public, requirement of, § 129:9

Customer or consumer complaints, application to, § 129:9

Specific torts or wrongs, application to, § 129:9

Alcoholic beverages, manufacture, sale, and distribution of, § 129:34

Athletic events, participation in, § 129:36

Bodily injury, meaning of term, § 129:6

Business risk exclusions, generally, § 129:17 to 129:31

Connection between business and risk or loss, requirement of, § 129:2

Contract liability assumed by insured, § 129:33

Employees, provision excluding liability for injuries to
Generally, § 129:11 to 129:16

Additional insureds, application to claims involving, § 129:13

Borrowed employees, § 129:15

Employer’s liability exclusion, § 129:12

Illegal employees, § 129:16

Independent contractors, employees of, § 129:15
COMMERCIAL GENERAL LIABILITY POLICIES
—Cont’d
Employees, provision excluding liability for injuries to—Cont’d
Who is employee, § 129:14 to 129:16
Workers’ compensation, excluding injuries covered by, § 129:11
Faulty workmanship, completed operations and the like, provisions relating to
Completed or abandoned operations, § 129:25 to 129:30
What constitutes abandonment, § 129:30, 129:31
What constitutes completion
Generally, § 129:26, 129:27
Delivery, installation, or servicing obligation, effect of uncompleted, § 129:27
Insured’s misinformation as preventing completion of operation, § 129:29
Insured’s negligent omissions as preventing completion of operation, § 129:28
Negligence of insured in performing operation as preventing its completion, § 129:28
Impaired property exclusion, § 129:23
Indemnification. Defense and indemnification, above
Independent contractors, harm caused by, § 129:19
Judgment holder. Compensatory actions by judgment holder, above
Known injury or damage exclusion, § 129:35
Medical payments coverage, § 129:10
Mobile equipment, § 129:32
Notice or knowledge
Agents, brokers, and insurers, actions against, above
Claims. Notice of claims, above

COMMERCIAL GENERAL LIABILITY POLICIES
—Cont’d
Occurrence, meaning of, § 129:3, 129:4, 129:5
Other risks and losses, provisions as to, § 129:32 to 129:36
Personal injury coverage, generally, § 129:8
Property damage, meaning of term, § 129:7
Recall of products exclusion, § 129:24
Risks and losses specific to, generally, § 129:1 to 129:34
Sistership exclusion, § 129:24
Workers’ compensation, excluding injuries covered by, § 129:11
Work in progress exclusion, § 129:23, 129:24
Your product exclusion, § 129:20
Your work exclusion, § 129:18

COMMERCIAL LIABILITY INSURANCE
Advertising, § 201:53 to 201:57
Alcoholic beverages, sale of, § 201:75
Appraisal of residential property, § 201:63
Business risk, § 201:67
Completed operations, § 201:76
Copyrights, § 201:55
Cosmetic services, injury from, § 201:79
Crane, use of, § 201:80
Criminal acts, § 201:59, 201:65
Defense, § 201:81
Disability, § 201:73
Dishonest acts, § 201:59, 201:65
Employment, § 201:66
Errors and Omissions Policies (this index)
Final judgment, § 201:59
Fraudulent acts, § 201:59, 201:65
Guaranty association, § 201:81
Infringement, § 201:55, 201:57
Intentional infringement, § 201:57

Index-137
COMMERCIAL LIABILITY INSURANCE—Cont’d
Intentional torts of employees, § 201:66
Jurisdiction, § 228:38
Malicious acts, § 201:65
Manufacture, sale, and distribution of goods, § 201:67 to 201:72
Medical incidents, § 201:62
Misappropriation, § 201:54
Mistakes and errors, § 201:63
Negligence, § 201:64
Negligent acts, § 201:58
Officers and directors, § 201:58, 201:59
Piracy, § 201:54
Premises, § 201:70 to 201:72
Product hazard, § 201:77
Products liability, § 201:78
Professional liability, § 201:60 to 201:66
Professional services, § 201:74
Property damage, § 201:67
Recalled products, § 201:68
Repair or replacement of defective work or product, § 201:69
Residential property, appraisal of, § 201:63
Sistership exclusion, § 201:68
Slogans, § 201:55
Statutes, § 201:75
Threshold requirements, generally, § 201:53 et seq.
Titles, § 201:55
Unfair competition, § 201:56
Worker’s compensation, § 201:73

COMMERCIAL PAPER
See Bills and Notes (this index)

COMMERCIAL PROPERTY INSURANCE
Generally, § 148:13, 148:14
Recoupment, § 226:76
Subrogation, § 225:89, 225:91

COMMERCIAL TORTFEASOR
See Subrogation (this index)

COMMINGLING OF FUNDS
Fidelity insurance, § 161:117
Third-party claims, § 205:45

COMMISSARY SUPPLIES
Contractors’ payment bonds, § 165:88

COMMISSIONERS OF INSURANCE
See State Insurance Boards, Commissioners, and Similar Authorities (this index)

COMMISSION FEES
Generally, § 20:58
See also Agents and Brokers (this index)
Fidelity insurance, § 161:89 to 161:91
Goods held on commission, description of goods held on, § 20:39 to 20:43
Marine insurance, § 183:14
Premiums, discrimination or rebate, § 69:42
Workers’ compensation, § 173:40

COMMISSION MERCHANTS
Agency, § 42:22
Description of goods held by agent, § 20:40

COMMISSIONS
Agents and Brokers (this index)

COMMONALITY
Class action requirement, § 232:32

COMMON CARRIERS
See Carriers (this index)

COMMON DISASTER
Beneficiaries, § 61:43 et seq.

COMMON ECONOMIC INTEREST
Jurisdiction of federal proceedings, § 229:32

COMMON FUND
Subrogation, § 223:112, 223:113

COMMON LABORER
Disability provisions, § 147:48
COMMON LA W
Agents and brokers, common law
limitations as-imputation of
knowledge, § 49:15 to 49:21
Arbitration, appraisal, or submission
agreements, § 210:14
Assignment, § 204:18
Bad faith, § 204:24
Breach of contract, § 204:20
Burden of proof, § 204:39
Cause of action assignable, § 204:18
Consumer protection, § 4:25
Contract, common law as part of,
§ 19:10
Contractors’ bonds, § 163:22
Contractual bad faith
Generally, § 204:11 et seq.
Bad faith tort, relationship to statu-
tory bases for, § 204:24
Breach of contract, § 204:20
Burden of proof, § 204:39
Cause of action assignable, 
§ 204:18
Defense duties, breach of, 
§ 204:27
Excess insurer, § 204:33
Expert testimony, need for,
§ 204:42
Fairly debatable standard for first
party bad faith, § 204:28
First party, § 204:12, 204:16, 204:22,
204:28
Fraud, § 204:26
Good faith, § 204:12, 204:24
Group Insurance (this index)
Health and disability insurance,
§ 204:13
Judgment creditor as claimant,
§ 204:32
Liability, § 204:8, 204:9
Liability, generally, § 204:11 et seq.
Mitigation of damages, § 178:10
Mortgagees and loss payees,
§ 204:34
Notice, § 186:56
Payment, § 204:34
Personnel, claims of, § 204:35
Pleadings, § 204:38 to 204:43
Proof, § 204:40, 204:41
Property insurance, § 151:11
Punitive damages, § 204:40
Recovery of less than amount of first
party, § 204:22
Reinsurer, § 204:37
Surety, § 204:36
Subrogation (this index)
Surety, § 204:36
Third-party claimants, § 204:31 to
204:32
Third party claims, § 204:12
Tortious breach, § 204:23
Torts, § 204:14 to 204:19, 204:23,
204:24
Wrongfulness of insurer’s actions
is question of, § 204:43
INDEX
Index-139
COMMON SAFETY
Marine insurance, § 221:25

COMMON USAGE OR EFICACY
Medical insurance, § 181:16

COMMUNICABLE DISEASES
Good health of insured, § 88:92 to 88:97

COMMUNICATIONS
Applications, communication of acceptance or rejection, § 11:5
Cancellation and rescission, what constitutes communication of notice to insured, § 32:7
Cooperation, § 199:26
Good-faith, § 198:35
Hearsay exclusion and exceptions, § 249:28
Reformation, uncommunicated intention, § 26:9
Settlement and compromise, § 203:16
Third-party claims, § 205:32, 205:57

COMMUNICATIONS EQUIPMENT
Property insurance, § 154:99

COMMUNITY
Arbitrators, appraisers, and proceedings before them, § 211:28

COMMUNITY FUNDS
Premiums and assessments, § 74:36

COMMUNITY PROPERTY
Beneficiaries, § 61:47, 62:3
Classification of insurance and proceeds as separate property of one spouse, § 64:6
Election under will, sufficiency of bequest, § 67:14
Insurable interest, § 42:6
Premiums, contribution to, § 64:5
Proceeds based on marital relationship, right to, generally, § 64:5 to 64:8
Property insurance, § 242:45
Release of interest by former spouse, § 64:8
—Cont’d
Representations, warranties, and conditions, § 91:79

COMMUTING
Accident and life insurance, § 143:13

COMPARATIVE FAULT
Subrogation, § 225:32
Uninsured and underinsured motorist coverage, § 171:32, 225:32

COMPENSATION
Accident and life insurance, § 142:79
Agents and brokers, § 45:7, 46:76, 57:8 et seq.
Arbitrators, appraisers, and proceedings before them, § 211:29 to 211:32
Automobile liability insurance, § 170:16
Business interruption insurance, § 185:9
Contractors’ bonds, § 163:28
Contractors’ payment bonds, § 165:72, 165:73
Estoppel and waiver, § 238:28
Fidelity insurance, § 160:42, 161:89 to 161:91, 185:56
Judicial notice of value of personal services, § 254:284
Life insurance, § 179:14
Marine insurance, § 221:48, 221:49, 221:51, 221:64
No-Fault Insurance (this index)
Payroll (this index)
Premiums and assessments, wages subject to order, § 73:20
Proof of income, § 255:35
Public official and appointed fiduciary bonds, § 166:38
Representations, warranties, conditions, and concealment, § 86:1, 86:41 et seq.
Uninsured and underinsured motorist coverage, § 171:37
Workers’ Compensation (this index)
COMPENSATORY DAMAGES
Generally, § 204:62
Automobile Insurance (this index)
Commercial General Liability Policies (this index)
Commercial Property Insurance (this index)
Homeowners’ Insurance (this index)
Public official and appointed fiduciary bonds, § 166:67

COMPETENCY
See also Incompetent and Insane Persons (this index)
Arbitrators, appraisers, and proceedings before them, § 211:27
Burden of proving sanity or insanity, § 254:147
Incompetent and Insane Persons (this index)
Proof of, § 255:103
Sanity presumption
Generally, § 254:205
Rebuttal, § 254:206
Witnesses (this index)

COMPETING AGENTS
Agents and brokers, compensation, § 57:12, 57:56, 57:57

COMPLAINTS, PETITIONS, AND DECLARATIONS—Cont’d
Causes of action—Cont’d
Contract, breach of, § 244:30 to 244:32
Contribution, action for, § 244:34
Declaratory judgments, § 244:36, 244:37
Fraud, § 244:40
Interpleader, § 244:38
Premises, action to recover, § 244:35
Promise to pay, breach of, § 244:31
Promise to repair, breach of, § 244:32
Rescission, § 244:39
Statutory action, § 244:41
Compensatory Damages (this index)
Contract, breach of, § 244:30 to 244:32
Contribution, action for, § 244:34
Copy, sufficiency of, § 244:25
Declaratory Judgments (this index)
Excuse, statutes, § 244:28
Fraud, § 244:40
Interpleader, § 244:38
Limitation of actions, § 236:174
Payments, § 244:31
Premises, action to recover, § 244:35
Promise to pay, breach of, § 244:31
Promise to repair, breach of, § 244:32
Repair, § 244:32
Rescission, § 244:39
Statutes, § 244:22, 244:27, 244:28, 244:41
Theory of case, § 244:23

COMPLETE OPERATION

DOCTRINE
See Automobile Insurance (this index)

COMPLETION OR COMPLETENESS
Agents and Brokers (this index)
COMPLETION OR COMPLETENESS—Cont’d
Assignment, completion of assignment of records of insurer, § 36:38
Beneficiaries, completion of application for change of, § 59:15, 60:42 to 60:46
Commercial liability insurance, § 201:76
Construction contract guaranties, § 184:23, 184:26, 184:28, 184:30
Contractors’ bonds, § 163:90
Contractors’ payment bonds, § 165:62
Contracts (this index)
Estoppel and waiver, § 238:90
Incontestability clause, § 240:97
Iron safe clauses, completeness entries, § 97:61, 97:66, 97:77
Marine insurance, § 183:35
Property insurance, § 155:56
Repair or replace, option to, § 176:48, 176:49
Sales, incomplete contracts, § 92:15 et seq.
Settlement and compromise of claim, § 215:15
Title insurance, § 185:87 to 185:89
COMPOSITE TEST
Measurement of degree of loss, § 175:79
COMPOUND INTEREST
Generally, § 80:32 to 80:38
COMPREHENSION OF PARTIES
See Understanding of Parties (this index)
COMPREHENSIVE COVERAGE
See Automobile Property Insurance (this index)
COMPROMISE
See Settlement and Compromise (this index)
COMPULSORY APPEARANCE CLAUSE
Arbitration, appraisal, or submission agreements, § 210:53
COMPULSORY ARBITRATION
Generally, § 209:20
Statutes, § 209:12
COMPULSORY INSURANCE
Other insurance clauses, § 219:46
COMPULSORY NONSUIT
Dismissal, § 247:17 to 247:19
COMPUTERS
Best evidence rule, applicability of
Copies generated by, § 253:17
Summaries, § 253:21
Copies and printouts
Best evidence rule, § 253:17
Hearsay rule, § 253:115
Evidence generated by computers
Generally, § 253:271 et seq.
Evidence generated by computers
Documentary Evidence (this index)
Programmers, risks covered under policies, § 131:49
Property losses, generally, § 177:63
Summaries, computer generated, § 253:21
CONCEALMENT
See Representations, Warranties, Conditions, and Concealment (this index)
CONCEPTS
See General Concepts (this index)
CONCURRENT BENEFICIARIES
Life insurance, § 242:97
CONCURRENT CAUSES
Property insurance, § 148:61, 148:62
CONCURRENT INJURIES
Workers’ compensation, § 173:55, 173:56
CONCURRENT INSURERS
Declaratory judgments, § 232:63
CONCURRENT INSURERS —Cont’d
Subrogation, § 243:134

CONCURRENT JURISDICTION
Generally, § 227:16

CONCURRENT POLICIES
Marine insurance, § 183:111
Valued policies or statutes, § 175:106

CONCURRENT REMEDIES
Election of remedies, § 232:39

CONCUSSION
Explosions, § 150:16

CONDEMNATION PROCEEDINGS
Contractors’ payment bonds, § 165:100
Marine insurance, § 183:43
Property insurance, § 41:14

CONDITIONAL SALES
Generally, § 68:12 et seq.
Adjustment of losses, § 178:47, 178:48
Agents, conditional vendors as, § 44:20, 44:21
Insurable interest, § 42:66
As interest appears clause, § 68:13
Options, § 68:16 to 68:19, 92:56 to 92:58
Repossession, § 68:14, 92:57
Representations, warranties, and conditions, § 91:55 et seq.
Time for determining rights, § 68:15

CONDITIONS PRECEDENT
—Cont’d
Cancellation and Rescission (this index)
Contractors’ payment bonds, § 165:162
Contractors’ performance bonds, § 164:39 to 164:42
Direct Actions (this index)
Disability insurance, § 146:15, 147:79
Distinctions between warranties and conditions precedent, § 81:24 to 81:27
Good health of insured, delivery of policy during, § 15:4
Iron safe clauses, § 97:10
Limitation of actions, § 234:27, 235:6
Marine insurance, § 183:54
Measurement of degree of loss, § 175:69
Medical insurance, § 144:77
Premiums and Assessments (this index)
Property insurance, § 155:55
Subrogation, antisubrogation rule prohibiting subrogation recovery from own insured, § 224:52, 224:53
Title and ownership, attachment of risk, § 91:18
Uninsured and Underinsured Motorist Coverage (this index)
Workers’ Compensation (this index)

CONDITIONS SUBSEQUENT
See also Representations, Warranties, Conditions, and Concealment (this index)
Binders and binding receipts, § 13:12
Cancellation and rescission, § 31:74
Iron safe clauses, § 97:10
Premiums and assessments, disability as excuse for nonpayment, § 75:25

CONFESSIONS
Admissions, pleas and confessions constituting, § 254:241
CONFIDENTIAL OR PRIVILEGED INFORMATION
Generally, § 250:1 et seq.
Beneficiary, physician-patient privilege, § 250:51
Contractual waiver, § 250:63
Cooperation, § 199:28, 250:9, 250:59
Cross-examination, § 250:10
Disclosure to insurer, § 250:64
Discovery, § 250:61, 251:27
Estoppel, § 238:84, 239:126, 250:11
Evidence, inclusion of information in proof of loss, § 250:65
Good health of insured, physician-patient privilege, § 87:38
Government privileges, § 250:42
Investigations, § 250:45
Later action, waiver in, § 250:48
Marital privilege, § 250:43
Objections, § 250:60, 250:61
Physicians, waiver as to one as waiver as to other, § 250:49
Proof of loss, inclusion of information in, § 250:65
Regulatory activity, § 250:45
Response to discovery request, failure to comply with rules, § 250:61
Return, § 250:46
Self-incrimination, § 196:20, 250:44
Statutes, § 250:6, 250:45
Substantial need as overcoming privilege, § 250:7
Tax return information, § 250:46
Third party, communication in presence of, § 250:62
Time, § 250:54
Waiver
Generally, § 250:6, 250:47 et seq.
Attorney-client and work product privileges, § 250:52
Beneficiary, physician-patient privilege, § 250:51

CONFIDENTIAL OR PRIVILEGED INFORMATION—Cont’d
Waiver—Cont’d
Contractual waiver, § 250:63
Cooperate, duty to, § 250:59
Disclosure to insurer, § 250:64
Evidence, inclusion of information in proof of loss, § 250:65
Later action, waiver in, § 250:48
Object, failure to, § 250:60
Objection, failure to comply with rules, § 250:61
Physician-client protections, § 250:68, 250:69
Physician-patient privilege, § 250:50 to 250:52
Physician-patient protection, § 250:56, 250:58
Physicians, waiver as to one as waiver as to other, § 250:49
Proof of loss, inclusion of information in, § 250:65
Response to discovery request, failure to comply with rules, § 250:61
Third party, communication in presence of, § 250:62
Time, § 250:54

CONFIRMATION
Arbitration awards, § 213:17 to 213:20, 213:33
Divorce or separation, confirmation of rights under voluntary agreement or judicial order pursuant to, § 64:24 to 64:29
Tax sales, § 92:83, 92:84

CONFISCATION INSURANCE
Generally, § 177:84

CONFLICT OF INTERESTS
See also Third-Party Claims (this index)
Appointment of counsel, § 202:34 to 202:37
Attorney fee reimbursement, § 202:36
Attorneys, § 202:34 to 202:37
CONFLICT OF INTERESTS—Cont’d
Cooperation, § 199:17
Defense
Generally, § 202:19 et seq.
Attorney fee reimbursement, § 202:36
Handling of claim, dispute over, § 202:31
Independent counsel, appointment of, § 202:34 to 202:37
Multiple insureds with adverse interests, § 202:24
Mutually exclusive alternative grounds of liability in tort action, only one of which is covered, § 202:29
Notice of potential conflict, § 202:22
Policy limits, § 202:32
Professional responsibility concerns, § 202:21
Refusal to defend, § 202:25
Relationship between tort claim and insurer’s asserted ground for noncoverage as determinative, § 202:28
Reservation of rights, § 202:26
Subsequent proceedings, § 202:37
Tort claim exceeds policy limits, § 202:30
Tort claim includes both covered and noncovered bases for recovery, § 202:27
Handling of claim, dispute over, § 202:31
Independent counsel, appointment of, § 202:34 to 202:37
Multiple insureds with adverse interests, § 202:24
Mutually exclusive, § 202:29
Notice of potential conflict, § 202:22
Policy limits, § 202:32
Prior judgment, § 239:76
Professional responsibility concerns, § 202:21
Refusal to defend, § 202:25
Reimbursement, § 202:36
Reservation of rights, § 202:26

CONFLICT OF INTERESTS—Cont’d
Settlement and compromise of claim, § 215:4
Subsequent proceedings, § 202:37
Third-party claims, § 206:31
Torts, § 202:27 to 202:30

CONFLICT OF LAWS
See Governing Law (this index)

CONFLICTS WITH POLICY
See also Construction and Interpretation (this index)
Beneficiaries, change of, § 60:7
Interest rates on loans, § 80:25, 80:34
Notice, § 186:49, 186:50
Subrogation, § 222:22, 222:23

CONFORMITY
Estoppel and waiver, § 238:86
Limitation of actions, § 235:94, 235:95
Standard policies, § 17:13, 17:14

CONGENITAL CONDITIONS
Medical insurance, § 144:69, 144:70

CONJUNCTIVE OR DISJUNCTIVE INTERPRETATION
Representations, warranties, conditions, and concealment, § 81:62, 81:63

CONJUNCTIVITIS
Disability provisions, § 147:58

CONNECTED BUILDINGS
Description or identification, § 20:10, 20:29 to 20:33

CONSANGUINITY AND AFFINITY
See Family or Relatives (this index)

CONSCIOUSNESS OF DANGER OR RISK
Accident insurance, § 139:54

CONSENT
Accident and life insurance, § 140:54

Index-145
CONSENT—Cont’d
Actual cash value, § 175:39
Agents and Brokers (this index)
Assignment (this index)
Automobile Insurance (this index)
Autopsy and exhumation, § 196:87
Beneficiaries (this index)
Cancellation and Rescission (this index)
Contractors’ performance bonds, § 164:84
Cooperation, § 199:48
Defense, § 202:48, 202:52
Fidelity insurance, § 160:52, 162:5
Foreign insurers, consent-jurisdiction, § 3:26 to 3:34
Group insurance, consent to substitution, modification, and termination of policy, § 8:57, 8:60
Incontestability clause, § 240:72
Injunctions, § 232:144
Jurisdiction, § 228:63
Liens and encumbrances, riders and endorsements, § 93:60
Life insurance, consent to issuance of policy by third party, § 41:25
Modification of contract, § 25:15, 25:27
Mortgages, § 242:64, 242:71, 245:52
Notice and proof of loss, estoppel and waiver, § 195:10, 195:19
Premiums, return of, § 79:31
Property insurance, § 245:52, 245:75
Ratification (this index)
Rehabilitation, conservation, and reorganization, § 5:29
Reinstatement and revival, estoppel and waiver, § 33:108
Release, § 216:27
Sales, consent-alienation, § 92:28 to 92:33
Settlement and compromise of claim, § 203:8 to 203:11, 215:41, 215:42
Subrogation (this index)
Third-party claims, § 205:47, 206:43
Uninsured and underinsured motorist coverage, compliance with settlement clause, § 214:27

CONSENT—Cont’d
Uninsured/underinsured motorist coverage, § 214:27
Use and occupancy, consent to rider or endorsement, § 94:57, 94:152

CONSENT JUDGMENTS
Prior judgment, § 239:25

CONSEQUENTIAL DAMAGES
Generally, § 178:16 et seq.
See also General Liability Insurance (this index)
Additional living expenses, § 178:17
Business interruption insurance, § 178:21, 185:12
Debris removal, § 178:22
Interest paid by insured, § 178:23
Living expenses, additional, § 178:17
Lost information, recreation of, § 178:26
Profits, loss of, § 178:19
Property insurance, § 153:34, 153:39, 153:40, 155:82
Public adjuster, payments to, § 178:25
Recreation of lost information, § 178:26
Relocation expenses, § 178:18
Rents, loss of, § 178:20
Repairs, § 176:50 to 176:52, 178:24
Title insurance, § 185:92, 185:93
Use, loss of, generally, § 178:16 et seq.

CONSEQUENTIAL HARM
See also Construction Contract Guaranties (this index)
Property insurance, § 153:15

CONSERVATION
See Rehabilitation, Conservation, and Reorganization (this index)

CONSIDERATION
Agents and brokers, § 46:66
Arbitration, appraisal, or submission agreements, § 210:9
Assignment (this index)
Cancellation and rescission, § 31:60
CONSIDERATION—Cont’d
Defenses, § 245:82
Estoppel and waiver, § 238:13, 239:114
Income taxes, transfer of life insurance policy for valuable consideration, § 63:18
Loan agreement, § 80:11, 80:35
Modification of contract, § 25:25, 25:26
Parol evidence rule, application to evidence of, § 253:85
Pleadings, § 245:5, 245:6
Premiums and Assessments (this index)
Reinstatement and revival, § 33:23
Release, § 216:49, 216:57
Release or Discharge (this index)
Renewal, § 29:15
Settlement and compromise of claim, § 215:60
Settlement and Compromise (this index)
Sufficiency of pleading, § 245:6
CONSIGNMENT
Automobile insurance, § 111:44
CONSIGNORS AND CONSIGNEES
Adjustment of losses, § 178:68
Agency, § 42:22
Fidelity insurance, § 160:43
Insurable interest, § 42:22
Marine insurance, § 221:88
Property insurance, § 242:86, 242:87
CONSOLIDATION OF ACTIONS
Generally, § 232:18 et seq.
Determination of facts, § 232:21
Effect of consolidation, § 232:22
Identity of claims, § 232:20
Identity of parties, § 232:19
Trial, generally, § 232:23
Venue, § 230:49
CONSOLIDATION OR MERGER
Generally, § 5:1 to 5:7
Abstention, § 5:7
Arbitrators, appraisers, and proceedings before them, § 211:48
CONSOLIDATION OR MERGER—Cont’d
Binders and binding receipts, merger of temporary contract into policy, § 13:8
Financial condition of insurer, assessment of, § 5:6
Limitation of actions, § 237:106
Minority rights, protection of, § 5:3
Mortgages and deeds of trust, discharge of debt by merger, § 65:37, 65:38
Parol contracts, merger into written contract, § 13:21
Prior judgment, § 239:10
Resisting transaction, § 5:4
CONSORTIUM, LOSS OF
Automobile liability insurance, § 170:8, 170:9
General liability insurance, § 172:30
Subrogation, § 223:156
Uninsured and underinsured motorist coverage, § 171:5, 171:15
CONSPIRACY
Contractors’ performance bonds, § 164:25
Use and occupancy, § 94:22
CONSTIPATION
Good health of insured, § 88:45
CONSTITUTIONAL LAW
Accident and life insurance, § 141:34
Agents and brokers, constitutional limitations on power-regulate, § 47:7 to 47:9
Declaratory judgments, § 243:96, 243:97
Discrimination (this index)
Due Process (this index)
Estate taxes, § 63:28
Exemption from claims of creditors, § 66:14, 66:15
Foreign insurers, § 3:3
Governing law, constitutional limitations upon forum, § 24:37 to 24:43
Jurisdiction, § 228:20, 228:21
Justiciability, § 227:22
CONSTITUTIONAL LAW—Cont’d
Premiums and Assessments (this index)
Rehabilitation, conservation, and reorganization, § 5:19
Uninsured/underinsured motorist coverage, § 214:19

CONSTITUTION OF BENEFIT SOCIETY
Premium payment, § 72:39, 72:40

CONSTRUCTION AND INTERPRETATION
Accident and Life Insurance (this index)
Accident insurance, § 139:8, 139:34, 139:45
Actual cash value, § 175:40
Adding or dropping words or clauses, limits on construction of contract, § 21:17
Administrative construction, § 22:41
Admission, revision of prior position on construction as, § 254:240
Agents and Brokers (this index)
Age of insured, § 86:15
Answers, § 244:55, 244:56
Applications (this index)
Arbitration and appraisal, § 209:19
Arbitration, appraisal, or submission agreements, § 210:13 to 210:15
Arbitration awards, § 213:18
Assignment, § 34:4
Automobile Insurance (this index)
Automobile Property Insurance (this index)
Autopsy and exhumation, § 196:83
Avoidance of forfeiture, § 22:35
Bank deposit guaranty, § 166:3
Beneficiaries (this index)
Binders and binding receipts, § 13:6
Cancellation and rescission, strict construction, § 30:10, 30:16
Captions or clauses emphasized by size of type, § 22:6
Certainty and Definiteness (this index)
Coinsurance, § 220:8

CONSTRUCTION AND INTERPRETATION—Cont’d
Combining or Stacking of Coverages (this index)
Conflicts with policy
Generally, § 22:44
Agents and brokers, § 50:12
Applications, § 21:25
Riders and endorsements, construction of, § 21:22
Contemporaneous contracts, variance between, § 22:45
Contractors’ Bonds (this index)
Contractors’ payment bonds, § 165:9
Cooperation, § 199:85, 199:110
Costs of action, § 233:21, 233:22
Credit insurance, § 185:113
Custom and usage, § 22:49 to 22:58
Declaratory judgments, § 232:48, 232:61
Defense, § 200:12
Definitions, judicial notice of meanings of words, § 254:279
Delayed payment or nonpayment, § 207:30
Disability Insurance (this index)
Divorce or separation, § 64:19
Estoppel and waiver
Generally, § 21:8
Forfeiture clauses, § 22:36
Evidence, § 196:4
Excess insurance, § 191:68
Exclusions and exceptions, § 22:30 to 22:37
Existing law, construction with reference to, § 22:48
Explosions, § 150:7, 150:13
Extrinsic evidence. See Parol Evidence (this index)
Fidelity Bonds and Insurance (this index)
Fire insurance, § 149:4
Foreign or Alien Insurers (this index)
Forfeitures, § 22:30 to 22:37
Fraud, § 197:3
General liability insurance, § 172:45
Good Health of Insured (this index)
CONSTRUCTION AND INTERPRETATION—Cont’d
Specific words and phrases, interpretive rules regarding, § 22:38 to 22:58
Stamped clauses, § 22:4
Standard Policies (this index)
Strict Construction (this index)
Subrogation (this index)
Technical meaning, § 22:38
Technical rules of construction, § 22:1 to 22:6
Technical trade terms, § 22:50
Threshold principles, generally, § 21:1 et seq.
Title and ownership, § 91:19 to 91:26
Title insurance, § 159:4
Typewritten clauses, § 22:4
Uniform standards of construction, § 21:4
Uninsured/underinsured motorist coverage, § 214:9
Use and Occupancy (this index)
Valued policies or statutes, § 175:104
Venue, § 230:11
Watchmen or guards, § 96:8, 96:9
Whole, construction of contract as, § 21:19, 22:7 to 22:37
Witnesses, § 252:82

CONSTRUCTION CONTRACT GUARANTIES—Cont’d
Consequential harm—Cont’d
Consequential harm—Cont’d
Attorney’s fees, § 184:43 to 184:46
Bond provisions, § 184:45
Delay damages, § 184:42
Incurring expense as prerequisite,§ 184:46
Litigation expenses, § 184:43 to 184:46
Statutory regulation, § 184:44
Contract price and cost to complete contract, difference between, § 184:23
Cost of bond to secure performance of new contract, § 184:35
Credit for payment made to obligee, § 184:20
Creditors, new contract with, § 184:19
Deductions, § 184:10, 184:20
Delay, § 184:30, 184:42
Distribution among multiple claimants, § 184:18
Fair cash market value, § 184:25
Federal miller act, § 184:9, 184:14
Inadequate proceeds, § 184:18
Incurring expense as prerequisite, § 184:46
Interest on performance bonds, § 184:37 to 184:40
Interpleader proceeding, surety filing, § 184:14
Laborers and materialmen’s bond
Generally, § 184:8 et seq.
Damages, § 184:8 to 184:11
Deductions, § 184:10
Federal miller act, § 184:9, 184:14
Interest
Generally, § 184:12 et seq.
Federal miller act, § 184:14
Interpleader proceeding, surety filing, § 184:14
Rate of interest, § 184:15
Statutory regulation, § 184:13, 184:14
Time from which interest runs, § 184:16
CONSTRUCTION CONTRACT
GUARANTIES—Cont’d
Laborers and materialmen’s bond
—Cont’d
Interpleader proceeding, surety
filing, § 184:14
Price, unpaid balance on, § 184:8,
184:9
Rate of interest, § 184:15
Several projects, bond covering,
§ 184:11
Statutory regulation, § 184:13,
184:14
Time from which interest runs,
§ 184:16
Unpaid balance on contract price,
§ 184:8, 184:9
Limitation of liability, § 184:21
Litigation expenses, § 184:33,
184:34, 184:43 to 184:46
Materials, sum advanced for purchase
of measuring damages, § 184:29
Mortgage, § 184:27
Multiple claimants, distribution
among, § 184:18
New and original contract price, dif-
ference between, § 184:24
New contract, § 184:19, 184:35
Penal sum, interest in excess of,
§ 184:39
Performance bonds
Generally, § 184:17 et seq.
Advance, sum advanced for purchase of materials,
§ 184:29
All cost or damage, § 184:33
Amount payable after date of bond, § 184:31
Burden of proof, § 184:22
Completed or completeness,
§ 184:23, 184:26, 184:28,
184:30
Contract price and cost to complete contract, difference between,
§ 184:23
Cost of bond to secure performance of new contract,
§ 184:35
INDEX
Index-151
CONSTRUCTION CONTRACT
GUARANTIES—Cont’d
Performance bonds—Cont’d
Measuring damages—Cont’d
Price, § 184:23, 184:24, 184:25
Purchase of materials, sum advanced for, § 184:29
Rents, § 184:30, 184:36
Security value of property and amount due on mortgage, difference between,
§ 184:27
Subcontract provisions, § 184:34
Sum advanced for purchase of materials, § 184:29
Time, amount payable after date of bond, § 184:31
Unfinished building and value if completed, difference in value between, § 184:28
Value, § 184:25, 184:27, 184:28, 184:30
Mortgage, § 184:27
Multiple claimants, distribution among, § 184:18
New and original contract price, difference between, § 184:24
New contract, § 184:19, 184:35
Penal sum, interest in excess of, § 184:39
Price, contract, § 184:23, 184:24, 184:25
Purchase of materials, sum advanced for, § 184:29
Rental value, § 184:30
Rents, loss of, § 184:36
Security value of property and amount due on mortgage, difference between, § 184:27
Subcontract provisions, § 184:34
Sum advanced for purchase of materials, § 184:29
Time, § 184:16, 184:31, 184:38
Unfinished building and value if completed, difference in value between, § 184:28
Unpaid balance on contract price, § 184:8, 184:9
Value and valuations, § 184:25, 184:27, 184:28, 184:30
Waiver and estoppel, § 184:40
CONSTRUCTION CONTRACTS
AND WORK
See Building and Construction Contracts and Work (this index)
CONSTRUCTIVE DELIVERY OF POLICY
See Delivery of Policy (this index)
CONSTRUCTIVE KNOWLEDGE
Agents and brokers, § 48:21 to 48:26, 49:7, 49:8
Fidelity insurance, § 162:24
Representations, warranties, conditions, and concealment, § 84:13, 85:10, 91:98
Title insurance, § 159:81
CONSTRUCTIVE NOTICE
Cooperation, § 199:119
Notice, § 187:11

CONSTRUCTIVE TOTAL LOSS
See Marine Insurance (this index)

CONSTRUCTIVE TRUSTS
Beneficiaries, § 58:9, 58:10

CONSULTATION
Good health of insured, § 87:45, 87:54, 87:55, 87:56 to 87:60

CONSUMER PROTECTION
Generally, § 4:19 et seq.
Common law, § 4:25
Federal consumer protection, § 4:18
Post-sale activity, application to,
§ 4:23
Third-party suits, § 4:24
Unfair insurance practices acts,
§ 4:20
Unfair or deceptive trade practices acts,
§ 242:164
Venue, § 230:24

CONTAGIOUS DISEASES
Good health of insured, § 88:92 to 88:97

CONTAMINATION
See Property Insurance (this index)

CONTEST OF ASSESSMENTS
Generally, § 70:33 to 70:38

CONTESTS
Accident and life insurance,
§ 143:121
Arbitrators, appraisers, and proceed-
ing before them, § 211:68 to 211:71
Delayed payment or nonpayment,
§ 207:18
Notice, § 193:21
Subrogation, § 223:29

CONTINGENT BENEFICIARIES
Generally, § 58:12, 62:19
Declaratory judgments, § 243:86
Jurisdiction of federal proceedings,
§ 229:48

CONTINGENT DEBTS
Assignment, § 37:55

CONTINGENT INTERESTS
Cancellation and rescission, sur-
rrendor of policy, § 32:104

CONTINUANCE
Generally, § 247:3 to 247:5
Discretion of court, § 247:3

CONTINUATION
Agents and brokers, continuing nature of knowledge, § 49:4
Arbitrators, appraisers, and proceed-
ing before them, § 211:25
Cancellation, continuation of policy after, § 51:45
Cooperation, § 199:72
Disability Insurance (this index)
Divorce or Separation (this index)
Estoppel and waiver, § 238:62, 238:63
Fidelity insurance, § 160:51, 162:20
Iron safe clauses, continuing policy, § 97:38, 97:39
Labor and material bonds, § 191:48
Life, health, and disability insurance, § 189:89
Limitation of actions, § 236:125
Medical insurance, § 144:17 to 144:19, 145:8
Notice, § 190:115, 193:10

Premiums and Assessments (this index)
Proceeds, continuing liability of insurer for, § 62:13, 62:14
Receivership, continuation of busi-
ness, § 5:16
Reinstatement and revival, continuing or new contract, § 33:25 to 33:32

Renewal (this index)
Representations, warranties, and conditions, continued posses-
sion, § 91:74
Value of insured property, § 93:4
Watchmen or guards, continuous watch requirement, § 96:12

Index-153
CONTRABAND GOODS
Marine risks, representations, warranties, and conditions as to marine risks, § 99:43
Property loss, generally, § 177:64

CONTRACT GUARANTIES
Generally, § 184:47
See also Construction Contract Guaranties (this index)
Interest, recovery of, § 184:48

CONTRACT GUARANTY BONDS
Prejudice, § 193:55, 193:56

CONTRACTORS’ BONDS
Generally, § 163:4 et seq.
Application of payments, surety’s rights to determine
Generally, § 163:77 et seq.
Court, application by, § 163:81
Federal statute, § 163:78
Miller act, § 163:78
Statutes, § 163:78
Beneficiary class, restriction of, § 163:70
Breach, § 163:26
Burden of proof, § 163:62
Capacity of obligee to vary terms, § 163:73
Choice of law, § 163:7, 163:8
Classification of payment by owner, § 163:88
Coextensiveness of surety’s liability and principal’s liability, § 163:32, 163:33
Combined payment and performance bond, § 163:12 to 163:14
Common-law obligations, § 163:22
Compensated surety, ambiguity construed against, § 163:28
Completion of surety, § 163:90
Construction and interpretation
Generally, § 163:27 et seq., 163:63 to 163:66
Ambiguity, § 163:28
Bond, § 163:34
Coextensiveness of surety’s liability and principal’s liability, § 163:32, 163:33

CONTRACTORS’ BONDS—Cont’d
Construction and interpretation
—Cont’d
Compensated surety, ambiguity construed against, § 163:28
Construction contract, role of, generally, § 163:32 et seq.
Express terms, § 163:27
Intent of parties, § 163:29
Labor and material bond statutes, § 163:63 to 163:66
Laborer and materialmen claims, § 163:33
Lien, § 163:31
Limitations, § 163:30
Materialmen claims, § 163:33
Performance bond, § 163:37
Reference, incorporation by, § 163:35, 163:36
Statutory bonds, § 163:38 to 163:41
Strict construction of statutory bonds, § 163:38
Construction contract, language in, § 163:85
Costs, payment of labor and material costs, § 163:49 to 163:52
Court, application by, § 163:81
Definitions
Combined payment and performance bond, § 163:12 to 163:14
Dual obligee bonds, § 163:15
Laborers, priorities between obligee and laborers and materialmen, § 163:14
Materialmen, priorities between obligee and laborers and materialmen, § 163:14
Obligee, priorities between obligee and laborers and materialmen, § 163:14
Payment bond, § 163:10, 163:11
Payment, combined payment and performance bond, § 163:12 to 163:14
Performance bond, § 163:10, 163:11
CONTRACTORS' BONDS—Cont’d
Definitions—Cont’d
Performance, combined payment and performance bond, § 163:12 to 163:14
Priorities between obligee and laborers and materialmen, § 163:14
Dual obligee bonds, § 163:15
Employees of contractor, claims for, § 163:84
Employer’s liability insurance, § 163:95
Evidence, § 186:17
Federal construction, statutes, § 163:25
Federal statute, § 163:78
Furnish materials, § 163:53, 163:54
General public, claims for, § 163:82, 163:83
Hybrid contract, bond as, § 163:21
Indemnity contract, bond as, § 163:18, 163:19
Indemnity only, § 163:52, 163:54
Insurance, bond as, § 163:17
Intent of parties, § 163:29, 163:43, 163:44
Labor and material bond statutes
Generally, § 163:55 et seq.
Beneficiary class, restriction of, § 163:70
Burden of proof, § 163:62
Capacity of obligee to vary terms, § 163:73
Construction and interpretation, § 163:63 to 163:66
Extension of coverage, § 163:76
Liberal construction, § 163:63, 163:64
Limitations, removal of, § 163:75
Plain words of statute, § 163:64
Public bodies or agencies benefited, § 163:58
Reference to statute, absence of, § 163:65, 163:66
Restricting rights, generally, § 163:67 et seq.
Restrictive construction, § 163:74

CONTRACTORS' BONDS—Cont’d
Labor and material bond statutes—Cont’d
Sufficiency of bond pursuant to statute, § 163:61
Validity, § 163:56, 163:69
Vested rights of laborers and materialmen, § 163:59
Void, bond as, § 163:68
Void, provision as, § 163:67
Labor and materials
Acceptance, completion and acceptance of work, after, § 191:43
Additional labor or material, effect of supplying, § 191:46
Advertisement of completion, after, § 191:44
After first delivery or performance, § 191:37
Amount due, sufficiency of information, § 189:33, 189:34
Completion and acceptance of work, after, § 191:39, 191:43, 191:44
Continuing contract, § 191:48
Dates labor and material provided, sufficiency of information, § 189:32
Debt, after debt is due, § 191:38
Delivery, after first delivery or performance, § 191:37
Delivery, last delivery or performance, after, § 191:45 to 191:49
Delivery of notice, § 188:35 to 188:36
Differences in notice to different parties, effect of, sufficiency of information, § 189:27
Due, after debt is due, § 191:38
Estimates, publication and posting of final estimates, after, § 191:50
Excuses, § 192:126, 192:127
Extending time within which contract is to be performed, effect of, § 191:49
Final acceptance of work, after, § 191:40 to 191:42
CONTRACTORS' BONDS—Cont’d
Labor and materials—Cont’d
Final estimates, publication and posting of final estimates, after, § 191:50
Identification of parties, sufficiency of information, § 189:28
Identification of project and bond, sufficiency of information, § 189:29
Ignorance of existence of policy or insurer identity, § 192:39
Intent to look to bond for payment, sufficiency of information, § 189:35
Last delivery or performance, after, § 191:45 to 191:49
Nature of labor and material provided, sufficiency of information, § 189:31
Oral versus written notice, § 188:14
Other claims included in same notice, sufficiency of information, § 189:26
Payment, intent to look to bond for payment, sufficiency of information, § 189:35
Posting, publication and posting of final estimates, after, § 191:50
Prejudice, § 193:56, 193:76
Publication and posting of final estimates, after, § 191:50
Statutes, § 191:36
Strict versus substantial compliance, § 186:40
Subcontract, termination of, § 191:47
Sworn statement, sufficiency of information, § 189:30
Termination of subcontract, § 191:47
Trigger
Generally, § 191:8, 191:35 et seq.
Acceptance, completion and acceptance of work, after, § 191:43

CONTRACTORS' BONDS—Cont’d
Labor and materials—Cont’d
Trigger—Cont’d
Additional labor or material, effect of supplying, § 191:46
Advertisement of completion, after, § 191:44
After completion of work, § 191:39
After debt is due, § 191:38
After first delivery or performance, § 191:37
Completion, advertisement of completion, after, § 191:44
Completion and acceptance of work, after, § 191:43
Completion of work, after, § 191:39
Continuing contract, § 191:48
Debt, after debt is due, § 191:38
Delivery, after first delivery or performance, § 191:37
Delivery, last delivery or performance, after, § 191:45 to 191:49
Due, after debt is due, § 191:38
Estimates, publication and posting of final estimates, after, § 191:50
Extending time within which contract is to be performed, effect of, § 191:49
Final acceptance of work, after, § 191:40 to 191:42
Final estimates, publication and posting of final estimates, after, § 191:50
Last delivery or performance, after, § 191:45 to 191:49
Posting, publication and posting of final estimates, after, § 191:50
Publication and posting of final estimates, after, § 191:50
Statutes, § 191:36
Subcontract, termination of subcontract, § 191:47
Termination of subcontract, § 191:47
**INDEX**

**CONTRACTORS’ BONDS—Cont’d**

**Laborers and materialmen**

**Construction and interpretation**
Generally, § 163:33, 163:42 et seq.
Costs, payment of labor and material costs, § 163:49 to 163:52
Furnish materials, § 163:53, 163:54
Inconsistent provisions, § 163:51
Indemnity only, § 163:52, 163:54
Intent of parties as controlling, § 163:43, 163:44
Payment of labor and material costs, § 163:49 to 163:52
Reference to statute, § 163:47
Statute, reference to statute, § 163:47
Subcontractors’ bond, § 163:48, 163:50
Third party, effect of contractor’s post-bond guaranty to, § 163:46
Undertaking to pay labor and material claims, § 163:49
Costs, payment of labor and material costs, § 163:49 to 163:52
Furnish materials, § 163:53, 163:54
Inconsistent provisions, § 163:51
Indemnity only, § 163:52, 163:54
Intent of parties as controlling, § 163:43, 163:44
Payment of labor and material costs, § 163:49 to 163:52
Reference to statute, § 163:47
Statute, reference to statute, § 163:47
Subcontractors’ bond, § 163:48, 163:50
Third party, effect of contractor’s post-bond guaranty to, § 163:46

**LIMITATIONS**

**Construction and interpretation,** § 163:30
**Labor and material bond statutes,** § 163:75
**Penal sum as limit of liability,** § 163:9

**Loans**
Generally, § 163:86 et seq.
Classification of payment by owner, § 163:88
Completion of surety, § 163:90
Subcontractor, loan to, § 163:89
Local public construction, statutes, § 163:24
Miller act, § 163:25, 163:78
Negligence, § 163:82 to 163:85
Notice and proof of loss, § 186:17, 188:13, 188:14, 193:11
Obligee, priorities between obligee and laborers and materialmen, § 163:14
Payment bond, § 163:10, 163:11
Payment, combined payment and performance bond, § 163:12 to 163:14
Payment of labor and material costs, § 163:49 to 163:52
Penal sum as limit of liability, § 163:9
Performance bond
Combined payment and performance bond, § 163:12 to 163:14
Construction and interpretation, § 163:37
CONTRACTORS' BONDS—Cont’d
Performance bond—Cont’d
Definitions, generally, § 163:10, 163:11
Plain words of statute, § 163:64
Priorities between obligee and laborers and materialmen, § 163:14
Private construction, statutes, § 163:23
Public bodies or agencies benefited, § 163:58
Public liability insurance, § 163:94
Public projects, § 163:8
Reference, incorporation by, § 163:35, 163:36
Reference to statute, § 163:47, 163:65, 163:66
State and local public construction, statutes, § 163:24
Statutes
Generally, § 163:23 to 163:25
Application of payments, surety’s rights to determine, § 163:78
Laborers and materialmen, § 163:47
Mandating bond, § 163:92
Statutory bonds, § 163:38 to 163:41
Strict construction of statutory bonds, § 163:38
Subcontractors, § 163:48, 163:50, 163:89
Sufficiency of bond pursuant to statute, § 163:61
Suretyship contract, bond as, § 163:20
Third party, effect of contractor’s post-bond guaranty to, § 163:46
Undertaking to pay labor and material claims, § 163:49
Validity, § 163:56, 163:69
Vested rights of laborers and materialmen, § 163:59
Void, bond as, § 163:68
Void, provision as, § 163:67

CONTRACTORS' BONDS—Cont’d
Performance bond—Cont’d
Definitions, generally, § 163:10, 163:11
Plain words of statute, § 163:64
Priorities between obligee and laborers and materialmen, § 163:14
Private construction, statutes, § 163:23
Public bodies or agencies benefited, § 163:58
Public liability insurance, § 163:94
Public projects, § 163:8
Reference, incorporation by, § 163:35, 163:36
Reference to statute, § 163:47, 163:65, 163:66
State and local public construction, statutes, § 163:24
Statutes
Generally, § 163:23 to 163:25
Application of payments, surety’s rights to determine, § 163:78
Laborers and materialmen, § 163:47
Mandating bond, § 163:92
Statutory bonds, § 163:38 to 163:41
Strict construction of statutory bonds, § 163:38
Subcontractors, § 163:48, 163:50, 163:89
Sufficiency of bond pursuant to statute, § 163:61
Suretyship contract, bond as, § 163:20
Third party, effect of contractor’s post-bond guaranty to, § 163:46
Undertaking to pay labor and material claims, § 163:49
Validity, § 163:56, 163:69
Vested rights of laborers and materialmen, § 163:59
Void, bond as, § 163:68
Void, provision as, § 163:67

CONTRACTORS’ BONDS—Cont’d
Performance bond—Cont’d
Definitions, generally, § 163:10, 163:11
Plain words of statute, § 163:64
Priorities between obligee and laborers and materialmen, § 163:14
Private construction, statutes, § 163:23
Public bodies or agencies benefited, § 163:58
Public liability insurance, § 163:94
Public projects, § 163:8
Reference, incorporation by, § 163:35, 163:36
Reference to statute, § 163:47, 163:65, 163:66
State and local public construction, statutes, § 163:24
Statutes
Generally, § 163:23 to 163:25
Application of payments, surety’s rights to determine, § 163:78
Laborers and materialmen, § 163:47
Mandating bond, § 163:92
Statutory bonds, § 163:38 to 163:41
Strict construction of statutory bonds, § 163:38
Subcontractors, § 163:48, 163:50, 163:89
Sufficiency of bond pursuant to statute, § 163:61
Suretyship contract, bond as, § 163:20
Third party, effect of contractor’s post-bond guaranty to, § 163:46
Undertaking to pay labor and material claims, § 163:49
Validity, § 163:56, 163:69
Vested rights of laborers and materialmen, § 163:59
Void, bond as, § 163:68
Void, provision as, § 163:67

CONTRACTORS’ PAYMENT BONDS—Cont’d
Accelerating construction costs, § 165:73
Acceptance by contractor as controlling furnishing, § 165:55
Accounting methods, § 165:63
Action, mandated form of, § 165:164
Adjoining owners, safety measures by, § 165:122
Animals, feed and care for animals, § 165:156
Appliances, § 165:128
Architectural and similar services, § 165:70
Assignee as claimant within coverage, § 165:24
Benefit funds, § 165:83
Benefit trustees as claimants within coverage, § 165:20
Board and lodging, § 165:89 to 165:91
Bonuses, § 165:73
Breach of contract other than one for payment, § 165:175
Burden of proof, § 165:10
Cable, § 165:131
Cause of action, accrual of, § 165:162
Cinders, § 165:102
Cleaning materials, § 165:154
Clothing, § 165:93
Coal and coke, § 165:148
Commissary supplies, § 165:88
Completing contractor as claimant within coverage, § 165:18
Completion by surety, § 165:62
Condemnation, § 165:100
Condition of payment of subcontractors, payment of general contractor as, § 165:64
Construction and interpretation, § 165:9
Consumption
Generally, § 165:43, 165:44
Incorporation or consumption of materials, § 165:46
Joint use and consumption test, § 165:48

Index-158
CONTRACTORS' PAYMENT
BONDS—Cont’d
Equipment, tools, and machinery
—Cont’d
Leased equipment, repairs,
§ 165:137
Machinery, generally, § 165:129
Motor vehicles, § 165:114 to 165:117
Paint and painting supplies,
§ 165:111
Parts and supplies, motor vehicles,
§ 165:115, 165:116
Pipes, § 165:130
Planks and decking, § 165:124
Rails and pilings, § 165:125
Rental fees, § 165:138 to 165:141
Repairs, § 165:134 to 165:137
Repairs, motor vehicles, § 165:117
Rope, § 165:131
Royalties, § 165:138 to 165:141
Safety devices, § 165:121, 165:122
Scaffolding, § 165:126
Servicing and repairs, motor vehicles, § 165:117
Sheeting, § 165:127
Specially manufactured items,
§ 165:132
Telephone, § 165:133
Tires, motor vehicles, § 165:116
Trackage and trestles, § 165:125
Tubes, motor vehicles, § 165:116
Wire, § 165:131
Evidence, § 165:10 to 165:12, 165:49
Excessive payment under contract or bond,
§ 165:177
Exclusions or limitations
Labor and material provisions,
§ 165:52
Suppliers of subcontractors or materialmen, § 165:29
Execution of principal contract or subcontract, illegality or irregularity in,
§ 165:170
Explosives, § 165:155
Feed and care for animals, § 165:156

CONTRACTORS' PAYMENT
BONDS—Cont’d
Financiers, § 165:75
Food and related supplies and services,
§ 165:84 to 165:88
Fringe benefits, § 165:77
Fuels
Generally, § 165:148 et seq.
Coal and coke, § 165:148
Electricity, § 165:149
Gasoline, § 165:150, 165:151
Liquid fuel, § 165:150, 165:151
Oil, § 165:149
Steam, § 165:153
Gasoline, § 165:150, 165:151
Guardrails and safety devices,
§ 165:121, 165:122
Hardware, § 165:113
Health insurance payments, § 165:80
Hotel equipment, § 165:91
House furnishings and hotel equipment,
§ 165:91
Ignorance of claim, § 165:179
Incidental services, § 165:144
Income tax withholdings, § 165:82
Incorporation of materials,
§ 165:42, 165:46
Installation of equipment, § 165:69
Intermediary, items paid but diverted by,
§ 165:40
Intervention, § 165:164
Inventory replacement, § 165:98
Joint use and consumption test,
§ 165:48
Joint venturer, § 165:17
Labor and material provisions
Acceptance by contractor as controlling furnishing,
§ 165:55
Accounting methods, § 165:63
Completion by surety, § 165:62
Condition of payment of subcontractors, payment of general contractor as,
§ 165:64
Consumption
Generally, § 165:43, 165:44
Incorporation or consumption of materials, § 165:46

Index-160
CONTRACTORS’ PAYMENT
BONDS—Cont’d
Labor and material provisions
—Cont’d
Consumption—Cont’d
Joint use and consumption test, § 165:48
Not required, § 165:56
Contribution to project, § 165:51
Delivery, place of, § 165:61
Delivery to site, § 165:54
Diversion of material, § 165:58, 165:59
Equipment, § 165:39
Evidence necessary to establish claim, § 165:49
Exclusion as to survival of materials, § 165:52
Incorporation of materials, § 165:42, 165:46
Intermediary, items paid but diverted by, § 165:40
Joint use and consumption test, § 165:48
Necessity, § 165:50
Personnel, § 165:39
Prosecution of work and related terms, § 165:57
Rejection of materials, § 165:60
Statutory requirements, § 165:36
Subcontractors, payment of general contractor as condition of payment of, § 165:64
Survival of materials, exclusion as to, § 165:52
Unbilled or unperformed due to breach of contract, § 165:41
Use of labor or materials, § 165:47 to 165:49
Value, no use value remaining, § 165:45
Labor and related costs as compensable
Generally, § 165:65 et seq.
Accelerating construction costs, § 165:73
Architectural and similar services, § 165:70
Benefit funds, § 165:83

CONTRACTORS’ PAYMENT
BONDS—Cont’d
Labor and related costs as compensable—Cont’d
Board and lodging, § 165:89 to 165:91
Bonuses, § 165:73
Clothing, § 165:93
Commissary supplies, § 165:88
Convict labor, § 165:68
Cooking equipment and utensils, § 165:86
Cooking services, § 165:87
Equipment, installation of equipment, § 165:69
Financiers, § 165:75
Food and related supplies and services, § 165:84 to 165:88
Fringe benefits, § 165:77
Health insurance payments, § 165:80
Hotel equipment, § 165:91
House furnishings and hotel equipment, § 165:91
Income tax withholdings, § 165:82
Installation of equipment, § 165:69
Medicine, § 165:94
Penalties related to wage payments, § 165:67
Pension, union pension and benefit funds, § 165:83
Personal supplies, § 165:92 to 165:95
Place of labor, § 165:71
Preliminary work in preparation for performance, § 165:69, 165:70
Professional services, § 165:74
Shelters and temporary housing, § 165:90
Skilled services, § 165:74
Supervisory services, § 165:74
Tax withholdings, § 165:82
Temporary housing, § 165:90
Tobacco, § 165:95
Unemployment insurance contributions, § 165:81
Unemployment tax withholdings, § 165:82

Index-161
CONTRACTORS' PAYMENT
BONDS—Cont’d
Labor and related costs as compensable—Cont’d
Union pension and benefit funds, § 165:83
Use, labor not used, § 165:66
Wages, amount of, § 165:72, 165:73
Workers’ compensation, § 165:78, 165:79
Laborers’ claimants within coverage, § 165:19, 165:20
Labor, place of, § 165:71
Ladders, § 165:123
Leased equipment, repairs, § 165:137
Liability of surety independent of liability of obligee, § 165:163
Limitations, § 165:97
Liquid fuel, § 165:150, 165:151
Lost or misplaced property, § 165:157
Lubricants and greases, § 165:152
Lumber, § 165:103
Machinery or equipment, § 165:39, 165:69
Materialmen as claimants within coverage, § 165:21
Materials as compensable
Generally, § 165:96 et seq.
Cinders, § 165:102
Condemnation, § 165:100
Depreciation, § 165:101
Doors, § 165:105
Earth, § 165:102
Inventory replacement, § 165:98
Limitations, § 165:97
Lumber, § 165:103
Roofing, § 165:104
Tax, use tax, § 165:99
Use tax, § 165:99
Windows and sash, § 165:105
Mechanics’ liens
Generally, § 165:4 et seq.
Construction and interpretation, § 165:9
Perfected lien, § 165:7, 165:8

CONTRACTORS’ PAYMENT
BONDS—Cont’d
Mechanics’ liens—Cont’d
Statute, construction, § 165:7 to 165:9
Substitute for lien, bond as, § 165:5
Medicine, § 165:94
Metalworking supplies, § 165:110
Modification of contract, § 165:171, 165:172
Motor vehicles, § 165:114 to 165:117
Multiple capacities of materialman’s supplier, § 165:32
Necessity, § 165:50
No-action clause, § 165:160
Notice or knowledge
Generally, § 165:179
Notice or knowledge
Notice and Proof of Loss (this index)
Oil, § 165:149
Paint and painting supplies, § 165:111
Payment and excessive payment under contract or bond, § 165:177
Penalties related to wage payments, § 165:67
Pension, § 165:20, 165:83
Personal supplies, § 165:92 to 165:95
Personnel, § 165:39
Pipes, § 165:130
Place of labor, § 165:71
Planks and decking, § 165:124
Preconditions to suit, § 165:162
Preliminary work in preparation for performance, § 165:69, 165:70
Principal contractor as claimant within coverage, § 165:17
Priorities, § 165:165
Prior judgment, § 239:90, 239:91
Professional services, § 165:74
Prosecution of work and related terms, § 165:57
Prospective operation of bond, § 165:2
Questions of law or fact, § 165:11

Index-162
INDEX

CONTRACTORS’ PAYMENT
BONDS—Cont’d
Rails and pilings, § 165:125
Records of contractor, § 165:12
Rejection of materials, § 165:60
Release of security, § 165:174
Rental fees, § 165:138 to 165:141
Repairs, § 165:117, 165:134 to 165:137
Retrospective operation of bond, § 165:2
Roofing, § 165:104
Rope, § 165:131
Royalties, § 165:138 to 165:141
Safety devices, § 165:121, 165:122
Scaffolding, § 165:126
Servicing and repairs, motor vehicles, § 165:117
Sheeting, § 165:127
Shelters and temporary housing, § 165:90
Skilled services, § 165:74
Specially manufactured items, § 165:132
Statutes
Generally, § 165:161
Election of remedy, § 165:167
Labor and material provisions, § 165:36
Materialmen and suppliers of subcontractors, § 165:28
Mechanics’ liens, § 165:7 to 165:9
Steam, § 165:153
Subcontractors
As claimant within coverage, § 165:22, 165:23
Payment of general contractor as condition of payment of, § 165:64
Subrogation, § 165:173, 165:174
Substitute contractor completing project after principal’s breach, § 165:176
Substitute for lien, bond as, § 165:5
Sufficiency of evidence, § 165:12
Supervisory services, § 165:74
Suppliers as claimants within coverage, § 165:21

CONTRACTORS’ PAYMENT
BONDS—Cont’d
Suppliers of subcontractors or materialmen
Generally, § 165:25 et seq.
Customized materials, § 165:33
Exclusions or limitations, § 165:29
Multiple capacities of materialman’s supplier, § 165:32
Statutory provisions, § 165:28
Survival of materials, exclusion as to, § 165:52
Tax, use, § 165:99
Telephone, § 165:133
Temporary housing, § 165:90
Time, § 165:3, 165:172
Tires, motor vehicles, § 165:116
Tobacco, § 165:95
Trackage and trestles, § 165:125
Transportation and freight
Generally, § 165:142 et seq.
Demurrage, § 165:147
Incidental services, § 165:144
Trustees as claimants within coverage, § 165:20
Tubes, motor vehicles, § 165:116
Ultra vires transactions, § 165:170
Unbilled or unperformed due to breach of contract, § 165:41
Unemployment insurance contributions, § 165:81
Unemployment tax withholdings, § 165:82
Union pension and benefit funds, § 165:83
Use of labor or materials, § 165:47 to 165:49, 165:66
Use tax, § 165:99
Validity of bond or underlying contract, § 165:169, 165:170
Validity of claim, § 165:178
Value, no use value remaining, § 165:45
Wages, amount, § 165:72, 165:73
Water, § 165:153
Windows and sash, § 165:105
Wire, § 165:131

Index-163
CONTRACTORS' PAYMENT
BONDS—Cont’d
Workers' compensation, § 165:78, 165:79

CONTRACTORS' PERFORMANCE
BONDS
Generally, § 164:1 et seq.
See also Subrogation (this index)
Acceptance of work, § 164:4
Advance or premature payments
Generally, § 164:35 et seq.
Architect’s certificate, § 164:40
Assignment to surety, § 164:70
Breach of provisions, payment in,
§ 164:64 to 164:67
Calculation of, § 164:61
Compel application of, surety’s right to, § 164:71
Correction, § 164:50
Creditors, claims of, § 164:69
Default of contractor, payment after, § 164:45 to 164:47
Defects, reservation as to, § 164:41
Discharge of claims of laborers and materialmen, § 164:53
Distribution, impairment of,
§ 164:60
Duration of retention, § 164:62
Engineer’s estimate or certificate, § 164:40
Fraud, § 164:37, 164:51
Laborers and materialmen,
§ 164:52, 164:53, 164:66
Notice of claims, payment after, § 164:47
Objection of surety, payment over, § 164:42
Obligee, § 164:55, 164:65, 164:68
Overpayments
Generally, § 164:48 et seq.
Correction, § 164:50
Discharge of claims of laborers and materialmen, § 164:53
Fraud, induced by, § 164:51
Laborers and materialmen,
§ 164:52, 164:53
Obligee, liability of, § 164:55
Prejudicial, generally, § 164:48

CONTRACTORS' PERFORMANCE
BONDS—Cont’d
Advance or premature payments—Cont’d
Subcontractors, payments to, § 164:54
Surety, payments by, § 164:56
Preconditions or other conditions, § 164:39 to 164:42
Prejudice to surety, § 164:36
Prejudicial, generally, § 164:48
Progress payments, § 164:43, 164:44
Retained percentage
Generally, § 164:57 et seq.
Assignment to surety, § 164:70
Breach of provisions, payment in, § 164:64 to 164:67
Calculation of, § 164:61
Compel application of, surety’s right to, § 164:71
Creditors, claims of, § 164:69
Distribution, impairment of,
§ 164:60
Duration of retention, § 164:62
File claim, failure to, § 164:63
Laborers and materialmen, claims of, § 164:66
Obligee, § 164:65, 164:68
Statutes, § 164:59, 164:60
Subrogation, right to, § 164:72
Waiver and estoppel, § 164:67
Statutes, § 164:59, 164:60
Subcontractors, payments to, § 164:54
Subrogation, right to, § 164:72
Surety, payments by, § 164:56
Time for completion of contract, payment after, § 164:46
Waiver and estoppel, § 164:67
Alteration of bond, § 164:108
Alternative means of performance, § 164:6
Alternative remedies of obligee, § 164:111
Architect’s certificate, § 164:40
Assignment of principal contract
Generally, § 164:73 et seq.
INDEX

CONTRACTORS’ PERFORMANCE
BONDS—Cont’d
Assignment of principal contract—Cont’d
Form of, § 164:74
Laborers and materialmen, priority between surety and, § 164:79
Nominal assignment on reorganization, § 164:76
Notice of assignment, § 164:78
Priority between surety and assignees, § 164:77, 164:78
Priority between surety and laborers and materialmen, § 164:79
Public filing of notice, § 164:78
Reorganization, nominal assignment on reorganization, § 164:76
Surety, assignable to, § 164:75
Third parties, assignable to, § 164:75
Assignment to surety, § 164:70
Breach of principal contract, performance upon
Generally, § 164:5 et seq.
Alternative means of performance, § 164:6
Completion by obligee, § 164:12, 164:13
Completion by surety, generally, § 164:14 et seq.
Cost of acquiring land, failure to pay, § 164:22
Creditors, priority as to contractor’s creditors, § 164:17
Date fixing rights of party, § 164:7
Equipment, right to use, § 164:19
Evidence, § 164:20
Fixing rights of party, § 164:7
Indemnity, right to, § 164:8, 164:9
Laborers and materialmen, relationship of surety to, § 164:18
Land, failure to pay cost of acquiring, § 164:22
Materialmen, non-payment of, § 164:21
Money due under contract, right to, § 164:16 to 164:18

CONTRACTORS’ PERFORMANCE
BONDS—Cont’d
Breach of principal contract, performance upon—Cont’d
Penalties, § 164:13, 164:15
Priority as to contractor’s creditors, § 164:17
Questions of law or fact, § 164:10, 164:20
Restrictions to right to indemnity, § 164:9
Subcontractors, non-payment of, § 164:21
Breach of provisions, payment in, § 164:64 to 164:67
Burden of proof, § 164:89
Calculation of, § 164:61
Commencement of surety’s liability, § 164:3
Compel application of, surety’s right to, § 164:71
Completion by obligee, § 164:12, 164:13
Consent of surety required, § 164:84
Conspiracy of contractor and subcontractor, § 164:25
Construction, modifications relating to, § 164:90
Correction, § 164:50
Costs
Acquiring land, failure to pay, § 164:22
Excessive cost of obligee in completing contract, § 164:110
Modifications relating to, § 164:90
Principal’s inability to handle increase in, § 164:101
Creditors, § 164:17, 164:69
Default, § 164:45 to 164:47, 164:113, 164:114
Defects, reservation as to, § 164:41
Defenses, § 164:24
Discharge, § 164:26, 164:53
Distribution, impairment of, § 164:60
Enforceability of contract or bond, § 164:107 to 164:109
Engineer’s estimate or certificate, § 164:40

Index-165
CONTRACTORS’ PERFORMANCE
BONDS—Cont’d
Equipment, right to use, § 164:19
Evidence, § 164:20
Excessive cost of obligee in complet-
ing contract, § 164:110
Excuse for breach, § 164:31
Extra and additional work, § 164:91
Finances, non-performance of
principal due to poor finances,
§ 164:101
Fixing rights of party, § 164:7
Fraud, § 164:37, 164:51
Ignorance of contract terms,
§ 164:117
Indebtedness to contractor under
other contracts, obligee’s,
§ 164:112
Indemnity, right to, § 164:8, 164:9
Insolvency of principal, § 164:102
Instructions failure to give, § 164:104
Interference of contract by obligee,
§ 164:103
Irregularities of bond, § 164:107,
164:108
Knowledge, failure to keep surety
informed, § 164:115
Laborers and materialmen, § 164:18,
164:21, 164:52, 164:53, 164:66,
164:79
Land, failure to pay cost of acquiring,
§ 164:22
Miller act, § 164:114
Minor deviations in payment sched-
ule, § 164:30
Modification of principal contract
Generally, § 164:80 et seq.
Burden of proof, § 164:89
Consent of surety required,
§ 164:84
Construction, modifications relating
to, § 164:90
Costs, modifications relating to,
§ 164:90
Extra and additional work,
§ 164:91
Multiple contracts, bond relating
to, § 164:86
Payment, § 164:92

CONTRACTORS’ PERFORMANCE
BONDS—Cont’d
Modification of principal contract
—Cont’d
Performance, modifications relating
to, § 164:90
Prejudice, § 164:82
Questions of law or fact, § 164:88
Release of surety, § 164:83 to
164:85, 164:97
Renewal of principal contract,
§ 164:95
Substitution or change of parties,
§ 164:93
Time of performance, § 164:94,
164:95
Waiver and estoppel, § 164:87
Money due under contract, right to,
§ 164:16 to 164:18
Multiple contracts, bond relating to,
§ 164:86
Nominal assignment on reorganiza-
tion, § 164:76
Non-cash payment, § 164:32
Non-performance of principal, gener-
ally, § 164:105
Notice, § 164:47, 164:78, 164:113,
164:114
Objection of surety, payment over,
§ 164:42
Obligee, § 164:55, 164:65, 164:68
Other contracts, obligee’s indebted-
ness to contractor under,
§ 164:112
Payments of obligee
Generally, § 164:27 et seq.
Excuse for breach, § 164:31
Form of payment, § 164:32
Minor deviations in payment
schedule, § 164:30
Non-cash payment, § 164:32
Public officer and surety, liability
for improper payment,
§ 164:33
Waiver and estoppel, § 164:34
Penalties, § 164:13, 164:15
Preconditions or other conditions,
§ 164:39 to 164:42
Prejudice, § 164:36, 164:48, 164:82

Index-166
CONTRACTORS’ PERFORMANCE
BONDS—Cont’d
Priority, § 164:17, 164:77 to 164:79
Prior judgment, § 239:90, 239:91
Progress payments, § 164:43, 164:44
Public filing of notice, § 164:78
Public officer and surety, liability for improper payment, § 164:33
Questions of law or fact, § 164:10, 164:20, 164:88
Release of surety, § 164:83 to 164:85, 164:97
Renewal of principal contract, § 164:95
Reorganization, nominal assignment on, § 164:76
Restatement third, § 164:23
Restrictions, § 164:9, 164:106
Retained percentage, subrogation, § 225:331 to 225:333
Statutes, § 164:59, 164:60
Subcontractors, § 164:21, 164:54
Substantial performance rule, § 164:2
Substitution or change of parties, § 164:93
Supervise performance, failure to, § 164:104
Termination of contract by obligee, § 164:103
Termination of surety’s liability, § 164:3, 164:4
Third parties, assignable to, § 164:75
Validity of contract or bond, § 164:107 to 164:109
Verification of performance prior, § 164:39
Waiver and estoppel
Advance or premature payments, § 164:67
Modification of principal contract, § 164:87
Payments of obligee, § 164:34
Wrongdoing of principal, generally, § 164:116
Zoning restrictions, not conforming to, § 164:106

CONTRACTS
Generally, § 1:12 et seq.
Adjustment of losses, § 178:67
Administrative regulations, § 19:12
Agency agreements, antitrust legislation, § 4:17
Amount of coverage, § 17:8
Annuities, § 1:22
Appearance, regulation of, § 17:10
Applications (this index)
Arbitration awards, § 213:39 to 213:44
Arbitration clause, § 209:6
Assignment (this index)
Assign policy, breach of contract to, § 232:194
Avoidance of Contracts (this index)
Bad faith, § 242:151
Binders and Binding Receipts (this index)
Bonds, § 245:55
Breach, generally, § 232:41
Building and Construction Contracts and Work (this index)
Cancellation and Rescission (this index)
Complaints, petitions, and declarations, § 244:30 to 244:32
Complete or completeness see also agents and brokers (this index)
Modification of contract, § 25:9
Policy as complete contract, § 17:16, 17:17
Time of completion, § 17:3
Conformity of standard policies, § 17:13, 17:14
Construction and Interpretation (this index)
Contribution, § 218:19
Copyright of policy forms, § 17:11
Costs of action, § 233:10, 233:14 to 233:16
Declaratory judgments, § 232:61, 232:62
Defenses, § 202:42, 202:43, 245:129
Delivery of Policy (this index)
Demurrer, § 244:90, 244:93

Index-167
CONTRACTS—Cont’d
Discovery, § 251:30
Discretionary elements, § 17:2
Divorce or separation, effect of voluntary agreement or judicial order pursuant to separation or divorce, § 64:18 et seq.
Election of remedies, § 232:37
Employee benefit and similar funds, § 1:24
Equitable Relief (this index)
Erisa, § 222:52
Estoppel and Waiver (this index)
Extension of benefits, conflict with policy prohibition against, § 224:54, 224:55
Foreign insurers, making contracts with residents, § 3:10
Formation and requisites, generally, § 17:1 et seq.
Fraud, § 232:96
Frauds, Statute of (this index)
Good Faith (this index)
Governing Law (this index)
Group Insurance (this index)
Health insurance, § 242:111
Incontestability Clause (this index)
Insolvency (this index)
Insurance agency agreements. Agents and Brokers (this index)
Jurisdiction, § 228:29 to 228:31
Liability insurance, § 201:32
Limitation of Actions (this index)
Medical insurance, § 144:91, 144:92, 144:103
Modification of Contract (this index)
Mortgages, § 242:60
Negligence in handling claim, § 242:151
Negotiation (this index)
Non-Waiver Agreement and Declaration (this index)
Notice Generally, § 186:10

CONTRACTS—Cont’d
Notice—Cont’d
Labor and material bonds, § 192:126, 192:127
Payment bonds, § 187:92 to 187:96
Stipulations limiting coverage, § 186:41 to 186:43
Validity of contractual terms, § 190:8 to 190:10
Objections, § 244:97
Parol Contracts (this index)
Particular contract provisions, § 1:40
Parties, generally, § 17:4 to 17:8
Premiums and Assessments (this index)
Prior judgment, § 239:4
Privileged information, § 250:63
Procure insurance Generally, § 245:7
Evidence of breach, § 253:237
Professional services contracts, § 1:21
Proof of existence and contents of Existence, § 255:3
Group certificates, § 255:6
Lost policies, § 255:7 et seq.
Master policies, § 255:6
Missing policies, § 255:7 et seq.
Oral contracts, § 255:5
Oral participation in group coverage plan, § 255:4
Property insurance, § 242:32
Prospective or retrospective operation of statutes, § 19:7
Rating agreements, antitrust legislation, § 4:15
Recoupment, § 226:108
Reformation (this index)
Reimbursement (this index)
Reinsurance (this index)
Renewal (this index)
Riders and Endorsements (this index)
Risk as element essential to agreement, § 17:7
Sales (this index)
Sanctions, § 251:55
INDEX

CONTRACTS—Cont’d
Service of process, § 231:36
Settlement and Compromise (this index)
Severability of Contract (this index)
Statutes and other laws as part of contract, § 19:1 to 19:13
Subrogation (this index)
Third-party claims, § 205:63
Third person, provide insurance for, § 245:9
Time agreement completed, § 17:3
Tying agreements, antitrust legislation, § 4:11
Venue (this index)
War and civil disturbances, § 239:143, 239:149
Warranties, § 1:20
Witnesses, § 252:90

CONTRACTUAL LIMITATION PERIODS

CONTRA PROFERENTEM
Group insurance, § 7:11

CONTRARY AGREEMENT
Subrogation, § 225:115

CONTRIBUTION AND APPORTIONMENT—Cont’d
Coincidence clause, payment of larger share than, § 218:24 to 218:26
Complaints, petitions, and declarations, § 244:34
Contractors’ payment bonds, § 165:51
Contractual indemnification agreement, § 218:19

Costs of action
Aliquot share, interest on, § 217:14
Attorneys’ fees, § 217:13
Defense, cost of, § 217:12
Interest on aliquot share, § 217:14
Interest on money, § 217:13
Pursuing contribution claim, cost of, § 217:14
Credit for settlement payments, § 218:45, 218:46
Declaratory judgments, § 232:71
Definition of contribution, § 217:4
Excess insurance, § 218:41
Execution, § 218:39
Fidelity insurance, § 218:14, 218:15
Future increases in insurance costs, § 217:15
Husband and wife joint tortfeasors, § 218:44
Identical insureds, interests, and risks as other policy, § 218:3 et seq.
Indemnification distinguished, § 217:5
Indemnification for entire loss
Generally, § 217:16 et seq.
Assuming defense without reservation of rights, effect of, § 217:21
Insurance agreement, § 217:20
Limitations period, § 217:23
Other insurance clauses, effect of, § 217:19
Settlement, effect of, § 217:18
Statutes, § 217:17
Sureties on bonds, § 217:22
Indemnity, § 218:19

Index-169
CONTRIBUTION AND APPORTIONMENT—Cont’d

Insurance agreement, § 217:20
Insureds, identical, generally, § 218:10
Interest on aliquot share, § 217:14
Interest on money, § 217:13
Interests, identical, generally, § 218:11
Joint tortfeasors, § 241:59
Judgment or settlement precede contribution, policy requirement of, § 218:30
Limitation of actions, § 234:75, 235:119, 236:108
Limitations period, § 217:23
Mandatory payment exception, § 218:25
Marine insurance, § 183:165, 221:6
Mortgagors and mortgagees, § 218:12
Multiple insurance contexts, § 217:3
Notice of occurrence, § 218:20
Offer, § 218:31
Other insurance, § 217:10, 217:19, 218:3 et seq.
Performance bond, § 218:14, 218:15
Premiums and Assessments (this index)
Primary insurer, § 218:8
Primary obligation versus secondary obligation, § 218:7
Principles preventing contribution from joint tortfeasors
Generally, § 218:33 et seq.
Bad faith claims, § 218:43
Burden of proof, § 218:40
Credit for settlement payments, § 218:45, 218:46
Excess insurance, § 218:41
Husband and wife joint tortfeasors, § 218:44
Release executed by one joint tortfeasor or insurer, § 218:39
Statutes, § 218:34, 218:35, 218:37, 218:38
Uniform contribution among joint tortfeasors act, § 218:38

CONTRIBUTION AND APPORTIONMENT—Cont’d

Principles preventing contribution from joint tortfeasors—Cont’d
Uninsured motorist (um) carriers, § 218:36
Workers’ compensation claims, § 218:42
Prior judgment, § 239:84, 239:88
Prohibition against obtaining other insurance, § 218:47

Property Insurance (this index)
Pro rata, § 217:10, 218:24 to 218:26
Pursuing contribution claim, cost of, § 217:14
Rate, generally, § 217:9 to 217:11
Reasonable settlement offer, refusal of, § 218:31
Release executed by one joint tortfeasor or insurer, § 218:39
Representations, warranties, conditions, and concealment, contribution to loss, § 81:79, 81:92 et seq.
Reservation of rights, § 217:21
Secondary insurer, § 218:8
Secondary obligation, § 218:7
Second policy, § 218:18
Self-insurers as subject to contribution claims, § 217:8
Settlement, § 218:8, 218:27 to 218:32, 218:45, 218:46
Settlement, effect of, § 217:18
Statutes, § 217:6, 217:17, 218:34 to 218:38
Sureties on bonds, § 217:22
Tender of defense, § 218:21
Third-party claims, § 206:37 to 206:39
Truck versus trailer coverage, § 218:9
Uniform contribution among joint tortfeasors act, § 218:38
Unilateral settlement as voluntary payment barring contribution, § 218:29
Uninsured motorist coverage, § 217:7, 218:16, 218:36
Validity, § 218:18, 218:28
CONTRIBUTION AND APPORTIONMENT—Cont’d
Voluntary nature of payment
Generally, § 218:23 et seq.
Coinsurance clause, payment of larger share than, § 218:24 to 218:26
Judgment or settlement precede contribution, policy requirement of, § 218:30
Mandatory payment exception, § 218:25
Pro rata, payment of larger share than, § 218:24 to 218:26
Reasonable settlement offer, refusal of, § 218:31
Settlements as voluntary payments, § 218:27 to 218:32
Unilateral settlement as voluntary payment barring contribution, § 218:29
Validity, settlements as voluntary payments, § 218:28
Waiver and estoppel, § 218:32
Willful violation of law, § 218:22
Workers’ compensation claims, § 218:42

CONTRIBUTORY NEGLIGENCE
Uninsured/underinsured motorist insurance, § 207:66, 214:23

CONTRIBUTORY VALUES
Marine insurance, § 221:80

CONTUSIONS
Accident insurance, § 139:39, 139:40

CONVALESCENCE BENEFITS AND FACILITIES
Disability insurance, § 146:5
Medical insurance, § 145:23

CONVENIENCE
See Venue (this index)

CONVENTIONAL SUBROGATION
See Subrogation (this index)

CONVERSION
Generally, § 232:193

CONVERSION—Cont’d
Agents and Brokers (this index)
Automobile property insurance, § 157:41
Challenge, § 242:186
Fidelity insurance, § 161:36
Fraud, § 232:105
Group insurance, conversion-individual coverage, § 8:73 to 8:77
Income taxes, conversion of property insurance, § 63:12
Limitation of actions, § 237:104
Property insurance, § 151:33, 154:74, 155:36
Repair or replace, option to, § 176:38

CONVERSION INSURANCE
See Automobile Property Insurance (this index)

CONVEYANCES
See Sales (this index)

CONVICT LABOR
Contractors’ payment bonds, § 165:68

COOKING EQUIPMENT AND UTENSILS
Contractors’ payment bonds, § 165:86

COOKING SERVICES
Contractors’ payment bonds, § 165:87

COOPERATION
Generally, § 199:1 et seq.
Actual notice, § 199:98 to 199:101, 199:133
Additional facts, amended pleadings, § 199:90
Additional insureds, § 199:95, 199:96, 199:97
COOPERATION—Cont’d
Agent, § 199:104, 199:105, 199:146
Amended pleadings, § 199:90
Apparent authority, § 199:103
Assumption, § 199:47 to 199:49
Authorized agent, § 199:102,
  199:103, 199:146
Automobile insurance, § 199:123,
  199:141
Automobile liability insurance,
  § 170:39
Bankruptcy, § 199:93, 199:131
Bidding, § 199:36
Breach of duty, generally, § 199:8
Broker, § 199:104
Burden of proof, § 199:18, 199:88,
  254:100 et seq.
Claims made policy period, within,
  § 199:112
Codefendant-employee, papers
  related to, § 199:101
Codefendant in claimant’s suit,
  § 199:101
Collusion, § 199:33
Commencement of duty, § 199:8
Communicate, failure to, § 199:26
Compulsory automobile insurance,
  finding of breach, § 199:141
Conditions precedent, § 199:6,
  199:86
Condition subsequent, § 199:6
Confidentiality agreement, failure to
  sign, § 199:28
Conflict of interest, § 199:17
Consent, § 199:48
Construction and interpretation,
  § 199:85, 199:110
Constructive notice, § 199:119
Continuing to act for insured before
  trial, § 199:72
Corrections, § 199:45
Criminal proceedings, § 199:58
Cure title defect, failure to, § 199:27
Declaratory judgments, § 199:52,
  232:70
Defects, § 199:27
Defend, other insurer to, § 199:130

COOPERATION—Cont’d
Defenses, § 199:73, 199:149, 202:15,
  245:111
Delay
  Generally, § 199:31, 199:118 et
  seq.
  Actual notice of reasonable delay,
  effect of, § 199:133
  Bankruptcy stay, § 199:131
  Constructive notice, § 199:119
  Defend, other insurer to, § 199:130
  Forward papers, failure to,
    § 199:124
  Ignorance of coverage, § 199:121
  Ignorance of policy, § 199:120
  Ignorance of service of process,
    § 199:122, 199:123
  Loss of policy, § 199:128
  Mistake as to insurer, § 199:129
  Notice, generally, § 199:118 et
    seq.
  Oral notice of suit, § 199:127
  Other insurer to defend, § 199:130
  Prior notice, § 199:125 to 199:127
  Service effected under nonresident
    motorist statute, § 199:123
  Unreasonable delay, § 199:134
Delayed payment or nonpayment,
  § 207:20
Denial of liability, § 199:66 to
  199:70
Denial of liability on other grounds,
  § 199:147
Deposition, unavailability, § 199:53
Diligence in seeking cooperation,
  § 199:21, 199:22
Disclaimer, § 199:67, 199:68, 199:69
Disclosure of information, § 199:37
  to 199:41
Disclosure of possible fraud on
  another, § 199:62
Discovery, § 251:18
Dissolution of insured, § 199:61
Doubt as to coverage, expression of,
  § 199:57
Duration of duty, § 199:8
Duty to cooperate, generally, § 199:1
  et seq.
Election of coverage, § 199:96
COOPERATION—Cont’d
Employment, § 199:44, 199:55, 199:89
Enforceability, § 199:5
Estoppel and waiver
Generally, § 199:63 et seq., 199:144 et seq.
Authority of agent to create, § 199:146
Continuing to act for insured before trial, § 199:72
Defense, assuming or continuing notwithstanding knowledge of insured’s breach, § 199:73
Defense of actions, § 199:149
Denial of liability, § 199:66 to 199:70, 199:147
Disclaimer, § 199:67 to 199:69
Express nonwaiver agreement, § 199:70
Investigation or failure to inquire, § 199:148
Knowledge of breach, § 199:64, 199:65
Knowledge of insurer, § 199:145
Nonwaiver agreement, § 199:70
Positive act, § 199:145
Prejudice, § 199:74, 199:75
Submission to, or waiver of, service of process, § 199:34
Trial, discovering noncooperation during, § 199:65
Evidence, prejudice, § 199:76
Examination under oath, § 196:27
Excess insurance, § 199:41, 199:111
Excuses for noncompliance
Generally, § 199:55 et seq.
Disclosure of possible fraud on another, § 199:62
Dissolution of insured, § 199:61
Doubt as to coverage, expression of, § 199:57
Employment jeopardized, § 199:55
Funds, lack of, § 199:56
Ignorance of claim or suit, § 199:60
Ignorance of policy, § 199:59
Pending criminal proceedings, § 199:58

COOPERATION—Cont’d
Notice
Actual notice, § 199:98 to 199:101, 199:133
Additional insureds, § 199:95, 199:96, 199:97
Agent, § 199:104, 199:105
Apparent authority, § 199:103
Authorized agent, § 199:102, 199:103
Broker, § 199:104
Codefendant in claimant’s suit, § 199:101
Construction and interpretation, § 199:110
Contents, § 199:108
Election of coverage, § 199:96
Excess insurance, § 199:111
Forwarding of suit papers versus notice, § 199:81
Mailing, § 199:107
Omnibus insureds, § 199:96
Oral notice, § 199:106
Pleadings and events of which notice must be given, § 199:88 to 199:93
Postbankruptcy discharge motions, § 199:93
Prejudice in determining reasonableness, § 199:116
Questions of law or fact, § 199:117
Reasonableness, prejudice in determining reasonableness, § 199:116
Reasonable time, § 199:114, 199:115
Statutes, § 199:110
Trial, § 199:91
Waiver and estoppel, § 199:68, 199:69
Written notice, § 199:106
Obstruction, § 199:23
Omnibus insureds, § 199:96
Oral notice, § 199:106, 199:127
Other insurer to defend, § 199:130
Pending criminal proceedings, § 199:58
Physical or independent medical examination, § 196:77
Pleadings and events of which notice must be given, § 199:88 to 199:93
Polygraph tests, § 253:300
Positive act, § 199:145
Prejudice, § 199:74 to 199:79, 199:135 to 199:139
Prejudice in determining reasonableness, § 199:116
Presumption, § 199:78, 199:138
Prior notice, § 199:125 to 199:127
Privileged information, § 250:9, 250:59
Production of documents and records, § 196:46
Questions of law or fact, § 199:19, 199:117
Reasonable delay, § 199:133
Reasonableness, prejudice in determining, § 199:116
Reasonable time, § 199:114, 199:115
Rebuttable presumption of prejudice, § 199:78, 199:138
Reciprocal between insurer and insured, duty as, § 199:7
Relationship to party, § 199:33
INDEX

COOPERATION—Cont’d
Service of process, § 199:34, 199:52, 199:122, 199:123
Settlement, § 199:49
Settlement without insurer’s consent, § 199:48
Signature, § 199:28
Statutes
    Generally, § 199:10
    Delay, § 199:123
    Forwarding of suit papers, § 199:82
    Notice, § 199:92, 199:110
    Prejudice, § 199:136
Stay, § 199:131
Stipulations, § 199:6, 199:86
Strict compliance, § 199:16, 199:87
Submission to, or waiver of, service of process, § 199:34
Substantial breach, § 199:25
Substantial compliance, § 199:16, 199:87
Sufficiency of notice, § 199:98, 199:99
Theft of settlement funds, § 199:49
Third parties, § 199:35, 199:98 to 199:101
Timely, § 199:69
Title, § 199:27
Title insurance, § 199:36, 199:40
Trial
    Notice, § 199:91
    Unavailability, § 199:54
    Waiver and estoppel, § 199:65, 199:72
Trust, limitation to, § 199:9
Unavailability, § 199:50 to 199:54
Unfair trade practices, violation of, § 199:29
Validity, § 199:5, 199:83
Variance between statements, § 199:46
Voluntary assumption of financial obligations, § 199:47 to 199:49
Willful and avowed obstruction, § 199:23
Willful breach, § 199:24
Withdrawal, § 199:45

COOPERATION—Cont’d
Written notice, § 199:106

COORDINATION OF BENEFITS
CLAUSE
See also Coinsurance Contracts (this index)
Medical insurance, § 220:51

CO-OWNERS
Adjustment of losses, § 178:62
Intervention, § 243:14
Marine insurance, § 183:82, 183:193, 183:194
Property insurance, § 242:48 to 242:50
Settlement and compromise of claim, § 215:51

COOWNERSHIP AND JOINT TENANCY
Generally, § 40:12, 68:20 et seq.
Adjustment of losses, § 178:62
Agents, coowners as, § 44:10, 44:11
Automobile insurance, § 117:14
Cancellation and rescission, § 31:22
Contractors’ payment bonds, § 165:48
Death of joint owner, § 68:26
Division of proceeds, contract between owners as to, § 68:27
Entireties, Estates by (this index)
Estate taxes, § 63:37
Insurable interest, § 42:45
Joint Policies (this index)
Life insurance, § 68:28
Marine insurance, § 183:82, 183:193, 183:194
Parol partition, § 91:70
Partition, § 91:70
Premiums, contribution toward, § 68:24
Property insurance, § 151:87
Reformation, § 27:31
Representations, warranties, and conditions, § 91:67 to 91:70, 92:72
Sales, § 92:76
Sole ownership, § 68:21, 91:68

Index-175
COPIES
See also Representations, Warranties, Conditions, and Concealment (this index)
Best Evidence Rule (this index)
Complaints, petitions, and declarations, § 244:25
Estoppel and waiver, § 238:22

COPLAINTIFF
Liability insurance, § 243:29

COPYRIGHT
Commercial liability insurance, § 201:55
Contracts, policy forms, § 17:11

CORONERS
Documentary Evidence (this index)

CORPORATIONS
Generally, § 40:15
Arbitrators, appraisers, and proceedings before them, § 211:36
Automobile property insurance, § 157:45
Beneficiaries, § 59:8
Cancellation and rescission, change in corporate existence, § 31:40
Capacity of insurer, § 245:15
Fidelity Bonds and Insurance (this index)
Fire insurance, § 149:51
Injunctions, § 232:150
Insurance Company (this index)
Joinder of parties, § 243:114, 243:115
Jurisdiction (this index)
Liability policies, § 242:27, 242:28
Limitation of actions, § 237:20
Notice, § 189:106
Premiums and Assessments (this index)
Process and service of process and papers, § 231:87
Reformation, mistaken description, § 27:53
Representations, warranties, and conditions, § 91:85
Stock and Stockholders (this index)
Termination of business, § 92:72

CORPORATIONS—Cont’d
Workers’ compensation, § 173:43

CORPUS OF TRUST
Generally, § 67:33, 67:34

CORRECTION
See Mistakes (this index)

CORRECTNESS
Incontestability clause, § 240:47
Presumption of, § 254:165

CORROSION
Boiler and machinery insurance, § 150:34
Property insurance, § 153:80, 153:81, 155:63

CORRUPTION
Arbitration awards, § 213:65

COSMETIC AND ELECTIVE SURGERY
See Medical Insurance (this index)

COSMETIC SERVICES
Commercial liability insurance, § 201:79

COST-PLUS PLANS
Premiums and assessments, property owner contracting under cost-plus plans, § 74:24

COSTS AND EXPENSES
Actual Cash Value (this index)
Assignment, expenses recoverable, § 37:84 to 37:87
Automobile Liability Insurance (this index)
Automobiles, cost of repairs, § 177:23
Automobiles (this index)
Consequential damages, § 178:17
Construction contract guaranties, § 184:35
Contractors’ bonds, § 163:49 to 163:52
Contractors’ Payment Bonds (this index)
COSTS AND EXPENSES—Cont’d
  Contractors’ performance bonds,
  § 164:22, 164:90, 164:101,
  164:110
  Costs of Action (this index)
  Fidelity insurance, § 161:88
  Fraud, § 232:92
  Good-faith, § 198:30
  Income taxes, § 63:4 to 63:6
  Instructions to jury, § 246:102
  Iron safe clauses, inducing insured to
  incur cost or other prejudice,
  § 97:42
  Jurisdiction of federal proceedings,
  § 229:50
  Machinery and supplies, § 177:48
  Marine Insurance (this index)
  Premiums and Assessments (this
  index)
  Property insurance, § 155:38
  Repair or replace, option to,
  § 176:48, 176:49
  Representations, warranties, and
  conditions, § 93:7 to 93:13
  Subrogation (this index)
  Witnesses (this index)
  Workers’ compensation, § 69:29 to
  69:32, 173:50, 174:34

COSTS OF ACTION—Cont’d
  Codefendant where judgment against
  other defendant, § 233:57
  Coinsurance, § 220:43
  Construction and interpretation,
  § 233:21, 233:22
  Construction contract guaranties,
  § 184:33, 184:34, 184:43 to
  184:46
  Contracts, § 233:10, 233:14 to
  233:16
  Contribution and Apportionment
  (this index)
  Declaratory judgments, § 233:23,
  233:24, 233:73
  Decrees, § 233:38, 233:39
  Defenses (this index)
  Definitions, § 233:3
  Delay in filing interpleader, § 233:66
  Delivery, § 233:42, 233:43
  Depositions, costs, § 233:5
  Direct action against insurer,
  § 233:46
  Discretionary awards, § 233:24
  Discretionary equitable factors,
  § 233:59
  Dismissal, § 233:52, 233:53
  Enforcement of award, generally,
  § 233:79 et seq.
  Equitable exception for breach of
  fiduciary duty, § 233:12
  Exceptions, § 233:12, 233:13
  Exclusive vehicle, § 233:22
  Expenses, § 233:3, 233:15
  Fault, § 233:67
  Fee orders, § 233:11
  Fees, § 233:3, 233:10, 233:50
  Fee shifting, § 233:11
  Fidelity insurance, § 185:39, 185:40
  Fiduciary duty, § 233:12
  Final decision of court, § 233:61,
  233:62
  First-party insurance claims,
  § 233:46
  Former general agent, § 233:34
  Forum state, requiring that policy be
  issued, delivered, or issued for
  delivery in, § 233:42, 233:43
  General agent, § 233:34

Index-177
COSTS OF ACTION—Cont’d
Governing law, § 233:8
Government agencies’ liability, § 233:7
Group policy, § 233:42, 233:43
Health insurance, § 233:26
Indemnity insurance, § 233:27 to 233:29
Insolvency and reorganization proceedings, § 233:74
Insolvency (this index)
Insurance agents, § 233:34, 233:37
Insurance-specific statutes, § 233:20 to 233:22
Insured, actions by or judgments for, generally, § 233:31 to 233:34
Insured, beneficiary, or both - actions by or judgments for, § 233:31 to 233:34
Insurer, actions or judgments against, generally, § 233:35 to 233:37
Insurers, actions between, § 233:32, 233:69
Interpleader, § 233:65 to 233:68
Issuance of policy, § 233:42, 233:43
Judgment amounts, § 233:64
Judgments
Beneficiary, actions by or judgments for, generally, § 233:31 to 233:34
Codefendant where judgment against other defendant, § 233:57
Insured, actions by or judgments for, generally, § 233:31 to 233:34
Insured, beneficiary, or both - actions by or judgments for, § 233:31 to 233:34
Insurer, actions or judgments against, generally, § 233:35 to 233:37
Judicial review, § 233:87 to 233:89
Jurisdictional minimum amount, less than, § 233:60
Jurisdiction, dismissal for lack of, § 233:53
Labor and material bonds, § 233:75
Lapse, § 233:38

COSTS OF ACTION—Cont’d
Liability or indemnity insurance, § 233:27 to 233:29
Liens for fees, § 233:90 to 233:92
Life, health, and similar coverages, § 233:26
Limitations to awards, generally, § 233:59 et seq.
Locality, § 233:82
Loss incurred due to failure to pay claim, § 233:47
Loss of lien, § 233:92
Marine insurance, § 183:172, 183:176, 221:66
Master group policy, § 233:42, 233:43
Multiple claimants in interpleader, insurer’s fault, § 233:67
Objections to order, § 233:86
Offers, § 233:61 to 233:64
Omnibus insureds, actions by or judgments for, § 233:31
Orders, § 233:11, 233:86
Parties, § 233:44, 233:50 et seq.
Pending action at time of enactment of statute, § 233:19
Persons liable for liens for fees, § 233:91
Portion of fees subject to award, § 233:80
Prevailing party, generally, § 233:51 et seq.
Prior judgment, § 239:71
Proceeding be suit or action, requirement that, § 233:45
Receipt of documents, § 233:44
Recoupment, § 226:119
Recoverable fees, segregation of, § 233:81
Recovery, generally, § 233:3 et seq.
Regulatory proceedings, § 233:76
Reimbursement, § 233:15
Relevant locality for comparison, § 233:82
Renewal rights, § 233:40
Reorganization, § 233:74
Rescind policy, § 233:41
INDEX

COSTS OF ACTION—Cont’d
Residence, § 233:43
Review, judicial, § 233:87 to 233:89
Sanctions defined, § 233:3
Self-insurance, § 10:7, 233:35
Settlement, § 233:55, 233:56, 233:61 to 233:63
State agency, action against, § 233:48
Statutes, § 233:10, 233:17 et seq., 233:62
Subrogation (this index)
Suit, requirement that proceeding be, § 233:45
Sureties, § 233:36
Suretyship actions, § 233:27
Tender, § 233:61 to 233:63
Terminology, § 233:3
Third party
   Beneficiaries, actions by, § 233:33
   Claims, generally, § 205:50 to 205:52, 205:61
   Settlements, § 233:56
   Time limits on when settlement or tender may be offered, § 233:63
Title insurance, § 233:28
Underwriter/agent, § 233:37
Uninsured and underinsured motorist insurance, § 233:29
Validity of authorization, § 233:18
Value of services, § 233:84
Voluntary dismissal, § 233:52
Witnesses, § 233:84
Workers’ compensation, § 233:78

COTTON AND COTTON PRODUCTS
Property loss, generally, § 177:65

COUNSEL
See Attorneys (this index)

COUNTERCLAIM AND SETOFF
Generally, § 244:63 to 244:65
Agents and brokers, § 57:71, 57:72
Arbitration awards, § 213:54, 214:32
Burden of proof, § 254:76
Combining or stacking of coverages, § 169:10
Dismissal, § 247:18
Incontestability clause, § 240:80

COUNTERCLAIM AND SETOFF—Cont’d
Insolvency (this index)
Jurisdiction of federal proceedings, § 229:52
Life, health, and disability insurance, § 207:71
No-Fault Insurance (this index)
Notice, § 188:19
Penalties, fees and similar consequences, § 204:90, 204:92
Premiums and assessments, actions to recovery or contest assessments, § 70:36
Rehabilitation, conservation, and reorganization, § 5:26
Subrogation, § 225:112, 225:293
Third-party claims, § 205:46, 205:68, 205:84
Uninsured and underinsured motorist coverage, arbitration, § 214:32
Venue, § 230:46

COUNTEROFFERS
Applications, § 11:7, 11:8
Premiums and assessments, irregular exercise of nonforfeiture option as counteroffer, § 77:54
Settlement and compromise, § 203:22

COUNTERSIGNATURE
Execution of policy, § 14:5
Governing law, § 24:7

COUNTY
See also Venue (this index)
Service of process, § 231:89

COUNTY COMMISSIONER
Public official and appointed fiduciary bonds, § 166:56

COURSE OF DEALING
See Custom and Usage (this index)

COUSINS
Life insurance, insurable interests, § 43:10

COVENANT NOT TO EXECUTE
Third-party claims, § 205:95

Index-179
COVENANT NOT TO SUE
Subrogation, § 224:105

COVENANTS
Agents and brokers, § 57:6
Marine insurance, § 183:69
Subrogation, § 222:92

COVERAGE OF POLICY
Combining or Stacking of Coverages (this index)
Commencement of Coverage (this index)
Comprehensive Coverage (this index)
Duplicate Coverage (this index)
Failure to Obtain Insurance (this index)
Implied Coverage (this index)
Interim Coverage (this index)
Multiple Bond Coverage (this index)
Multiple Coverages (this index)
Multiple Relevant Coverages (this index)
No Coverage (this index)
Omnibus Coverage (this index)
Parol Evidence (this index)
Partial Coverage of Single Policy (this index)
Presumptions and Burden of Proof (this index)
Underinsured Motorist Coverage (this index)
Uninsured and Underinsured Motorist Coverage (this index)

CRACKING
Property insurance, § 148:55

CRAFTSMEN
Description of goods, wares, and merchandise, § 20:41, 20:47

CRANES
Automobile insurance, § 121:38, 121:39
Commercial liability insurance, § 201:80

CRATERING
Boiler and machinery insurance, § 150:33

CREDIT
Automobile liability insurance, § 170:16
Construction contract guaranties, § 184:20
Contribution, § 218:45, 218:46
Credit Insurance (this index)
Fidelity insurance, § 161:81, 185:43 to 185:46
Iron safe clauses, cash and credit sales, § 97:55
Life insurance, § 179:11
Premiums and Assessments (this index)
Subrogation, § 225:334, 225:335

CREDIT INSURANCE
Generally, § 167:32 et seq., 185:110 et seq.
See also Group Insurance (this index)
Construction and interpretation, § 185:113
Coverage, § 167:38 et seq.
Deductions, § 185:112 to 185:115
Disclosure of debtors, § 167:37
Governmental regulation, § 167:34 et seq.
Initial loss clause, § 185:113 to 185:115
Life or health insurance, § 1:43, 39:64
Limitations, § 185:111
Preexisting conditions exclusion, § 167:41
Premium rates, § 167:35, 167:36
Premiums, prepayment of, § 12:5, 12:9
Refund of premiums, § 167:36
Renewal bonds, initial loss clause, § 185:114
Rider provisions, initial loss clause, § 185:115
Types, § 167:33
CREDIT LIFE AND DISABILITY INSURANCE
Limitation of actions, § 235:43, 235:65

CREDITORS
Generally, § 66:1 et seq.
Adjustment of Losses (this index)
Assignment for Benefit of Creditors (this index)
Assignment (this index)
Attachment of Property (this index)
Beneficiaries (this index)
Cash surrender value, § 66:9, 66:24
Construction contract guaranties, § 184:19
Contractors’ payment bonds, § 165:178
Contractors’ performance bonds, § 164:17, 164:69
Exemption from Claims of Creditors (this index)
Fidelity Bonds and Insurance (this index)
Financial requirements designed for protection of policyholders and creditors, generally, § 2:27
Fraud, § 239:135
Fraudulent conveyances, § 66:4
Fraudulent Conveyances or Transfers (this index)
Future Debts (this index)
Group insurance, § 8:17
Health insurance, § 242:110
Insolvency (this index)
Insurable interest, generally, § 42:23 to 42:43
Intent
Generally, § 66:10
Exemption from claims of creditors, intent-defraud, § 66:40 to 66:42
Joinder of parties
Life insurance, § 243:62 to 243:66
Premiums, § 243:145
Judgment Holder (this index)
Judgments (this index)
Labor and material bonds, § 191:38
Liability policies, § 242:26

CREDITORS—Cont’d
Liens and Encumbrances (this index)
Life Insurance (this index)
Limitations and restrictions
Amount of debt, limiting recovery to, § 66:11
Exemption from claims of creditors, § 66:30, 66:31
Loans (this index)
Loan transactions, § 242:122
Mortgages and Deeds of Trust (this index)
Notice, § 187:45
Premiums and Assessments (this index)
Proceeds, payment of, § 61:2
Property insurance, § 242:56 to 242:58, 245:52, 245:53
Receivership (this index)
Recoupment, § 226:57
Reformation, standing to seek, § 28:3
Sales transactions, § 242:90, 242:93
Secured Transactions (this index)
Subrogation, § 223:20, 225:293
Trusts and trustees, § 67:34

CREDITS
Group insurance, § 8:24 to 8:29
Subrogation, § 225:112

CREDIT SALE PURCHASER
Generally, § 242:89 to 242:91

CRIMES AND OFFENSES
Generally, § 103:40, 103:41
Accident and Life Insurance (this index)
Admissions, pleas and confessions constituting, § 254:241
Agents and brokers, § 55:16 et seq., 56:25
Assault and Battery (this index)
Conviction of Crime (this index)
Fidelity Bonds and Insurance (this index)
Fines and penalties, § 103:41
Fire insurance, § 149:62
Homicide by beneficiary, § 61:34, 62:1 et seq.
CRIMES AND OFFENSES—Cont’d
Jurisdiction, § 228:49
Mortgages and deeds of trust, illegal activity, § 65:64
Noncriminal statutes, violation of, § 103:41
Physicians, § 131:16, 131:17
Use and occupancy, use of property for unlawful purposes, § 94:62 to 94:64
Workers’ compensation, § 173:59

CRIMINAL ACTS
Admissions, pleas and confessions constituting, § 254:241
Burden of proof, § 254:49
Character evidence, § 255:90
Commercial liability insurance, § 201:59, 201:65
Demonstrative evidence, judicial records as, § 253:214
Fraud, § 197:5
Incontestability clause, § 240:51, 240:52
Injunctions, § 232:151
Innocence, presumption of, § 254:168
Life, health, and disability insurance, § 207:60
Medical insurance, § 207:60
Negligent or intentional acts, § 201:25

CRIMINAL ASSAULT
Subrogation, § 225:195

CRIMINAL JUDGMENT
See also Prior Judgment (this index)
Negligent or intentional acts, § 201:23

CRIMINAL PROCEEDINGS
Admissions, pleas and confessions constituting, § 254:241
Cooperation, § 199:58
Injunctions, § 232:157
Limitation of actions, § 237:92
Notice and proof of loss, § 192:117
Waiver and estoppel, § 194:79

CROPS
See Agriculture and Crops (this index)

CROSS-CLAIMS
Penalties, fees and similar consequences, § 204:90
Third-party claims, § 205:84

CROSS-EXAMINATION
Intentional reference to existence or absence of insurance, § 246:41
Privileged information, § 250:10

CUMULATIVE AND ALTERNATIVE LIABILITY
See Disability Insurance (this index)

CUMULATIVE METHODS OF SERVICE OF PROCESS
Foreign insurers, § 3:30

Curb or curbstone
Automobile property insurance, § 156:60

CURE
Addition of parties, § 244:124
Amendment-pleadings
Conform pleadings
Existing facts, conform pleading to, § 244:110 to 244:113
Delay, § 244:129 to 244:131
Limitations on right-amend Delay, § 244:129 to 244:131
Parties, amendment as to, § 244:121 to 244:124
Amendment to pleadings
Generally, § 244:106 et seq.
Addition of parties, § 244:124
Capacity of parties, § 244:122
Cause of action, amendment as to Generally, § 244:116 et seq.
Change of theory, § 244:118
Clarification of existing pleadings, § 244:119, 244:120
New cause of action, addition of, § 244:117
Subsequent events, clarification of existing pleadings, § 244:120
**INDEX**

**CURE—Cont’d**  
Amendment to pleadings—Cont’d  
Change of theory, § 244:118  
Clarification of existing pleadings,  
§ 244:119, 244:120  
Conform pleadings  
Generally, § 244:110 et seq.  
Coverage, § 244:111  
Date, § 244:112  
Evidence, conform to proof,  
§ 244:114, 244:115  
Form, defects of, § 244:113  
Evidence, § 244:114, 244:115, 244:128  
Inconsistency, § 244:127  
Limitation of action, § 244:130  
Limitations on right to amend  
Generally, § 244:125 et seq.  
Inconsistency, § 244:127  
Limitation of action, § 244:130  
Parol evidence rule, § 244:128  
Prejudice, § 244:125  
Relation back, § 244:131  
New cause of action, addition of,  
§ 244:117  
Parol evidence rule, § 244:128  
Prejudice, § 244:125  
Relation back, § 244:131  
Subsequent events, clarification of existing pleadings, § 244:120  
Substitute parties, § 244:123  
Time to make, § 244:107, 244:108  
During trial, § 244:108  
Capacity of parties, § 244:122  
Change of theory, § 244:118  
Clarification of existing pleadings,  
§ 244:119, 244:120  
Defects in pleadings, generally,  
§ 244:101 et seq.  
Delay, § 244:129 to 244:131  
Disability insurance, continuous disability, § 147:165  
Evidence, § 244:104, 244:114, 244:115, 244:128  
Examination under oath, § 196:29  
Inconsistency, § 244:127  
Joinder of parties, § 243:22  
Judgment, § 244:105  
CURFEWS  
Business interruption insurance, § 167:15  
CURRENT BOND  
Fidelity insurance, § 160:84  
CUSTODIAN  
War and civil disturbances, § 239:148  
CUSTODY  
Order transferring possession or custody of policy, § 232:190  
CUSTOM AND USAGE  
Agency (this index)  
Agents and Brokers (this index)  
Construction and interpretation,  
§ 22:49 to 22:58  
Description or identification, expansion of designated place through usage, § 20:15  
Extrinsic evidence, custom and usage evidence as, § 253:75  
Fidelity insurance, § 162:15
CUSTOM AND USAGE—Cont’d
Insurers’ business practices, judicial notice of, § 254:259
Iron safe clauses, § 97:7
Judicial Notice (this index)
Mortgages and deeds of trust, § 65:4
Premiums and Assessments (this index)
Presumptive knowledge of customs, § 254:176
Proof of, § 255:108
Reformation, § 27:89
Representations, Warranties, Conditions, and Concealment (this index)
Use and occupancy, § 95:11
Waiver and estoppel, § 194:20
CUSTOMARY CHARGES
See Medical Insurance (this index)
CUSTOMERS
See also Property Insurance (this index)
Fidelity insurance, § 160:57
Workers’ compensation, employee acting in role of customer, § 135:53
CUSTOMIZED ITEMS AND MATERIALS
Contractors’ payment bonds, § 165:33
Property loss, generally, § 177:67
CYBERSPACE
Liabilities, § 127:33
CYCLONE
Accident and life insurance, § 143:112
Property insurance, § 155:77
DAMAGES
Burden of proof, § 254:42
Expert witnesses, § 252:76
Extracontractual Damages (this index)
Group Insurance (this index)
DAMAGES—Cont’d
Instructions to jury, § 246:101, 246:102
Jurisdiction of federal proceedings, § 229:56, 229:58
New trial, § 248:24
Premiums, return of, § 79:24
Punitive Damages (this index)
Recoupment, § 226:114
Subrogation
Amounts recoverable, § 223:103
Automobile no-fault and personal injury protection insurance, § 225:125
Impairment of rights, § 224:124
Landlord-tenant relationship, § 224:67
Medical malpractice damages, § 223:65
Third-Party Claims (this index)
DANCER
Disability provisions, § 147:154
DANGERS
See Hazards (this index)
DATA PROCESSORS
Risks covered under policies, § 131:49
DATE
See Time (this index)
DAUBERT RULE
Expert witnesses, § 252:32
Polygraph tests, § 253:294
DEADHEAD EXCLUSION
Automobile insurance, business, occupational, and commercial uses, § 120:25
DEAD MAN STATUTES
See Witnesses (this index)
DEAFNESS
Good health of insured, § 88:70
DEALERS
See also Public Official and Appointed Fiduciary Bonds (this index)
**DEALERS—Cont’d**
- Automobile property insurance, § 156:93
- Omnibus clause, permissive use of automobile, § 112:17
- Witnesses, § 252:56

**DEALER’S BOND**
- Generally, § 184:59, 184:60

**DEATH**
- Accident and life insurance, § 141:12, 143:49
- Accident insurance
  - Generally, § 139:30, 139:31, 139:38, 139:44, 139:47
  - Cause of death, § 245:32, 245:33
  - Fact of death, § 245:31
- **Agents and Brokers**
  - Arbitration, appraisal, or submission agreements, § 210:62
- **Automobile Insurance**
- **Autopsy and Exhumation**
  - Beneficiary or insured, death of, § 60:43, 60:53 to 60:56
  - **Burial Insurance or Associations**
  - **Cancellation and Rescission**
  - Cause of death
    - Burden of proof, § 254:44
    - Coroners’ records as evidence of, § 253:194
    - Presumptions as to, § 254:152
  - **Certificates**
    - Generally, § 253:198 et seq.
    - Cause of death, § 253:200 et seq.
    - Contradicting, § 253:206
    - Evidentiary weight accorded, § 253:205
    - Foreign, § 253:208
    - Form of certificate, § 253:203
    - Statutory regulation, § 253:199
    - Third party death certificates, § 253:207

**DEATH—Cont’d**
- Circumstances leading to death, coroners’ records as evidence of, § 253:196
- Coownership and joint tenancy, § 68:26
- Coroners’ records. **Documentary Evidence** (this index)
- Disability insurance, § 182:24, 182:25, 191:85, 207:50
- Disability provisions, § 147:8, 147:159, 147:168, 147:170, 147:178
- Divorce or separation, orders not final at death of insured, § 64:20
- **Documentary Evidence** (this index)
- Estate Taxes (this index)
  - Estate taxes, transfers in contemplation of death, § 63:32
  - Evidence, § 249:14
  - Fidelity insurance, § 160:76, 160:77
  - Foreign death certificates, § 253:208
  - Fraudulent representations as to, § 255:80
- **Good Health of Insured**
  - Health insurance, § 191:85, 207:50, 245:31 to 245:33
  - Hearsay exclusion and exceptions, § 249:19
  - Ignorance of existence or character of loss, occurrence or accident, § 192:18
  - Incontestability clause, § 240:42 to 240:44
  - Instructions-jury, § 246:80 to 246:82
  - Insured, generally, § 40:8 to 40:11
  - Joiner of parties, § 243:75
  - Killing of insured, criminal records as evidence of, § 253:215
  - Liability policies, § 242:25
  - Life insurance
    - Generally, § 191:85, 207:50
    - Death, cause of, § 245:32, 245:33
    - Death, fact of, § 245:31
- **Life Insurance** (this index)
  - Limitation of actions, enforcement of payment pursuant to terms of contract, § 234:40
  - Medical insurance, § 207:50

Index-185
DEATH—Cont’d
No-fault insurance, § 171:55
Notice and proof of loss
Affirmative proof, § 189:57
Certificate of physician, § 189:90
Life, health, and disability insurance, § 189:53
Life, health, and disability insurance, generally, § 189:79 et seq.
By or for insured, notice given, § 187:4
Presumed from insured’s unexpected absence, § 189:78
Property insurance, notice from other entities as satisfying insured’s obligation, § 187:34
Sufficiency of information, § 189:20, 189:21
Premiums and Assessments (this index)
Property Insurance (this index)
Proving cause of
Generally, § 255:26
Fraud, § 255:80
Recoupment, § 226:73
Reformation after death of insured, § 27:68 to 27:72
Reinstatement and Revival (this index)
Sales, § 92:85, 242:90, 242:91
Settlement and compromise of claim, § 215:46
Subrogation, § 223:67, 225:184
Trigger, § 191:7
Uninsured and underinsured motorist coverage, § 171:6, 171:16
Venue, § 230:55, 230:75
Witnesses (this index)
Workers’ Compensation (this index)
Wrongful death, § 242:199
DEBTS
See Creditors (this index)
DECAY
Marine insurance, § 183:141
Property insurance, § 153:80, 153:81
DECEDENTS’ ESTATES
Assignment (this index)
Automobile liability coverage, § 242:4, 242:5
Beneficiaries (this index)
Declaratory judgments, § 242:176
Description of subject matter, § 20:59
Estate Taxes (this index)
Executors and Administrators (this index)
Insurable interests, § 42:72 to 42:75, 43:27
Joinder of parties, § 243:35, 243:67
Jurisdiction of federal proceedings, § 229:25
Life insurance, § 242:106, 243:67
Next of kin, generally, § 243:67
Penalties, fees and similar consequences, § 204:73
Property insurance, § 187:111
Title insurance, § 159:55
Trusts and Trustees (this index)
Wills (this index)
Wrongful or ineligible party, § 242:192
DECEIT
See Fraud and Deceit (this index)
DECEPTIVE TRADE PRACTICES
See Unfair or Deceptive Trade Practices Acts (this index)
DECK OF VESSELS
Description of goods on deck, § 20:52
DECLARATORY JUDGMENTS
Generally, § 232:45 et seq.
See also Justiciability (this index)
Appeal, § 242:180
Association as attorney in fact, § 242:178
Attorney general, § 243:97
Attorney in fact, § 242:178
Attorneys’ fees, § 207:88
Automobile Insurance (this index)
Availability of other remedies, § 232:52
Bad faith, § 232:66
DECLARATORY JUDGMENTS
—Cont’d
Beneficiaries, § 232:69, 243:86, 243:91
Burden of proof, § 254:19
Coinsurers, § 243:88
Commercial General Liability Policies (this index)
Commissioner of insurance, § 243:96
Complaints, petitions, and declarations
Generally, § 244:36, 244:37
Complaints, petitions, and declarations
Automobile Insurance (this index)
Commercial General Liability Policies (this index)
Errors and Omissions Policies (this index)
Garagekeepers policies. Service Stations and Garages (this index)
Homeowners’ Insurance (this index)
Service Stations and Garages (this index)
Concurrent insurers, § 232:63
Constitutionality of insurance code provision, § 243:96, 243:97
Construction of contract, § 232:61
Construction of statute, § 232:48
Contingent beneficiary, § 243:86
Contracts, § 232:61, 232:62
Contribution, § 232:71
Cooperation, § 199:52, 232:70
Declaratory judgment act, § 232:48
Defend, duty to, § 232:65
Defense, § 202:3, 202:41, 202:64
Discretion, § 232:51
Distributees, § 243:90
Errors and Omissions Policies (this index)
Estate of injured party, § 242:176
Estoppel and waiver, § 238:75, 239:127
Exceptions, § 232:68

DECLARATORY JUDGMENTS
—Cont’d
Excess insurer, § 243:89
Fact determination, need for, § 232:53
Federal, § 232:56
Garagekeepers policies. Service Stations and Garages (this index)
Homeowners’ Insurance (this index)
Indemnity, § 243:92
Injunction, § 243:92
Insurance association as attorney in fact, § 242:178
Insurer against insured, § 242:177 to 242:179
Insurer against other insurer, § 242:180
Interested parties, § 243:84
Joinder of parties
Generally, § 243:84 et seq.
Attorney general, § 243:97
Beneficiary, § 243:91
Claimant, § 243:87
Coinsurers, § 243:88
Commissioner of insurance, § 243:96
Constitutionality of insurance code provision, § 243:96, 243:97
Contingent beneficiary, § 243:86
Coverage, generally, § 243:84 et seq.
Distributees, § 243:90
Excess insurer, § 243:89
Injured claimants, § 243:92
Injured party, § 243:87, 243:93, 243:95
Insured, § 243:85, 243:94
Insured, action by, § 243:91, 243:92
Insurer, action by, generally, § 243:84 et seq.
Insurer’s share of liability, generally, § 243:94, 243:95
Interested parties, § 243:84
Liability, generally, § 243:84 et seq.
Necessity, generally, § 243:84 et seq.
DECLARATORY JUDGMENTS
—Cont’d
Joinder of parties—Cont’d
Tortfeasor’s insurer, § 243:93
Jurisdiction of federal proceedings,
§ 229:6, 229:8, 229:9, 229:16
Jury trial, right to, § 232:49
Liability insurer, § 232:64 to 232:66
Liability policies, § 242:20
Limitation of actions, § 236:94,
236:161, 237:91
Negligence, § 232:66
No action clause, § 232:54
Offsets of one recovery against other
coverage, § 232:72
Parent organization of insurer,
§ 242:179
Parties, generally, § 242:175 to
242:180
Penalties, fees and similar conse-
quences, § 204:91, 204:92
Pending action, § 232:55
Prior judgment, § 239:68 to 239:71
Professional Liability Insurance
(this index)
Proper party to appeal judgment,
§ 242:180
Reformation of contract, § 232:62
Service Stations and Garages (this
index)
State, § 232:56
State insurance commissioner as
defendant, § 232:57
State proceedings, § 228:6
Statutes, § 232:48
Third-party action, underlying,
§ 232:67
Third-party claims, § 205:10, 205:11
Title, § 232:73

DECLARATORY RELIEF
Arbitrators, appraisers, and proceed-
ings before them, § 211:72
Limitation of actions, § 234:71

DECREES
Costs of action, § 233:38, 233:39

DEDUCTIONS—Cont’d
Adjustment of losses, § 178:60
Appreciation, § 178:5 to 178:8
Arbitration, § 212:22
Arbitration awards, § 213:54
Automobile Liability Insurance
(this index)
Bank deposit guaranty, § 184:4
Cash value, valuation of, § 178:5,
178:6
Construction contract guaranties,
§ 184:10, 184:20
Credit insurance, § 185:112 to
185:115
Declaratory judgments, § 232:72
Depreciation or diminution in value,
§ 178:5 to 178:8
Diminution in value, § 178:5 to
178:8
Disability Insurance (this index)
Estate taxes, § 63:51
Fidelity insurance, § 185:43 to
185:46
General Liability Insurance (this
index)
Income taxes, premiums as taxable or
deductible, § 63:3 et seq.
Liability insurer, § 226:133
Life insurance, § 179:21 to 179:23
Marine insurance, § 183:124,
183:125, 183:222, 221:55
Market value, valuation of, § 178:5,
178:6
Medical insurance, § 180:21
Multiple occurrences, § 178:2
No-Fault Insurance (this index)
Overdue premiums, § 178:3
Owed to insurer, amounts, § 178:3
Premiums and Assessments (this
index)
Reimbursement (this index)
Repair, valuation of, § 178:5, 178:6
Replacement, valuation of, § 178:5,
178:6
Single occurrences, § 178:2
State indemnification funds, § 171:77
Statutory regulations, § 178:8
Subrogation
Generally, § 178:4

Index-188
INDEX

DEDUCTIONS—Cont’d
Subrogation—Cont’d
Assignment, § 222:69
Labor and material bonds, § 225:323, 225:329
Payment of claim, § 223:107
Real party in interest, insured as, § 241:46
Uninsured/underinsured motorist insurance, § 225:33
Uninsured and Underinsured Motorist Coverage (this index)
Uninsured/underinsured motorist coverage, § 214:32, 225:33
Value, depreciation or diminution in, § 178:5 to 178:8

DEEDS
See also Mortgages and Deeds of Trust (this index)
Agents and brokers, delivery to, § 92:23
Defective deeds, § 91:31, 91:43
Delivery
Agents and brokers, § 92:23
Documents of title, § 92:19
Escrow, § 91:33, 92:21, 92:22
Inspection, delivery for, § 92:20
Demonstrative evidence, admissibility of deed as, § 253:267
Escrow, delivery of deed, § 91:33, 92:21, 92:22
Insurable interest, § 42:62 to 42:68
Representations, warranties, and conditions, generally, § 92:18 to 92:23
Void deeds, § 91:43

DEEMER CLAUSE
Group insurance, § 7:34

DE FACTO LIEN
Subrogation, § 225:135

DEFALCATION
Hearsay exclusion and exceptions, § 249:42

DEFAMATION
Agents and brokers, § 56:19, 56:20, 57:74, 57:75

DEFAULT
Adjustment of losses, § 178:61
Agents and brokers, compensation, § 57:35
Arbitration and appraisal, § 209:30
Automobile liability insurance, § 170:50
Bailments, § 68:42
Beneficiaries, default designation rules, § 64:4
Contractors’ payment bonds, § 165:15
Contractors’ performance bonds, § 164:45 to 164:47, 164:113, 164:114
Dismissal, § 247:13, 247:14
Fidelity Bonds and Insurance (this index)
Group insurance, default of loans, § 8:52
Interest on money, compound interest after default on policy loan, § 80:37
Miller act, § 164:114
Mortgages and Deeds of Trust (this index)
Notice, § 190:120
Performance bonds, § 191:33
Premiums and Assessments (this index)
Public official and appointed fiduciary bonds, § 166:35
Sales, § 68:8, 91:38, 92:16
Subrogation, § 225:256, 225:325
Workers’ compensation, § 173:23

DEFAULT JUDGMENTS
Prior judgment, § 239:23
Reopening case, § 248:4 to 248:7

DEFECTS AND IRREGULARITIES
Agents and brokers, defects in proof of loss, § 53:11
Arbitration awards, § 213:35
Automobile property insurance, striking highway or defects therein, § 156:52 to 156:56
Beneficiaries, defects in application for change of, § 59:15, 60:46

Index-189
DEFECTS AND IRREGULARITIES—Cont’d
Boiler and machinery insurance, § 150:35
Commercial liability insurance, § 201:69
Contractors’ performance bonds, § 164:41
Cooperation, § 199:27
Deeds, § 91:31, 91:43
Divorce or separation, § 64:12
Estoppel and waiver, § 238:81
Examination under oath, § 196:15
Iron safe clauses, § 97:51, 97:52, 97:57 to 97:64, 97:74 to 97:78
Joinder of Parties (this index)
Liens and encumbrances, acceptance of defective information, § 93:55
Life insurance policies, § 242:101
Limitation of actions, § 235:114
Marine insurance, § 183:54, 183:83
Notice and proof of loss, estoppel and waiver, § 195:6, 195:66
Premiums and assessments, irregular exercise of nonforfeiture option as counteroffer, § 77:54
Property Insurance (this index)
Repair or replace, option to, § 176:43
Sales, defective contracts, § 92:15 et seq.
Service of process, § 231:21
Title insurance, § 159:9, 159:69, 185:86, 185:91, 201:83, 208:16
Venue, § 230:103
DEFENSES—Cont’d
Affirmative defenses—Cont’d
Burden of proving, § 254:12
Agents and Brokers (this index)
Agreement, § 202:42, 202:43, 245:129
Allegations, § 200:25
Ambiguous pleadings, § 200:24
Ambiguous policy provisions, § 200:23
Another insureds, need for formal tender of defense, § 200:31
Appeal bond, § 200:46
Appeals, § 200:45, 200:46
Arbitration, appraisal, or submission agreements, § 210:28
Assignment (this index)
Assuming defense, after, § 200:57
Attorney-client relationship, § 250:13, 250:25
Attorneys, § 202:66, 246:39
Automobile Insurance (this index)
Beneficiary, § 245:84
Burden of proof, § 200:15
Cancellation and rescission, § 31:87 to 31:106, 245:86
Cause of disability, disability policies, § 245:120
Change in occupation, disability policies, § 245:121
Choice of policies, multiple primary insurers, § 200:37
Coincidental excess insurance, § 200:39
Collateral Estoppel (this index)
Commercial General Liability Policies (this index)
Commercial liability insurance, § 201:81
Common law, § 204:27
Complaint, duty based on, § 200:19 to 200:22
Conditions of policy
Generally, § 245:101 et seq.
Arbitrate, failure to, § 245:106, 245:107

Index-190
DEFENSES—Cont’d
Conditions of policy—Cont’d
Cause of disability, disability policies, § 245:120
Change in occupation, disability policies, § 245:121
Cooperate, failure to, § 245:111
Disability policies, § 245:120, 245:121
Evidence, § 245:103 to 245:105
Examination, failure to submit to, § 245:112
Forfeiture, life insurance policies, § 245:119
Life insurance, § 245:119
Limitation period, failure to sue within, § 245:110
Noncompliance, § 245:101
Notices, § 245:103 to 245:105
Statutes, § 245:102
Conditions precedent, § 202:13 to 202:16
Conflict of Interests (this index)
Consecutive policies, multiple primary insurers, § 200:36
Consent, § 202:48, 202:52
Consideration, failure of, § 245:82
Construction and interpretation, § 200:12
Contractors’ Payment Bonds (this index)
Contractors’ performance bonds, § 164:24
Contractual provisions, § 200:5
Contribution and apportionment, § 202:71, 217:12, 217:21, 218:21
Cooperation, § 199:73, 199:130, 199:149, 202:15, 245:111
Costs of action
Generally, § 202:40
Appeal, costs of action on appeal by virtue of prevailing in defense of lower court’s award of fees, § 233:89
Indemnity, plaintiff obtaining defense but not, § 233:54

DEFENSES—Cont’d
Costs of action—Cont’d
Provision that insurer will defend insured against claims, § 233:16
Refuse to defend or pay justified claim, requirement that, § 233:49
Delayed payment or nonpayment
Changing defense theories, § 207:34
Denial of coverage based on reasonable or justifiable defense, § 207:4
Good faith belief that defense is sufficient, § 207:33
Settlement, defense at trial contrary to settled precedent, § 207:32
Delay, effect of, § 200:34
Delay in reserving rights, § 202:61
Denial of coverage or refusal to defend by primary insurer, § 200:43
Denial of liability, § 202:12, 202:55
Direct Actions (this index)
Disability insurance, § 245:99, 245:100, 245:120, 245:121
Disclaimer, § 202:50, 202:64
Dismissal of covered claims or insureds, interim court orders, § 200:48
Due care, duty to exercise, § 202:18
Duty to defend, generally, § 200:1 et seq., 202:1 et seq.
Employment, § 202:11
Estoppel and waiver
Generally, § 202:59 et seq.
Actual defense, § 202:62 to 202:66
Contribution, claims for, § 202:71
Declaratory judgment action, filing as notice of disclaimer, § 202:64
Delay in reserving rights, § 202:61

Index-191
DEFENSES—Cont’d
Estoppel and waiver—Cont’d
Extent of policy coverage, § 202:74
Failure to plead constituting waiver, § 244:61, 244:62
Ignorance of available defense, § 202:60
Independent counsel, § 202:66
Knowledge of policy defense as requirement, § 202:59 to 202:61
Payment of judgment prior to indemnification, § 202:73
Prejudice-insured as requisite-estoppel, § 202:67 to 202:70
Preservation of right to dispute claim, § 202:43
Presumed prejudice, § 202:67
Proof of prejudice, § 202:69
Reservation of rights, § 202:55 to 202:58
Third persons, claims by or against, § 202:71, 202:72
Withdrawal, § 194:16, 200:54
Evidence
Generally, § 200:21
Conditions of policy, § 245:103 to 245:105
Liability insurer, § 226:129
Prejudice, proof of, § 202:69
Examination, failure to submit to, § 245:112
Exceptions, waiver, failure to plead constituting, § 244:62
Excess insurance
Generally, § 200:38 et seq.
Denial of coverage or refusal to defend by primary insurer, § 200:43
Exhaustion of primary policy, § 200:41
Liability insurance, § 226:127
Limits of policy, in excess of, § 200:42
Termination of duty, primary insurer’s payment of policy limits to excess insurer, § 200:51
DEFENSES—Cont’d
Laches (this index)
Landlord and Tenant (this index)
Leave of court, § 200:58
Liability Insurance (this index)
Liberal construction, § 200:12
Life insurance, § 245:99, 245:100, 245:119
Limitation of Actions (this index)
Limitation period, failure to sue within, § 245:110
Limits of policy, § 200:42, 200:50, 200:51
Loan agreement, breach of, § 80:15
Mortgages and deeds of trust, § 65:24, 65:49
Multiple primary insurers, § 200:35 to 200:37
Murder, insurance obtained by beneficiary who killed insured, § 245:84
Mutual companies, defenses available in actions between member and, § 39:42
No action clause, § 202:10
Noncompliance, § 245:101
Nonexistence of policy, § 239:156
Nonwaiver agreement, § 202:42, 202:43, 245:129
Notice
Conditions of policy, § 245:103 to 245:105
Estoppel and waiver, § 202:64
Preservation of right-dispute claim, § 202:44 to 202:49
Refusal to defend, § 202:14
Withdrawal from defense, § 200:53
Notice and proof of loss
Generally, § 195:21, 195:50
Estoppel and waiver
Action on policy, defense of, § 194:76
Insured, defense of action against, § 194:74
Knowledge of other defenses, § 195:21
Withdrawal of defense by one insurer as affecting rights
DEFENSES—Cont’d
Preservation of right to dispute claim
—Cont’d
Waiver of reservation of rights or nonwaiver agreement,
§ 202:43
Presumed prejudice, § 202:67
Primary insurance, § 200:35 to 200:37, 200:41, 200:43, 200:51
Prior judgment, § 239:74 to 239:76
Property Insurance
Property policies, § 245:95 to 245:98
Question of fact or law, § 200:16, 202:58
Reasonable expectation of insured,
§ 200:13
Reasonableness of settlement and good faith in making it, § 202:9
Receipt of benefits, ultra vires,
§ 239:159
Recoupment
Reformation
Refusal-defend
Conditions precedent, § 202:13 to 202:16
Refusal to defend
Generally, § 202:4 et seq.,
After trial clause, § 202:10
Arbitration clause, § 202:16
Cooperation and assistance provision, § 202:15
Costs of action, § 233:49
Deny liability on ground of coverage,
§ 202:12
Enforce contract provision, loss of right to, generally, § 202:7 et seq.
Justified refusal to defend, § 202:5
No action clause, § 202:10
Notice of accident and forwarding of summons, § 202:14
Pay judgment obtained by employee, require insured to,
§ 202:11
Proof of loss, § 202:13
Reasonableness of settlement and good faith in making it,
§ 202:9
DEFENSES—Cont’d
Refusal to defend—Cont’d
Settlement, prohibition of, § 202:8, 202:9
Unjustified refusal to defend,
§ 202:6
Reimbursement, § 202:40, 226:123 to 226:125
Release, § 245:130
Repairs
Representations, warranties, conditions, and concealment,
§ 245:89, 245:90
Reservation of rights
Dispute claim, generally, § 202:42
Liability insurer, § 226:126 to 226:128
Question of fact, § 202:58
Reimbursement of defense costs,
§ 202:40
Sufficiency of reservation of rights,
§ 202:47
Title insurance, unconditional defense as waiver of right to deny liability,
§ 202:56
Unconditional defense as waiver of right-deny liability,
§ 202:55 to 202:58
Waiver of reservation of rights or nonwaiver agreement,
§ 202:43
Without, generally, § 202:54 et seq.
Res Judicata
Self-insurance, § 10:7
Service Stations and Garages
State officials, immunity, § 239:154
Sufficiency of reservation of rights,
§ 202:47
Sufficiency of tender of defense,
§ 200:32
Suicide, life insurance, § 245:99
Summons, § 202:14

Index-194
DEFENSES—Cont’d
Tender (this index)
Termination of duty
Generally, § 200:47 et seq.
Dismissal of covered claims or insureds, interim court orders, § 200:48
Final judgment, § 200:49
Interim court orders, § 200:48
Primary insurer’s payment of policy limits to excess insurer, § 200:51
Tender of policy limits in settlement or judgment, § 200:50

Third-Party Claims (this index)
Third persons, § 202:71, 202:72, 239:155
Timeliness of notice, § 202:46
Timely notice, § 200:53
Time of determination, § 200:14
Title insurance
Generally, § 200:10
Potential coverage, § 200:18
Trigger, § 200:28
Unconditional defense as waiver of right to deny liability, § 202:56
Trial, § 202:10
Trigger of duty, § 200:26 to 200:28, 200:41 to 200:44
True excess insurance, § 200:39
Ultra vires, § 239:158, 239:159
United states, immunity, § 239:153
Unjustified refusal to defend, § 202:6
Validity, § 202:39
Value policies or statutes, § 175:108
Venue, § 230:8
Verdict, after adverse verdict, § 200:59

War and Civil Disturbances (this index)
Warranty, breach of, § 245:89, 245:90
Withdrawal from defense
Generally, § 200:52 et seq.
Assuming defense, after, § 200:57
Leave of court, § 200:58

DEFENSES—Cont’d
Withdrawal from defense—Cont’d
Prejudice, § 200:55
Settlement or payment of claim, after, § 200:56
Timely notice, § 200:53
Verdict, after adverse verdict, § 200:59
Waiver of right to deny liability, § 200:54

DEFINITENESS
See Certainty and Definiteness (this index)

DEFINITIONS
Generally, § 204:3
Accident and Life Insurance (this index)
Accident Insurance (this index)
Actual cash value, § 175:19, 175:31, 175:32, 220:16
Addiction, § 88:14
Additional insureds, § 40:30
Admissions, § 249:9
Agents of insurer, § 44:38
Ailment, § 87:69
Application, § 11:1, 18:7
Automobile property insurance, § 156:46, 156:47
Bad faith defined, § 204:3
Beneficiary, § 58:1
Bodily injury, § 201:8
Brokers versus agents, § 45:1
Circumstantial evidence, § 249:7
Combining or Stacking of Coverages (this index)
Contractors’ Bonds (this index)
Contractors’ payment bonds, § 165:23
Contribution and apportionment, § 217:4
Costs, § 233:3
Costs of action, § 233:3
Damages, § 201:15, 201:16
Deformity, § 87:73
Description of subject matter, § 20:2
Direct evidence, § 249:7
Disability insurance, § 146:1
DEFINITIONS—Cont’d
Disease, § 87:65
Due care, § 206:7
Estoppel and waiver, § 239:95
Evidence, § 249:6
Excessive drinking, § 88:15
Expenses, § 233:3
Fees, § 233:3
Fidelity insurance, § 160:1
Fire insurance, § 149:21, 149:24
General Concepts (this index)
Good-faith, § 198:5
Good health, § 15:2, 33:59
Gross income, § 63:9
Habit, § 88:14
Hearsay exclusion and exceptions, § 249:15
Illness, § 87:67
Incidents of ownership, § 63:36
Indemnity concept, § 1:7
Infirmity, § 87:72
Instructions to jury, § 246:70
Insurable interest, § 41:1
Insurance, § 1:6
Insured, § 40:1
Interest, § 92:7
Intoxication, § 88:16
Inventory, § 97:65
Judicial notice, § 249:9
Judicial notice of meanings of words, § 254:279
Jurisdiction and venue, § 227:13
Measurement of degree of loss, § 175:63
Medical insurance, § 144:1, 145:12
Medical payments, § 158:28, 158:29
Misrepresentation, § 81:6
Occupation, § 86:19
Physical evidence, § 249:8, 249:9
Physical impairment, disability, and the like, § 87:74
Practice, § 88:14
Premium, § 69:1
Presumptions, § 249:9
Property damage, § 201:9
Property Insurance (this index)
Reciprocal insurance exchanges and interinsurance, § 39:48

DEFINITIONS—Cont’d
Reinstatement, § 33:2
Renewal of policy, § 29:1
Representation, § 81:5
Sanctions, § 233:3
Serious disease, § 87:66
Serious illness, § 87:68
Sickness, § 87:70
Subrogation, § 222:2, 222:5
Suffering of a disease, illness, ailment, § 87:71
Suit, § 201:12
Tangible property, § 201:10
Testimony, § 249:8, 249:9
Title insurance, § 159:66 to 159:69, 159:70
Vacancy, § 94:112
Unoccupancy, § 94:112
Use of intoxicating liquors, § 88:13
Venue, § 230:1
DEFORMITIES
Medical insurance, § 144:69
DEGREE OF PROOF
See Standard of Proof (this index)
DELAY
Generally, § 245:128
See also Estoppel and Waiver (this index)
Applications (this index)
Arbitration, § 212:23
Arbitration, appraisal, or submission agreements, § 210:12, 210:77
Assignment, § 37:81
Beneficiaries, delay in acting on request for change of, § 60:63
Cancellation and Rescission (this index)
Construction contract guaranties, § 184:30, 184:42
Cooperation, § 199:31
Costs of action, § 233:66
Cure, § 244:129 to 244:131
Defense, § 200:34, 202:61
Delayed Payment or Nonpayment (this index)
Demurrer, § 244:94
Disability insurance, § 182:14
INDEX

DELAY—Cont’d
Disclaimer, § 208:14
Estoppel and waiver, § 238:32, 238:33, 238:40, 238:48
Incontestability clause, § 240:39, 240:43
Limitation of actions, § 236:182, 237:61
Marine insurance, § 183:73 to 183:75, 183:85
Medical Insurance (this index)
New trial, § 248:15, 248:16
Notice or Knowledge (this index)
Payments. See Delayed Payment or Nonpayment (this index)
Prejudice or Bias (this index)
Premiums and Assessments (this index)
Property insurance, § 154:54
Reformation, § 27:64 to 27:72
Reinstatement and Revival (this index)
Rent loss insurance, § 185:27
Sanctions, § 233:103
Statutes and regulations, § 204:115, 204:116
Third-party claims, § 205:17, 206:27, 206:28, 208:15, 208:27
Trial, § 246:7
Waiver and estoppel, § 194:72
Workers’ compensation, § 173:67

DELAYED PAYMENT OR NONPAYMENT—Cont’d
Compromise, § 207:28
Computation of penalty, § 207:77
Construction and interpretation, § 207:30
Contesting or attacking arbitration awards, § 207:18
Cooperate, failure to, § 207:20
Court, claiming less in, § 207:21
Damages, generally, § 207:73
Defense, § 207:32, 207:33, 207:34
Demand for payment
Generally, § 207:8 et seq.
Adequacy of demand, § 207:11
Incorrect amount demanded, § 207:67 to 207:72
Pleading as demand, § 207:13
Proofs of loss as demand, § 207:12
Time for demand, § 207:9
Waiver and estoppel, § 207:14
Denial of liability for purpose of forcing compromise, § 207:28

Denial of payment
Failure to give reason for, § 207:26
Frivolous or vague basis for denial, § 207:27
Initial acceptance, § 207:29
Reasonable or justifiable defense, § 207:4

Denial of payment
Automobile Insurance (this index)
Homeowners’ Insurance (this index)
Enforcement, § 207:37 to 207:41
Erroneous construction of policy, § 207:30
Execution of policy, § 207:37
Existence, § 207:37 to 207:41
Force, § 207:28
Frivolous or vague basis for denial, § 207:27
Good faith belief that defense is sufficient, § 207:33
Inadequacy of award, § 207:79
Incorrect amount demanded, § 207:67 to 207:72
Intent, § 207:35

Index-197
DELAYED PAYMENT OR NONPAYMENT—Cont’d
Interest as penalty, § 207:78
Interpleader, § 207:16
Invalid, nonexistent, or otherwise unenforceable policy, § 207:37 to 207:41
Investigate claim, failure to, § 207:24
Investigate, failure to conduct reasonable investigations, § 207:25
Judgment, § 207:23, 207:71
Lapsed policy, § 207:38
Liability, generally, § 207:37 et seq.
Life, Health, and Disability Insurance (this index)
Lump-sum payment as penalty, § 207:76
Medical Insurance (this index)
Misrepresentations, § 207:40, 207:41
Monetary penalty, § 207:74 to 207:79
No-fault insurance, § 207:72
Noncompliance with requirements as to notice and proofs, § 207:42
Notice, § 207:41, 207:42
Other insurance clause applied, § 207:46
Outside of coverage, loss falling, § 207:43 et seq.
Partial loss, incorrect amount demanded, § 207:68
Penalty, monetary, § 207:74 to 207:79
Percentage of recovery, monetary penalty, § 207:75
Pleading as demand, § 207:13
Procurement of loss, § 207:43
Proof of loss, § 207:12, 207:41, 207:42
Proof of nonpayment of premium, § 255:11 et seq.
Property not covered, § 207:45
Reasonableness of actions, generally, § 207:19 et seq.
Reasonableness of charges, no-fault insurance, § 207:72
Reasonable person standard, § 207:3
Reasonable time, § 207:5 to 207:7

DELAYED PAYMENT OR NONPAYMENT—Cont’d
Reduction by amending complaint, § 207:22
Repair, replacement or money entitlement to, § 207:69
Setoff of liability judgment, § 207:71
Settlement, defense at trial contrary to settled precedent, § 207:32
Total loss, incorrect amount demanded, § 207:68
Trial, weakness or absence of defense at, § 207:31, 207:32
Uninsured and Underinsured Motorist Coverage (this index)
Unintentional delay or nonpayment, § 207:35
Validity, § 207:37 to 207:41
Value overstated, § 207:70
Waiver and estoppel, § 207:14

DELEGATION OF POWER OR AUTHORITY
Arbitrators, appraisers, and proceedings before them, § 211:10
Premiums and assessments, § 70:13
State insurance boards, commissioners, and similar authorities, § 2:9

DELIQUENT PREMIUMS
See Premiums and Assessments (this index)

DELIRIUM OF FRENZY
Suicide, § 136:53

DELIVERY
Automobile property insurance, § 157:34
Cancellation and rescission, nondelivery of registered mail, § 32:28
Contractors’ payment bonds, § 165:54, 165:61
Costs of action, § 233:43
Deeds (this index)
Delivery of Policy (this index)
Documents of title, § 92:19
Examination under oath, § 196:9
Goods sold but not delivered, description of, § 20:36
DELIVERY—Cont’d
Incontestability clause, § 240:32
Insurable interest delivery of deed, § 42:62, 42:63, 42:68
Labor and material bonds, § 191:37, 191:45 to 191:49
Notice and Proof of Loss (this index)
Pleadings, generally, § 245:10
Premiums and assessments, forfeiture for nonpayment, § 76:33
Property Insurance (this index)
Rider, delivery of, injunction, § 232:137
Service of process, § 231:35

DELIVERY OF POLICY
Generally, § 14:6 et seq.
Agents
Insured’s agent, delivery to, § 14:17
Insurer’s agent, § 14:14, 14:18, 48:40, 48:41
Assignment (this index)
Beneficiaries (this index)
Binders and binding receipts, § 13:16
Burden of proof, § 254:24
Conditions
Generally, § 14:8, 14:13
Gift of policy, unconditional delivery, § 38:15
Conditions
Good Health of Insured (this index)
Constructive or actual delivery
Generally, § 14:12
Gift of policy, § 38:16
Good health of insured, § 15:10
Costs of action, § 233:42, 233:43
Estoppel and waiver
Failure to deliver policy, § 239:118
Good health of insured, § 15:12 to 15:14
Requirement of delivery, § 14:11
Failure to deliver, prejudice to insured, § 14:7

DEMAND OR REQUEST
Agents and Brokers (this index)
Appraisal, demand for
Homeowners’ Insurance (this index)
Inland Marine Insurance (this index)
Arbitration and appraisal. Appraisal, demand for, above
Arbitrators, appraisers, and proceedings before them, § 211:42, 211:44
Automobile Insurance (this index)
DEMAND OR REQUEST—Cont’d

Autopsy and Exhumation (this index)
Bank deposit guaranty, § 166:16, 166:17
Beneficiaries, change of, § 60:44, 60:62
Cancellation and Rescission (this index)
Commercial General Liability Policies (this index)
Commercial Property Insurance (this index)
Confidential or privileged information, § 250:61
Delayed Payment or Nonpayment (this index)
Estoppel and Waiver (this index)
Evidence, § 186:24
Fidelity insurance, § 185:50
Garagekeepers policies. Service Stations and Garages (this index)
Homeowners’ Insurance (this index)
Indemnification
Automobile Insurance (this index)
Garagekeepers policies. Service Stations and Garages (this index)
Iron safe clauses, production of books and records upon demand, § 97:22
Life, health, and disability insurance, § 191:86
Life insurance, § 179:16
Limitation of Actions (this index)
Marine insurance, § 183:137
Notice and proof of loss, estoppel and waiver, § 195:20 to 195:24, 195:33
Premiums and Assessments (this index)
Production of documents and records, § 196:41
Property insurance, § 191:82, 191:83
Reformation, demand for relief, § 28:7

DEMAND OR REQUEST—Cont’d

Reinstatement and revival, health or insurability of insured, § 33:62, 33:110
Service Stations and Garages (this index)
Settlement and compromise, § 203:19
Subrogation, § 222:12
Third-party claims, § 206:24, 206:38
Torts, § 243:127
Trigger, § 191:75
Umbrella Policies (this index)
Waiver and estoppel, § 194:40 to 194:43, 194:46, 194:48

DEMONSTRATIVE EVIDENCE

See Documentary Evidence (this index)

DEMURRAGE

Generally, § 244:79 et seq.
Admissions on demurrer, § 244:82
Contract, elements of, § 244:80
Contractors’ payment bonds, § 165:147
Contractual limitation of actions, § 244:93
Delay or laches, § 244:94
Disposition of demurrer, § 244:84
Evidence, failure of proof, § 244:91
Inconsistency in pleading, § 244:89
Insurable interest, § 244:85
Interpreting pleadings on demurrer, § 244:83
Laches, § 244:94
Limitation of action, § 244:92, 244:93
Misjoinder of actions, § 244:86
Misjoinder of parties, § 244:87
Statutes, § 244:92
Statutory limitation of actions, § 244:92

DEMUTUALIZATION

Mutual companies, § 39:43 to 39:45

DENIAL OF PAYMENT

Delayed Payment or Nonpayment (this index)
DENIALS
Admissions (this index)
Answers (this index)
Claim, denial of. See Estoppel and Waiver (this index)
Payment, denial of. See Delayed Payment or Nonpayment (this index)
Trigger, denial as. See Limitation of Actions (this index)

DE NOVO ACTIONS
Prior judgment, § 239:6

DENTAL CONDITIONS
See Medical Insurance (this index)

DENTAL IMPLANTS
Medical insurance, § 181:63

DENTISTS AND DENTISTRY
Disability provisions, § 147:117
Workers’ compensation, § 174:12

DEPARTURE
Generally, § 244:71 et seq.
Avoidance, matter in, § 244:74
Estoppel and waiver, § 244:75
Greater detail, pleading in, § 244:73

DEPENDENTS
See also Medical Insurance (this index)
Automobile liability coverage, § 242:6
Burden of proving dependency, § 254:128
Presumptions re, § 254:196
Proof of, § 255:96
Reimbursement, § 226:32
Workers’ compensation, § 173:26

DEPOLYATORY TREATMENTS
Medical insurance, § 181:34

DEPOSITIONS
Cooperation, § 199:53
Costs, § 233:5
Demonstrative evidence, admissibility as, § 253:258
Discovery, § 251:6, 251:7
Protective orders, § 251:44

DEPOSITIONS—Cont’d
Sanctions, § 251:57

DEPOSITORY BONDS
See also Subrogation (this index)
Parties, § 242:146

DEPOSITS
Bank Deposit Guaranty (this index)
Bonds and Undertakings (this index)
Fidelity insurance, § 162:17, 185:45
Guaranty. See Bank Deposit Guaranty (this index)
Insolvency, statutory deposits, § 6:17 to 6:26
Iron safe clauses, deposit slips, § 97:56
Marine insurance, § 221:85
Premiums and assessments, redeposit of checks, § 73:16
Public official and appointed fiduciary bonds, § 166:39 to 166:42

DEPOSITS INTO COURT
See Payment into Court (this index)

DEPRECIATION
Actual cash value, § 175:25, 175:46
Automobiles and other motor vehicles, § 177:18, 177:19
Buildings and similar structures, § 177:29, 177:30
Contractors’ payment bonds, § 165:101
Deductions and offsets, § 178:5 to 178:8
Inland Marine Insurance (this index)
Marine Insurance (this index)
Use and occupancy insurance, § 185:24
Valued policies or statutes, § 175:96
Value of insured property, § 93:5

DEPUTY’S ACTS
Peace officer’s bond, § 166:52

DERIVATIVE ACTION
Joinder of parties, § 243:115
DERRICKS
Automobile insurance, § 121:38, 121:39

DESCENT AND DISTRIBUTION
Beneficiaries, § 61:36

DESCRIPTION OR IDENTIFICATION
Generally, § 20:1 et seq., 219:14 to 219:16
Accident and life insurance, § 141:34
Additions-buildings, § 20:29 to 20:33
Additions to buildings, § 20:10
Adjoining buildings, § 20:10, 20:29 to 20:33
Ambiguous language, resolving of, § 20:33
Art, § 20:60
Automobile Insurance (this index)
Automobile Property Insurance (this index)
Automobiles (this index)
Bank deposit guaranty, § 166:8
Beneficiaries, erroneous designation of identity, § 59:10
Boundaries, § 20:66
Burden of proof, § 254:30
Cancellation and rescission, notice of identity of insured, § 32:41
Class, designation of building by, § 20:9
Commissions
Generally, § 20:58
Goods held on commission, description of goods held on, § 20:39 to 20:43
Connected buildings, § 20:10, 20:29 to 20:33
Consolidation or Merger (this index)
Contractors’ payment bonds, § 165:13
Definition of description of subject matter, § 20:2
Estates, § 20:59

DESCRIPTION OR IDENTIFICATION—Cont’d
Estate taxes, § 63:31 et seq.
Estoppel and waiver
Generally, § 20:7
Motor vehicles, § 20:20, 90:5
Evidence
Generally, § 40:6
Automobiles, § 90:3, 90:4
Exemption from claims of creditors, identity or status of beneficiary, § 66:32 to 66:34
Expansion of designated place through usage, § 20:15
Explosives, § 20:61
Fences, § 20:62
Fidelity insurance, § 160:34, 160:35
Fixtures, § 20:45, 20:64
Fraud, § 90:2, 90:4
Good health of insured, identification of persons consulted, § 87:56, 87:57
Goods, Wares, and Merchandise (this index)
Ignorance of Existence of Policy or Insurer Identity (this index)
Ignorance of existence or character of loss, occurrence or accident, § 192:15
Insolvency (this index)
Insureds, proof of identity of, § 255:93
Insurers, proof of identity of, § 255:94
Iron safe clauses, description of inventory, § 97:78
Liberal construction in favor of insured, § 22:28
Liens and encumbrances, § 93:28, 93:29
Liquidation and Dissolution (this index)
Livestock, § 20:67
Location of description, § 20:3, 20:5 to 20:15
Machinery or Equipment (this index)
DESCRIPTION OR IDENTIFICATION—Cont’d
Measurement of degree of loss, § 175:70 to 175:73
Mistake in description, generally, § 20:4, 20:6
Mortgages and deeds of trust, misdescription of interest of mortgagor, § 65:67
Natural forces, property carried from location by, § 20:14
Notice, § 189:8 to 189:10, 189:28, 189:29
Parking lot, § 20:63
Parol evidence, § 253:106 et seq.
Payroll, § 20:70
Personal effects, § 20:71
Post-contract building additions or alterations, description of, § 20:31
Private structures, § 20:32
Profits, § 20:58
Proof of identity
   Generally, § 255:93 et seq.
   Insureds, § 255:93
   Insurers, § 255:94
   Property, § 255:95
Property, proof of identity of, § 255:95
Reformation, § 27:47 to 27:58, 27:69
Replacement buildings, § 20:11
Representations, warranties, and conditions, generally, § 86:46, 90:1 et seq.
Ships, Vessels, Cargo, Stores, and the Like (this index)
   Sufficiency of description, § 20:1
   Title insurance, § 159:19, 159:22
   Use and occupancy, identity of occupant, § 94:58 to 94:68
   Waiver and estoppel, § 20:7
   Wearing apparel, § 20:71
DESIGN
   Property insurance, § 153:78, 154:41, 155:46
   Subrogation, § 224:10, 224:11

DESTRUCTION OF SUBJECT MATTER
Agents and brokers, termination of, § 44:66
Automobile property insurance, § 156:50
Expired policies, § 208:30
Marine insurance, § 221:54
Mortgages and deeds of trust, § 65:26, 65:57 to 65:59
Property insurance, § 155:100

DETERIORATION
   Marine insurance, § 183:38
   Property insurance, § 153:80, 153:81, 155:63

DEVIATION
   See Marine Insurance (this index)

DEVISES
   See Wills (this index)

DIABETES
   Accident and life insurance, § 141:39, 141:58
   Disability provisions, § 147:98
   Good health of insured, § 88:34

DIAGNOSIS AND DIAGNOSTIC PROCEDURES
   Accident and life insurance, § 141:93
   Disability provisions, § 147:35, 147:36
   Medical insurance, § 144:90, 145:29, 181:39, 181:40
   Workers’ compensation, § 174:13

DICTA OF STATE COURT
   Governing law, § 24:48

DIGESTIVE SYSTEM
   Disability provisions, § 147:75 to 147:77
   Good health of insured, § 88:43 et seq.

DILIGENCE
   See Due Care or Diligence (this index)
DIRECT ACTIONS
Actual payment, conditions precedent to action, § 105:35
Arbitration clause, compliance with, § 105:39
Assignment, § 34:22
Automobile liability coverage, § 242:1
Characterization immaterial, view that, § 104:57
Conditions of policy, § 245:73
Conditions precedent-action
Insolvency of insured, § 105:11 to 105:13
Judgment against or settlement with insured, § 105:14 to 105:33
Particular preconditions, generally, § 105:11 to 105:39
Conditions precedent to action
Generally, § 105:1 et seq.
Actual payment, § 105:35
Arbitration clause, compliance with, § 105:39
Geographic limitations, § 105:36
Inability to serve insured, § 105:37
No-action clauses, generally, § 105:1 et seq.
Notice and opportunity to defend claim against insured, § 105:38
Particular preconditions, generally, § 105:2
Policy terms, general requirement of compliance with, § 105:34
Statutes of jurisdictions not imposing preconditions, § 105:1
Waiver and estoppel, § 105:3
Conflict of laws as to statute of limitations, § 104:50
Contractual and statutory provisions
Generally, § 104:1 et seq.
Conflict between policy and statute, § 104:24 to 104:26
Effect on right of insured, § 104:12
Express provision for direct action, § 104:21
Grant of right, generally, § 104:7

DIRECT ACTIONS—Cont’d
Contractual and statutory provisions—Cont’d
Harm covered
Generally, § 104:27 to 104:30
Additional insureds, § 104:28
Kinds of injuries covered, generally, § 104:29
Need for liability of insured to claimant, § 104:27
Property damage, § 104:30
Implication of direct action rights, § 104:22, 104:23
Liberal construction, right to, § 104:10
Limits as to amount of claim, § 104:11
Nature and effect of statutory provisions
Generally, § 104:13 to 104:19
Exclusive remedy, statute not, § 104:14
Particular statutes, rules, and the like as creating or negating direct action right, § 104:17 to 104:19
Purpose and nature of statute, generally, § 104:13
Repeal, effect of, § 104:16
Retroactive application, § 104:16
Types of policies and actions to which statute applies, § 104:15
Nature of claimant’s right
Generally, § 104:31 to 104:45
Bankruptcy proceedings, claimant’s status in, § 104:32
Compulsory insurance, § 104:45
Conditions precedent, effect of, § 104:35
Derivative, view that claimant’s rights are, § 104:37 to 104:41
Distinction between derivative and independent nature of claimant’s right, § 104:31
DIRECT ACTIONS—Cont’d
Defenses—Cont’d
Insolvency or bankruptcy of insured, § 106:66
Insured’s payment or non-payment of judgment, § 106:67
Reimbursement of sums paid, provision for, § 106:3
Res judicata
Generally, § 106:47 to 106:52
Conclusiveness as-claimant of proceedings between insurer and either insured or claimant, § 106:53 to 106:56
Conclusiveness as-insurer of proceedings between insured and claimant, § 106:47 to 106:52
Conclusiveness of proceedings between insurer and other claimants injured in same accident, § 106:57, 106:58
Statute of limitations, § 106:59, 106:60
Validity of underlying contract of insurance, § 106:61, 106:62
Waiver or estoppel, § 106:41 to 106:46
Equitable remedies
Injured third party, action by, § 232:120
Specific performance, § 232:178
Express contract provision as to what law governs, § 104:48
Geographic limitations, conditions precedent to action, § 105:36
Governing law, views as to, § 104:51 to 104:56
Immunity
Generally, § 106:34 to 106:40
Family immunity, § 106:38, 106:39
Governmental immunity, § 106:34 to 106:36
Worker’s compensation law, § 106:37
Insolvency of insured, conditions precedent-action, § 105:11 to 105:13

DIRECT ACTIONS—Cont’d
Jurisdiction of federal proceedings, § 229:36
Law governing right-direct action, generally, § 104:46 to 104:57
Law of place where accident occurred as controlling, § 104:57
Limitation of actions
Judgment creditor, § 236:163
Liability insurance, § 234:62, 234:63
Statute, § 236:13
Third party action against insurer, § 236:104, 236:105
No action and similar clauses, § 105:4 to 105:10
Notice, § 186:15
Parties-direct action
Generally, § 107:12 to 107:39
Defendants, § 107:19 to 107:39
Joinder of insured and insurer, § 107:26 to 107:39
Plaintiff-claimant, § 107:13 to 107:18
Parties to direct action
Artificial persons as claimants, § 107:14
Claimant, generally, § 107:13, 245:19
Creditors of claimant, § 107:16
Named insured injured by additional insured, § 107:15
Personal representatives, § 107:18
Subrogated insurer of claimant, § 107:17
Practice and procedure
Generally, § 107:1 to 107:43
Burden of proof, § 107:41, 107:42
Insolvency of insured, § 107:42
Jurisdiction, § 107:2 to 107:4
Nature, jurisdiction, and venue of direct action, § 107:1 to 107:6
Pleadings, § 107:40
Questions of law or fact, § 107:43
Statute of limitations, § 107:9 to 107:11
INDEX

DIRECT ACTIONS—Cont’d
Practice and procedure—Cont’d
Tort or contract, direct action as,
§ 107:7 to 107:11
Venue, § 107:6
Procedural, view that right is,
§ 104:51 to 104:53
Public policy of the forum, effect of,
§ 104:49
Questions of law or fact,
§ 107:43
Right of direct action against insurer,
generally,
§ 104:1 to 107:43
Subrogation, § 222:100
Substantive, view that right is,
§ 104:54 to 104:56

DIRECT AND POSITIVE PROOF
Generally, § 189:67
Definition, § 249:7

DIRECTED VERDICT
Generally, § 247:27 et seq.
Accident, § 247:38
Appeals, § 248:49
Conclusions, § 247:35
Conflicting conclusions, § 247:35
Conflicting evidence, § 247:34
Fraud, § 247:42, 247:43
Governing law, § 247:29
Incomplete evidence, § 247:33
Misrepresentations, § 247:43
Motion, § 247:27, 247:28
Overwhelming evidence, § 247:31
Pay premiums, § 247:40
Proceeds, right to, § 247:41
Replacement during repair of insured
property, § 247:39
Scintilla of evidence, § 247:32
Waiver of jury verdict, § 247:28
Witness credibility, § 247:36

DIRECTIONS
See Instructions or Directions (this
index)

DIRECTORS AND OFFICERS
See also Officers and Directors of
Insurance Companies (this
index)
Bank deposit guaranty, § 166:11

DIRECTORS AND OFFICERS
—Cont’d
Corporations or other officers and
directors, actions involving,
§ 131:33
Exclusions, generally, § 131:34 et
seq.
Fidelity insurance, § 160:39, 161:95,
161:96
Fire insurance, § 149:51
General coverage terms, § 131:31
Liability insurance
Generally, § 172:21
Property insurance policies, § 245:74
Public officials’ bonds, § 184:56
Regulatory exclusion
Generally, § 131:38 to 131:41
Ambiguity, § 131:38
Claims to which exclusion applies,
§ 131:40
Theories of recovery notwithstanding
exclusion, § 131:41
Validity, § 131:39
Representations, warranties and
conditions, § 100:34
Risks covered under policies, gener-
ally, § 131:30 to 131:41

DISABILITY AND DISABLED
PERSONS
Accident and life insurance,
§ 141:13, 141:15, 141:16
Accident insurance, § 245:34
Americans With disabilities act, § 4:4
Commercial liability insurance,
§ 201:73
Disability Insurance (this index)
Group Insurance (this index)
Health insurance, § 245:34
Incontestability clause, § 240:40
Instructions to jury, § 246:83, 246:84
Judicial notice of disability,
§ 254:268
Life, Health, and Disability Insur-
ance (this index)
Life insurance, § 245:34
Limitation of actions, § 236:156,
237:56
Medical Insurance (this index)

Index-207
DISABILITY AND DISABLED PERSONS—Cont’d
Premiums and Assessments (this index)
Presumption of continuance of disability, § 254:158
Prior judgment, § 239:39, 239:46, 239:47
Recoupment, § 226:72, 226:98
Release, § 216:37, 216:41
Subrogation, § 223:155
Witnesses, § 252:70 to 252:72
Workers’ compensation, § 173:71

DISABILITY INSURANCE
Generally, § 1:65, 146:1 et seq., 147:1 et seq., 182:1 et seq.
Abandonment of work attempt, § 147:11
Accident, § 146:13, 146:14, 146:73
Accountants, § 147:113
Actual or functional loss of more than one limb, § 147:54
Administrator, § 242:119
Admission of not permanent, § 147:175
Admissions, statements constituting
Generally, § 254:244
Scope of admission, § 254:252
Affordable care act, § 146:9
Age, § 147:92, 147:171, 182:26
Agent, insurance, § 147:130
Allergies, § 147:96
Americans With disabilities act (ada), § 146:8
Amount of recovery, generally, § 182:16 et seq.
Ankle, at or above, § 146:66
Any occupation policy
All occupations, § 147:42
Insured’s occupations, § 147:43
Appeal and review
Education, training, and experience policy, below
Own occupation policy, below
Apportionment of payments where insured dies, § 182:24, 182:25
Appraiser, § 147:114

DISABILITY INSURANCE—Cont’d
Arthritis and related conditions, § 147:78, 147:79
Assignment
Generally, § 34:23
Absolute assignment, § 37:9
Bankruptcy of insured, § 35:26
Assistance, continuance of job with, § 147:18
Asthma, § 147:90
Attempt to work, § 147:45
Attempt-work, § 147:162 to 147:164
Attendance, § 146:32
Attorney, § 147:118
Automatic benefit increases, § 182:3
Back injury, § 147:80, 147:81
Banker, § 147:115
Barber, § 147:134
Bed or bedroom, confinement to, § 146:49 to 146:51
Beneficiaries, § 58:31, 58:32
Blood pressure, § 147:73
Bookkeeper, § 147:135
Both eyes, loss of sight in, § 146:80
Bowels, § 147:75
Brain/psychiatric conditions, § 147:66 to 147:68
Burden of proof, § 147:29, 147:30, 147:79
Burns, § 147:93
Business owner or executive, § 147:124, 147:125
Butcher, § 147:136
Buyer, cattle, § 147:126
Calculation of income, § 182:18
Cancellation and rescission, § 30:26
Cancer and other tumors, § 147:94, 147:95
Caps on benefits, § 182:26 to 182:28
Care, medical, § 146:32
Carpenter, § 147:137
Cashier, § 147:144
Cataracts, § 147:56
Cattle buyer, § 147:126
Causation
Generally, § 146:17, 146:21, 146:72
Proof of, § 255:25 et seq.
INDEX

DISABILITY INSURANCE—Cont’d
Ceilings on benefits, § 182:28
Change in disability, § 182:22
Change in occupation prior to disability, § 182:21
Change of jobs after issuance of policy, § 147:108
Character evidence, § 255:92
Chemical inhalation, § 147:57
Chemical, multiple chemical sensitivity, § 147:96
Chronic fatigue syndrome (cfs), § 147:97
Chronic obstructive pulmonary disease, § 147:90
Civil engineer, § 147:116
Clerical worker, § 147:145
Color blindness, § 146:78
Commencement of right to benefits
  Generally, § 182:10 et seq.
  Accrual from date disability incurred, § 182:12, 182:13
  Accrual of benefits from date proof of disability furnished, § 182:10
  Delay, statute regulating delay, § 182:14
  Elimination periods, § 182:10, 182:11
  Evidence, § 182:10, 182:11
  Questions of law or fact, § 182:15
  Statute regulating delay, § 182:14
  Time, § 182:10
  Common laborer lacking other qualifications, presumption of, § 147:48
  Compelling reasons, absence from house for, § 146:48
  Concealment, § 245:127
  Conclusive presumption of permanence, § 147:174, 147:175
  Condition. Notice of details of condition, below
  Conductor, railroad employees, § 147:150
  Confinement-to-house
    Generally, § 146:25, 146:36 et seq.

DISABILITY INSURANCE—Cont’d
Confinement-to-house—Cont’d
  Bed or bedroom, confinement to, § 146:49 to 146:51
  Compelling reasons, absence from house for, § 146:48
  Construction and interpretation, § 146:40 to 146:43
  Degree of disability, § 146:37
  Emergency reasons, absence from house for, § 146:48
  Employment, absence from house for, § 146:47
  Evidence, § 146:38, 146:49
  Exercise, absence from house for, § 146:46
  Fresh air, absence from house for, § 146:46
  Hospital confinement as equivalent, § 146:42
  Liberal construction, § 146:40, 146:41
  Medical treatment, absence from house for, § 146:44
  Personal business, absence from house for, § 146:45
  Questions of fact, § 146:39, 146:51
  Recreational reasons, absence from house for, § 146:45
  Social reasons, absence from house for, § 146:45
  Strict construction, § 146:40
  Sufficiency of confinement, § 146:50
  Validity and purpose, § 146:36
  Conjunctivitis, § 147:58
  Construction and interpretation
    Generally, § 146:4, 146:5
    Confinement-to-house, § 146:40 to 146:43
    General (non-occupational) disability clauses, § 147:41
    Occupational disability clauses, § 147:109
    Construction worker, railroad employees, § 147:152
    Continuance of job with assistance of others, § 147:18

Index-209
DISABILITY INSURANCE—Cont’d
Continuing to work, § 147:161
Continuing to work but with lessened
efficiency, § 147:17
Continuous disability
Generally, § 147:5, 147:160 et
seq.
Attempt-work, § 147:162 to
147:164
Continuing to work, § 147:161
Cure, § 147:165
Different occupation, § 147:161
Minor tasks, performance of,
§ 147:163
Partial recovery, § 147:165
Questions of law or fact, § 147:166
Return-work, § 147:162 to
147:164
Trivial tasks, performance of,
§ 147:163
Continuous or regular care, § 146:33
Contractor, § 147:127
Convalescence benefits, construction
and interpretation, § 146:5
Corrective measures, duty to submit
to, § 146:54, 146:55, 146:56
Cumulative and alternative liability
Generally, § 182:4 et seq.
Most favorable remedy, right to
choose, § 182:8
Scheduled loss versus disability
benefits, § 182:7
Cure of continuous disability,
§ 147:165
Dancer, § 147:154
Death
Apportionment of payments where
insured dies, § 182:24,
182:25
Continuation until, not required,
§ 147:178
As disability, § 147:8
Effect of, § 147:159
Until, permanent disability,
§ 147:168, 147:170
Deductions
Generally, § 182:29 et seq.
Maintenance and cure, § 182:35

DISABILITY INSURANCE—Cont’d
Deductions—Cont’d
Military, veterans and other
military service related ser-
vice benefits, § 182:34
Previously paid benefits, § 182:30
Profit sharing plans, § 182:36
Social security, § 182:32
Unpaid premiums, § 182:29
Veterans and other military service
related service benefits,
§ 182:34
Workers’ compensation, § 182:33
Defenses, § 245:99, 245:100,
245:120, 245:121
Definitions, § 146:1
Delay, statute regulating delay,
§ 182:14
Dentist, § 147:117
Details of condition. Notice of details
of condition, below
Diabetes, § 147:98
Diagnosis, undiagnosed conditions,
§ 147:35, 147:36
Digestive/urinary system conditions,
§ 147:75 to 147:77
Dislocated joints, § 147:82
Dispatcher, railroad employees,
§ 147:151
Documentation. Appeal and review, above
Double vision, § 147:59
Drug abuse or addiction, § 147:99
Duration caps, § 147:159
Earn comparable income, inability to,
§ 147:26
Economic necessity, work for,
§ 147:13
Education. Schools and education, below
Efficiency, continuing to work but
with lessened, § 147:17
Electrician, § 147:138
Elimination periods, § 182:10,
182:11
Emergency reasons, absence from
house for, § 146:48
Employer as party, § 242:118

Index-210
DISABILITY INSURANCE—Cont’d

Employment, absence from house
for, § 146:47

Epilepsy, § 147:66

Erisa

Generally, § 146:7

General (non-occupational) dis-
ability clauses, § 147:68, 147:81

Parties, § 242:114

Physical activity or work after
injury, § 147:30, 147:34, 147:39

Evidence

Generally, § 186:30, 186:38

Commencement of right to
benefits, § 182:10, 182:11

Confinement-to-house, § 146:38, 146:49

Medical care and attendance
clause, § 146:28, 146:30

Permanent disability, § 147:172

Scheduled losses, § 146:76

Exclusions, § 146:15, 146:16

Exemption from claims of creditors,
§ 66:25

Exercise, absence from house for,
§ 146:46

Experience

Other occupations, experience in,
§ 147:47, 147:48

Eye disease, § 147:63

Failure to claim interest, § 182:40

Farmer, § 147:128

Feet, loss of use provision, § 146:69

Forklift operator, § 147:139

Fractures, § 146:81, 147:83

Fraud, § 245:127

Frequency requirement, § 146:34

Fresh air, absence from house for,
§ 146:46

Functional, actual or functional loss
of more than one limb, § 147:54

Gasoline station operator, § 147:129

General (non-occupational) disability
clauses

Generally, § 147:40 et seq.

Actual or functional loss of more
than one limb, § 147:54

DISABILITY INSURANCE—Cont’d

General (non-occupational) disability
clauses—Cont’d

Age, § 147:92

Allergies, § 147:96

Any occupation means all occupa-
tions, § 147:42

Any occupation means insured’s
occupations, § 147:43

Arthritis and related conditions,
§ 147:78, 147:79

Asthma, § 147:90

Attempt to work, § 147:45

Back injury, § 147:80, 147:81

Blood pressure, § 147:73

Bowels, § 147:75

Brain/psychiatric conditions,
§ 147:66 to 147:68

Burden of proof, arthritis and
related conditions, § 147:79

Burns, § 147:93

Cancer and other tumors, § 147:94, 147:95

Cardiovascular conditions

Generally, § 147:69 et seq.

Blood pressure, § 147:73

Heart attack, § 147:69 to 147:72

Performance of other occupa-
tion, § 147:71

Performance of some tasks of
work, § 147:70

Questions of law and fact,
§ 147:72

Varicose veins, § 147:74

Cataracts, § 147:56

Chemical inhalation, § 147:57

Chemical, multiple chemical
sensitivity, § 147:96

Chronic fatigue syndrome (cfs),
§ 147:97

Chronic obstructive pulmonary
disease, § 147:90

Common laborer lacking other
qualifications, presumption
of, § 147:48

Conjunctivitis, § 147:58

Construction and interpretation,
§ 147:41

Diabetes, § 147:98
<table>
<thead>
<tr>
<th>Disability Insurance—Cont’d</th>
<th>Disability Insurance—Cont’d</th>
</tr>
</thead>
<tbody>
<tr>
<td>General (non-occupational) disability clauses—Cont’d</td>
<td>General (non-occupational) disability clauses—Cont’d</td>
</tr>
<tr>
<td>Digestive/urinary system conditions, § 147:75 to 147:77</td>
<td>Neuro-musculo-skeletal system conditions—Cont’d</td>
</tr>
<tr>
<td>Dislocated joints, § 147:82</td>
<td>Erisa cases, back and neck injury, § 147:81</td>
</tr>
<tr>
<td>Double vision, § 147:59</td>
<td>Fractures, § 147:83</td>
</tr>
<tr>
<td>Drug abuse or addiction, § 147:99</td>
<td>Hernia, § 147:84</td>
</tr>
<tr>
<td>Epilepsy, § 147:66</td>
<td>Knee injury, § 147:89</td>
</tr>
<tr>
<td>Erisa, § 147:68, 147:81</td>
<td>Neck injury, § 147:80, 147:81</td>
</tr>
<tr>
<td>Experience in other occupations, § 147:47, 147:48</td>
<td>Paralysis, § 147:87</td>
</tr>
<tr>
<td>Eye disease, § 147:63</td>
<td>Polio, § 147:88</td>
</tr>
<tr>
<td>Fractures, § 147:83</td>
<td>Pre-existing conditions, arthritis and related conditions, § 147:79</td>
</tr>
<tr>
<td>Functional, actual or functional loss of more than one limb, § 147:54</td>
<td>Spinal muscular atrophy, § 147:86</td>
</tr>
<tr>
<td>Glandular disturbances, § 147:104</td>
<td>Offer of work, § 147:46</td>
</tr>
<tr>
<td>Glaucoma, § 147:60</td>
<td>Paralysis, § 147:87</td>
</tr>
<tr>
<td>Hearing, loss or impairment of, § 147:64, 147:65</td>
<td>Polio, § 147:88</td>
</tr>
<tr>
<td>Heart attack, § 147:69 to 147:72</td>
<td>Pre-existing conditions, arthritis and related conditions, § 147:79</td>
</tr>
<tr>
<td>Hernia, § 147:84</td>
<td>Presumption of lacking other qualifications, § 147:48</td>
</tr>
<tr>
<td>Hodgkin’s disease, § 147:95</td>
<td>Prior training or experience in other occupations, § 147:47 to 147:50</td>
</tr>
<tr>
<td>Joints, § 147:82</td>
<td>Psychiatric conditions, § 147:66 to 147:68</td>
</tr>
<tr>
<td>Kidneys, § 147:77</td>
<td>Pulmonary system conditions, § 147:90, 147:91</td>
</tr>
<tr>
<td>Knee injury, § 147:89</td>
<td>Qualifications, presumption of lacking other qualifications, § 147:48</td>
</tr>
<tr>
<td>Liver, § 147:76</td>
<td>Questions of law or fact, § 147:72, 147:105</td>
</tr>
<tr>
<td>Member, loss of, § 147:52 to 147:54</td>
<td>Retinitis pigmentosa, § 147:62</td>
</tr>
<tr>
<td>Mental illness, § 147:67, 147:68</td>
<td>Skills, obligation to acquire new skills, § 147:51</td>
</tr>
<tr>
<td>Multiple, actual or functional loss of more than one limb, § 147:54</td>
<td>Smoke inhalation, § 147:93</td>
</tr>
<tr>
<td>Multiple chemical sensitivity, § 147:96</td>
<td>Speech loss, § 147:100</td>
</tr>
<tr>
<td>Multiple occupations, § 147:44</td>
<td>Spinal muscular atrophy, § 147:86</td>
</tr>
<tr>
<td>Nearsightedness, § 147:61</td>
<td>Time, effect of passage of time on prior training in other occupations, § 147:50</td>
</tr>
<tr>
<td>Neck injury, § 147:80, 147:81</td>
<td>Training in other occupations, § 147:47 to 147:50</td>
</tr>
<tr>
<td>Neuro-musculo-skeletal system conditions</td>
<td>Generally, § 147:78 et seq.</td>
</tr>
<tr>
<td>Arthritis and related conditions, § 147:78, 147:79</td>
<td>Arthritis and related conditions, § 147:78, 147:79</td>
</tr>
<tr>
<td>Back injury, § 147:80, 147:81</td>
<td>Burden of proof, arthritis and related conditions, § 147:79</td>
</tr>
<tr>
<td>Dislocated joints, § 147:82</td>
<td>Dislocated joints, § 147:82</td>
</tr>
</tbody>
</table>
INDEX

DISABILITY INSURANCE—Cont’d
General (non-occupational) disability clauses—Cont’d
Tuberculosis, § 147:91
Tumors, cancer and other tumors, § 147:94, 147:95
Ulcers, § 147:102
Urinary system conditions, § 147:75 to 147:77
Use, loss of, § 147:53
Varicose veins, § 147:74
Vision, loss or impairment of
Generally, § 147:55 et seq.
Cataracts, § 147:56
Chemical inhalation, § 147:57
Conjunctivitis, § 147:58
Double vision, § 147:59
Eye disease, § 147:63
Glaucoma, § 147:60
Nearsightedness, § 147:61
Retinitis pigmentosa, § 147:62
Wounds, § 147:105
Glandular disturbances, § 147:104
Glaucoma, § 147:60
Group Insurance (this index)
Hands, loss of use provision, § 146:68
Hearing, loss or impairment of,
§ 147:64, 147:65
Heart attack, § 147:69 to 147:72
Hernia, § 147:84
Hip replacement, § 147:85
Hodgkin’s disease, § 147:95
Hospital confinement as equivalent, § 146:42
Housecleaner, § 147:146
Housewife, § 147:155
Immediately, § 146:19 to 146:21
Income, § 147:38, 182:18
Incurable disability, § 147:6
Indefinite continuance, § 147:66, 147:169
Injunctions, § 232:148
Installment benefits, interest on, § 182:38
Insurance agent, § 147:130
Interest, § 182:37 to 182:40

DISABILITY INSURANCE—Cont’d
Investments, management of,
§ 147:22
Irrecoverable loss of sight, § 146:79
Joinder of parties, § 243:71 to 243:73
Joints, § 147:82
Kidneys, § 147:77
Knee injury, § 147:89
Laborer, § 147:147
Legal disability distinguished,
§ 146:10
Length of disability, generally,
§ 147:159 et seq.
Liberal construction, § 146:27,
146:28, 146:40, 146:41
Life, Health, and Disability Insurance (this index)
Limitation of Actions (this index)
Limitations, § 146:74, 146:75,
182:26
Limits on increases, § 182:28
Liver, § 147:76
Lump sum versus periodic payments,
§ 182:17
Lung disease, § 147:101
Maintenance and construction worker, railroad employees,
§ 147:152
Maintenance and cure, § 182:35
Manager, § 147:131
Material acts of occupation, inability to do, § 147:110
Mechanic, § 147:140
Medical care and attendance clause
Generally, § 146:25
Attendance, § 146:32
Care, § 146:32
Construction and interpretation
Generally, § 146:27, 146:28,
146:32 to 146:35
Attendance, § 146:32
Care, § 146:32
Continuous or regular care,
§ 146:33
Frequency requirement,
§ 146:34
Once a week requirement,
§ 146:34
DISABILITY INSURANCE—Cont’d
Medical care and attendance clause
—Cont’d
Construction and interpretation
—Cont’d
Physician, qualified physician or
surgeon, § 146:35
Qualified physician or surgeon,
§ 146:35
Surgeon, qualified physician or
surgeon, § 146:35
Treatment, § 146:32
Continuous or regular care,
§ 146:33
Evidence, § 146:28, 146:30
Frequency requirement, § 146:34
Liberal construction, § 146:27, 146:28
Once a week requirement,
§ 146:34
Physician, qualified physician or
surgeon, § 146:35
Pleadings, § 146:30
Qualified physician or surgeon,
§ 146:35
Strict or liberal construction,
§ 146:27
Surgeon, qualified physician or
surgeon, § 146:35
Treatment, § 146:32
Validity, § 146:26
Waiver and estoppel, § 146:31
Medical testimony, § 147:33, 147:34
Medical treatment
Confinement-to-house, § 146:44
Duty to submit to, § 146:52, 146:54
Prolongation of treatment,
§ 146:56
Member, loss of, § 147:52 to 147:54
Mental illness, § 146:14, 147:67, 147:68
Merchant, § 147:132
Military, veterans and other military
service related service benefits,
§ 182:34
Miner, § 147:141
Minor acts, § 147:16

DISABILITY INSURANCE—Cont’d
Minor tasks, performance of,
§ 147:163
Misrepresentations, § 245:127
Mortgages, § 242:66
Most favorable remedy, right to
choose, § 182:8
Multiple, actual or functional loss of
more than one limb, § 147:54
Multiple chemical sensitivity,
§ 147:96
Multiple occupations, § 147:44
Nearsightedness, § 147:61
Neck injury, § 147:80, 147:81
Non-vocational interests, pursuing,
§ 147:22, 147:23
Notice
Claim. Notice of claim, below
Condition. Notice of details of
condition, below
Loss. Notice and proof of loss,
below
Notice and proof of loss
Affirmative proof of disability,
§ 189:58
Age, before attaining specified age,
§ 190:117
Cash value, prior surrender of
policy for, § 190:122
Construction of contractual provi-
sions, § 186:30
Continuing disability, periodic
reports of, § 190:115
Default of payments, before,
§ 190:120
Due proof, § 190:106
Grace period, effect of, § 190:121
Lapse of policy, before, § 190:120
Life, health, and disability insur-
ance, § 189:22, 189:23, 189:54, 189:91
Minority, disability of, § 192:69
Payments, default of payments,
before, § 190:120
Periodic reports of continuing dis-
ability, § 190:115
Permanent disability, effect of,
§ 190:116
INDEX

DISABILITY INSURANCE—Cont’d
Notice and proof of loss—Cont’d
Prior surrender of policy for cash value, § 190:122
Proof of disability, § 189:58, 255:29 et seq.
Reasonable time, § 190:89
Report, periodic reports of continuing disability, § 190:115
Strict versus substantial compliance, § 186:38
Sufficiency of form issues, § 188:18
Surrender, prior surrender of policy for cash value, § 190:122
Timeliness
Generally, § 190:113
Age, before attaining specified age, § 190:117
Cash value, prior surrender of policy for cash value, § 190:122
Commencement of disability, § 190:109
Continuing disability, periodic reports of continuing disability, § 190:115
Default of payments, before, § 190:120
Existence of disability for specified time, § 190:119
Grace period, effect of, § 190:121
Lapse of policy, before, § 190:120
Life of insured, need for proof during, § 190:114
Payments, default of payments, before, § 190:120
Periodic reports of continuing disability, § 190:115
During period of disability, § 190:118
Permanent disability, effect of, § 190:116
Prior surrender of policy for cash value, § 190:122
Report, periodic reports of continuing disability, § 190:115

DISABILITY INSURANCE—Cont’d
Notice and proof of loss—Cont’d
Timeliness—Cont’d
Surrender, prior surrender of policy for cash value, § 190:122
Value, prior surrender of policy for cash value, § 190:122
Value, prior surrender of policy for cash value, § 190:122
Nurse, § 147:119
Nurse’s aide, § 147:119
Occupation
Accountants, § 147:113
Agent, insurance agent, § 147:130
Appraiser, § 147:114
Attorney, § 147:118
Banker, § 147:115
Barber, § 147:134
Bookkeeper, § 147:135
Business owner or executive, § 147:124, 147:125
Butcher, § 147:136
Buyer, cattle buyer, § 147:126
Carpenter, § 147:137
Cashier, § 147:144
Cattle buyer, § 147:126
Change in occupation prior to disability, § 182:21
Change of jobs after issuance of policy, § 147:108
Civil engineer, § 147:116
Clerical worker, § 147:145
Conductor, railroad employees, § 147:150
Construction and interpretation, § 147:109
Construction worker, railroad employees, § 147:152
Contractor, § 147:127
Dancer, § 147:154
Dentist, § 147:117
Disability clauses, generally, § 147:106 et seq.
Dispatcher, railroad employees, § 147:151
Electrician, § 147:138
Farmer, § 147:128
Forklift operator, § 147:139
DISABILITY INSURANCE—Cont’d
Occupation—Cont’d
Gasoline station operator, § 147:129
General business persons, generally, § 147:124 et seq.
Housecleaner, § 147:146
Housewife, § 147:155
Insurance agent, § 147:130
Laborer, § 147:147
Maintenance and construction worker, railroad employees, § 147:152
Manager, § 147:131
Material acts of occupation, inability to do, § 147:110
Mechanic, § 147:140
Merchant, § 147:132
Miner, § 147:141
Nurse, § 147:119
Nurse’s aide, § 147:119
Painter, § 147:142
Physician, § 147:120
Professionals, generally, § 147:113 et seq.
Prohibition against performing, distinguished, § 146:10
Questions of fact, business owner or executive, § 147:125
Railroad employees, generally, § 147:149 et seq.
Retired person, § 147:156
Salesperson, § 147:133
Secretary, § 147:143
Skilled and semiskilled tradespeople, generally, § 147:134 et seq.
Student, § 147:157
Substantial and material acts of occupation, inability to do, § 147:110
Superintendent, § 147:158
Supervisor, § 147:158
Surgeon, § 147:120
Switchman, railroad employees, § 147:153
Teacher, § 147:122
Textile worker, § 147:148

DISABILITY INSURANCE—Cont’d
Occupation—Cont’d
Unskilled trades, generally, § 147:144 et seq.
Veterinarian, § 147:123
Offer of work, § 147:46
At once, § 146:19 to 146:21
Once a week requirement, § 146:34
Pain, § 147:36
Painter, § 147:142
Paralysis, § 147:87
Partial disability, § 147:3, 147:7
Partial recovery, § 147:165
Parties
Generally, § 242:114 et seq.
Employer, § 242:118
Erisa, § 242:114
Insured, § 242:114
Payor of premiums, § 242:116
Personal representative, § 242:115
Plan or plan administrator, § 242:119
Proper defendants, § 242:117 to 242:119
Trust and trustees, § 242:117
Payments, number of, § 182:27
Payor of premiums, § 242:116
Payroll, kept on as courtesy, § 147:15
Periodic payments, lump sum versus periodic payments, § 182:17
Permanent disability
Generally, § 147:5, 147:167 et seq.
Admission of not permanent, § 147:175
Age, before reaching, § 147:171
Conclusive presumption of permanence, § 147:174, 147:175
Cure or removal of disability
Generally, § 147:176 et seq.
Death, continuation until, not required, § 147:178
Possibility of recovery, § 147:177
Questions of recovery, § 147:180
Show, right to, § 147:179

Index-216
## DISABILITY INSURANCE—Cont’d

### Permanent disability—Cont’d
- Death, continuation until, not required, § 147:178
- Death, until, § 147:168, 147:170
- Evidence, § 147:172
- Indefinite continuance, § 147:66, 147:169
- Presumption of permanence, § 147:173 to 147:175
- Questions of fact, § 147:180
- Rebuttable presumption of permanence, § 147:173
- Show, right to, § 147:179
- Personal business, absence from house for, § 146:45
- Personal representative, § 242:115
- Physical activity or work after injury generally, § 147:9 et seq.
- Abandonment of work attempt, § 147:11
- Assistance, continuance of job with assistance of others, § 147:18
- Burden of proof, § 147:29, 147:30
- Continuance of job with assistance of others, § 147:18
- Continuing to work but with lessened efficiency, § 147:17
- Diagnosis, undiagnosed conditions, § 147:35, 147:36
- Earn comparable income, inability to, § 147:26
- Economic necessity, work for, § 147:13
- Efficiency, continuing to work but with lessened efficiency, § 147:17
- Erisa, § 147:30, 147:34, 147:39
- Evidence generally, § 147:29 et seq.
- Burden of proof, § 147:29, 147:30
- Diagnosis, undiagnosed conditions, § 147:35, 147:36
- Erisa, § 147:30, 147:34, 147:39
- Income, pre-injury and post-injury, § 147:38

## DISABILITY INSURANCE—Cont’d

### Physical activity or work after injury—Cont’d
- Evidence—Cont’d
  - Medical testimony, § 147:33, 147:34
  - Pain, § 147:36
  - Questions of law or fact, § 147:37 to 147:39
  - Standard of proof, § 147:29, 147:30
  - Undiagnosed conditions, § 147:35, 147:36
- Income from occupation generally, § 147:24 et seq.
- Earn comparable income, inability to, § 147:26
- Prevention by policy provisions, § 147:27
- Receipt of wages from employer during period of disability, § 147:28
- Substantial or comparable income, § 147:25
- Income, pre-injury and post-injury, § 147:38
- Investments, management of, § 147:22
- Medical testimony, § 147:33, 147:34
- Minor acts, § 147:16
- Non-vocational interests, pursuing, § 147:22, 147:23
- Pain, § 147:36
- Payroll, kept on as courtesy, § 147:15
- Physician, against advice of, § 147:20, 147:21
- Questions of law or fact, § 147:37 to 147:39
- Receipt of wages from employer during period of disability, § 147:28
- School attendance, § 147:23
- Standard of proof, § 147:29, 147:30
- Substantial or comparable income, § 147:25
DISABILITY INSURANCE—Cont’d
Scheduled losses—Cont’d
Eyes or vision, loss of—Cont’d
Degree of sight loss, § 146:77 to 146:80
Evidence, § 146:76
Irrecoverable loss of sight, § 146:79
Time limitations, § 146:74, 146:75
Feet, loss of use provision, § 146:69
Fractures, § 146:81
Hands, loss of use provision, § 146:68
Irrecoverable loss of sight, § 146:79
Limitations, § 146:74, 146:75
Member, loss of
Generally, § 146:58 et seq.
Amputation provisions, generally, § 146:60 et seq.
Ankle, at or above, § 146:66
Feet, loss of use provision, § 146:69
Hands, loss of use provision, § 146:68
Several members, loss of use provision, § 146:70
Severance provisions, generally, § 146:60 et seq.
Spinal cord, severance of, § 146:64
Time restrictions on recovery for severance, § 146:61
Use, loss of provision, § 146:66 to 146:70
Wrist, at or above, § 146:65
Restrictions, § 146:61
Several members, loss of use provision, § 146:70
Spinal cord, severance of, § 146:64
Time limitations and restrictions, § 146:61, 146:74, 146:75
Use, loss of provision, § 146:66 to 146:70
Wrist, at or above, § 146:65
Schools and education
Generally, § 147:122, 147:157

DISABILITY INSURANCE—Cont’d
Schools and education—Cont’d
Attendance, § 147:23
Schools and education
Education, training, and experience policy, above
Secretary, § 147:143
Severability of contract, life insurance with disability or other additional features, § 23:9
Several members, loss of use provision, § 146:70
Show, right to, § 147:179
Sickness qualifications, § 146:13, 146:14
Skilled and semiskilled tradespeople, obligation to acquire new skills, § 147:51
Sleep apnea, § 147:103
Smoke inhalation, § 147:93
Social reasons, absence from house for, § 146:45
Social security, § 146:11, 182:32
Software engineer, § 147:121
Specific performance, § 232:168
Speech loss, § 147:100
Spinal cord, severance of, § 146:64
Spinal muscular atrophy, § 147:86
Standard of proof, § 147:29, 147:30
Statutes, § 146:6 to 146:8, 182:14, 182:25
Strict or liberal construction, § 146:27, 146:40
Student, § 147:157
Substantial and material acts of occupation, inability to do, § 147:110
Substantial or comparable income, § 147:25
Sufficiency of confinement, § 146:50
Superintendent, § 147:158
Supervisor, § 147:158
Supervisory tasks, performance of, § 147:19
Surgeon, § 146:35, 147:120
Surgery, § 146:52, 146:53
Switchman, railroad employees, § 147:153
Teacher, § 147:122

INDEX
DISABILITY INSURANCE—Cont’d
Temporal meaning of immediately or at once, § 146:20
Temporary work and performing minor acts, § 147:16
Textile worker, § 147:148
Therapeutic purposes, work for, § 147:12
Third persons, continuance of job with assistance of, § 147:18
Threshold requirements, generally, § 146:13 et seq.

Time
Between accident and commencement of disability
Generally, § 146:18 et seq.
Causation, § 146:21
Date of accident, § 146:22
Fixed period after accident, § 146:23
Immediately, § 146:19 to 146:21
Limitations, generally, § 146:18 et seq.
At once, § 146:19 to 146:21
Process of nature rule, § 146:21
Temporal meaning of immediately or at once, § 146:20
Continued work, § 147:10
Disability, time period of, § 146:17
Evidence, accrual of benefits from date proof of disability furnished, § 182:10
Interest, accrual of, § 182:37 to 182:40
Limitations, § 146:74, 146:75
Severance, time restrictions on recovery for, § 146:61
Training in other occupations, effect of passage of time on prior training, § 147:50
Working against advice of physician for extended period of time, § 147:21
Total disability, § 147:2, 147:3, 147:5
Training
Other occupations, training in, § 147:47 to 147:50

DISABILITY INSURANCE—Cont’d
Training
Education, training, and experience policy, above
Treatment, § 146:32
Trivial tasks, performance of, § 147:163
Trust and trustees, § 242:117
Tuberculosis, § 147:91
Tumors, § 147:94, 147:95
Ulcers, § 147:102
Uninsured and underinsured motorist coverage, § 171:42, 171:43
Unpaid premiums, § 182:29
Urinary system conditions, § 147:75 to 147:77
Use, loss of, § 146:66 to 146:70, 147:53
Validity, § 146:26, 146:36
Varicose veins, § 147:74
Veterans and other military service related service benefits, § 182:34
Veterinarian, § 147:123
Waiver and estoppel, § 146:31
Wholly disabled, § 147:4
Witnesses, § 147:33, 147:34
Wounds, § 147:105
Wrist, at or above, § 146:65

DISABILITY PLANS
Group insurance, § 7:27

DISAPPEARANCE OF INSURED
Instructions to jury, § 246:81
Life Insurance (this index)
Premiums and Assessments (this index)

DISCHARGE
See Release or Discharge (this index)

DISCIPLINARY MATTERS
Jurisdiction, § 228:47

DISCLAIMER
See also Good Faith (this index)
INDEX

DISCLAIMER—Cont’d
Automobile liability insurance, § 170:49
Cooperation, estoppel and waiver, § 199:67 to 199:69
Defense, § 202:50, 202:64
Delayed or inadequate notice of disclaimer, § 208:14
Mortgages, § 242:68

DISCLOSURE
See also Representations, Warranties, Conditions, and Concealment (this index)
Agents, § 242:209
Coinsurance, § 220:10
Cooperation, § 199:37 to 199:41, 199:62
Estoppel and waiver, § 238:29
Expert witnesses, § 252:31
Fidelity insurance, § 162:27
Fraud, § 232:92, 232:93
Jury trial, § 246:35
Privileged information, § 250:64
Property insurance, § 242:46, 242:47
Representations, warranties, and conditions as to marine risks, § 99:2, 99:3

DISCONTINUANCE OF PROCEEDINGS
Mortgages and deeds of trust, § 92:93

DISCOUNT
Combining or stacking of coverages, § 169:39
Fidelity insurance, § 161:99
Reimbursement, § 226:42

DISCOVERABILITY
See Title Insurance (this index)

DISCOVERY—Cont’d
Claims file, § 251:26 to 251:28
Class actions, § 251:22
Cooperate, duty to, § 251:18
Depositions, § 251:6, 251:7, 251:44
Dismissal of party, improper order compelling discovery, § 251:39
Electronically stored information, § 251:12
Entry onto property for inspection, § 251:15
ERISA (this index)
Examination of persons, § 251:16
Exception or waiver in case of bad faith, claims file, § 251:27
Federal rules of civil procedure, § 251:4
Filing claims, § 251:26 to 251:28
Financial information in hands of insured, § 251:34
Guidelines, § 251:25
Incontestability clause, § 240:38
Inspection, § 251:9 to 251:12, 251:15
Insured, in hands of, generally, § 251:33 to 251:35
Interrogatories (this index)
Issues to be covered, § 251:42
Limitation of Actions (this index)
Loss reserves, § 251:29
Manuals, § 251:25
Misconduct. See Sanctions of Court (this index)
New trial, § 248:29 to 248:31
Nonproduction of evidence, presumption as to, § 254:202
Orders compelling discovery, § 251:38, 251:39
Persons, examination of, § 251:16
Prejudice to insurer, claims file, § 251:28
Pretrial discovery, generally, § 251:1 et seq.
Privileged information, § 250:61
Privilege of claims file, § 251:27
Production of Books, Documents, and Records (this index)
Protective orders
Generally, § 251:40 et seq.
DISCOVERY—Cont’d
Protective orders—Cont’d
Depositions, compliance with, § 251:44
Issues to be covered, § 251:42
Production of records, § 251:45
Time period covered, § 251:41
Uses of information obtained, § 251:43
Records, production of, § 251:45
Reinsurance, § 251:30
Relevance of claims file, § 251:26
Reserves, loss reserves, § 251:29
Responses, § 251:19, 251:20
Review of governing authority, § 251:3, 251:4
Sanctions of Court (this index)
Similar coverage claims of other insureds, § 251:31
Supplement responses, duty to, § 251:19, 251:20
Third parties, § 251:37
Time period covered, § 251:41
Trial, § 246:7
Uses of information obtained, § 251:43
Waiver, § 251:27
Wrongdoing claims, information regarding, § 251:32

DISCRETION
Agents and brokers, § 46:29, 54:12, 54:13
Continuance, § 247:3
Contracts, formation of, § 17:2
Costs of action, § 233:24, 233:59
Declaratory judgments, § 232:51
Facility of payment clause, § 61:21
Jurisdiction of federal proceedings, § 229:15
Jury trial, § 246:53
Physical or independent medical examination, § 196:58
Premiums and assessments, use of discretionary funds to satisfy claims, § 70:30
Reimbursement, § 226:9
Reinstatement and revival, § 33:10, 33:30

DISCLOSURE—Cont’d
Sanctions, § 233:93 to 233:96, 251:48
Torts, § 243:128
Venue, § 230:85
Verdicts, § 247:49

DISCRIMINATION
Generally, § 4:2 to 4:6, 127:16 to 127:19
Affirmative coverage, applicability of other policy provisions, § 127:19
Americans With disabilities act, § 4:4
Disparate treatment versus disparate impact claims, § 127:18
Dividends, § 69:46, 80:56
Fair access to insurance requirements act, § 4:4
Fair housing act, § 4:4
General liability insurance, § 172:24
Intentional acts or bodily injury, applicability of exclusions for, § 127:17, 127:18
Justiciability, § 227:45
Medical Insurance (this index)
Premiums and Assessments (this index)
Public policy and reasonable expectations, § 127:16
Selling to federal government, implications for, § 4:2
Sex discrimination, § 4:2

DISEASE
Accident and Life Insurance (this index)
Burden of proving existence of specified disease, § 254:51
Good Health of Insured (this index)
Instructions to jury, § 246:85
Judicial notice of nature of, § 254:269
Loss caused by, § 255:28
Medical insurance, § 144:43, 144:44
Proof of facts
Generally, § 255:71 et seq.
Admissions, § 255:75
Employment activity, relevance of, § 255:77

Index-222
INDEX

DISEASE—Cont’d
Proof of facts—Cont’d
Expert testimony, § 255:72
Hearsay evidence, § 255:73
Insured’s statements, § 255:74
Lay testimony, § 255:72
Temporal relativity, § 255:76

DISFIGUREMENT
Workers’ compensation, § 173:56

DISHONEST ACTS
Commercial liability insurance,
§ 201:59, 201:65
Fidelity insurance, § 161:19, 161:106
Limitation of actions, § 237:102
Property insurance, § 154:74
Public official and appointed fiduciary bonds, § 166:76

DISHONORED CHECKS
Premiums and assessments, § 73:16

DISHONOR OF NOTE OR CHECK
Reinstatement and revival, payment
of overdue premiums, § 33:53

DISJUNCTIVE CONSTRUCTION
Fidelity insurance, § 161:5

DISJUNCTIVE INTERPRETATION
Representations, warranties, conditions, and concealment, § 81:62, 81:63

DISLOCATED JOINTS
Disability provisions, § 147:82

DISLOCATIONS
Good health of insured, § 88:61

DISMISSAL—Cont’d
Intervenor, prejudice to, § 247:10
Involuntary dismissal
Generally, § 247:11 et seq.
Default, failure to seek judgment
after, § 247:13, 247:14
Mandatory dismissal, § 247:12
Prosecute, failure to, § 247:13 to
247:16
Statutes, § 247:12
Waiver, § 247:14
Joinder of claims and counterclaims,
§ 247:18
Joinder of parties, § 243:22
Judgment, § 247:13, 247:14
Jurisdiction of federal proceedings,
§ 229:111
Limitation of actions, § 237:38
Mandatory dismissal, § 247:12
Nonsuit, § 247:17 to 247:19
Partial dismissal, § 247:8
Pleadings, § 244:78
Prejudice, § 247:9, 247:10
Prior judgment, § 239:26
Prosecute, failure to, § 247:13 to
247:16
Reopening case, § 248:8, 248:9
Sanctions, § 251:53
Service of process, § 231:4
Statutes, § 247:12
Subrogation, dismissal of action
without prejudice, § 224:166
Time of, § 247:7
Voluntary dismissal
Generally, § 247:6 et seq.
Defendant, prejudice to, § 247:9
Intervenor, prejudice to, § 247:10
Partial dismissal, § 247:8
Prejudice, § 247:9, 247:10
Time of, § 247:7
Waiver, § 247:14

DISORDERLY HOUSES
Limits on insurable risks, § 101:35

DISPATCHER
Disability provisions, § 147:151
DISQUALIFICATION
See Qualification or Disqualification (this index)

DISSOLUTION
See Liquidation and Dissolution (this index)

DISTINCTION FROM OTHER FORMS OF INSURANCE
Marine insurance, § 137:1

DISTRIBUTION
Assignment, distribution of policy proceeds, § 34:7, 37:78 to 37:92
Automobile liability insurance, § 170:27 to 170:30
Construction contract guaranties, § 184:18
Contractors’ performance bonds, § 164:60
Declaratory judgments, § 243:90
Fidelity insurance, § 185:58
General liability insurance, § 172:67 to 172:70, 172:75
Insolvency, distribution of assets, § 6:13 to 6:26
Judgments, § 247:57
Marine insurance, § 183:110, 183:111
Premiums and assessments, distribution of reserve funds, § 70:32

DISTRICT

DITCH
Automobile property insurance, § 156:61

DIVERSION OF MATERIAL
Contractors’ payment bonds, § 165:58, 165:59

DIVERSITY OF CITIZENSHIP
See Federal Courts (this index)

DIVERSITY OF REGULATIONS
Generally, § 4:1

DIVESTITURE STATUTES
Divorce or separation, § 64:11

DIVIDENDS
Generally, § 80:50 et seq.
Cancellation before dividend declared, § 80:58
Classification of policies for dividend purposes, § 80:54 to 80:56
Coupons, nonforfeiture provisions, § 77:96
Discrimination, § 69:46, 80:56
Estate taxes, § 63:43
Estimates, liability of insurer for, § 80:61
Exemption from claims of creditors, § 66:26
Fidelity insurance, § 161:101, 161:116
Forfeiture
Generally, § 76:3 to 77:12, 80:58
Nonforfeiture provisions, § 77:94 to 77:97
Gift of policy, § 38:27
Good faith, § 80:52
Group insurance, § 8:24 to 8:29
Life insurance, § 80:55
Loans, § 80:40, 80:47
Options as to disposition of dividends, § 80:60
Ownership of accumulated dividends, § 80:59
Premium payment, generally, § 73:54
Representations, warranties and conditions, § 80:61, 100:29
Subrogation, § 225:267, 225:268
Time of payment, § 80:57

DIVISIBILITY OF CONTRACTS
Iron safe clauses, § 97:26, 97:28
Sales, divisibility of contracts with respect to alienation clause, § 92:69

DIVORCE OR SEPARATION
Adopted children, § 64:28
Anulment of marriage, § 64:12
Assignment, § 37:35
Automobile insurance, § 112:50, 112:51, 114:18, 114:21
Beneficiaries
Change of beneficiary, § 64:13, 64:14
DIVORCE OR SEPARATION
—Cont’d
Beneficiaries—Cont’d
Remarriage, § 64:16
Terms of voluntary agreement or judicial order pursuant to divorce or separation, § 64:25, 64:26
Children, § 64:27 to 64:29
Confirmation of rights under voluntary agreement or judicial order pursuant to separation or divorce, § 64:24 to 64:29
Construction of insurance provisions, § 64:19
Continuation
Premium payments as evidence of intent, § 64:14
Terms mandating continuation of certain insurance policies, § 64:25
Death of insured, orders not final at, § 64:20
Divestiture statutes, § 64:11
Dollar amount of coverage, terms mandating, § 64:26
Emancipation of children, § 64:28
Estoppel to dispute validity of surrender of rights pursuant to voluntary agreement, § 64:22
Gift of policy, § 38:21
Group insurance, § 8:69
Insurable interest, § 64:17
Irregular or nonfinal divorce, § 64:12
Life insurance, effect on insurable interest, § 43:2
Premium payments as evidence of intent, § 64:14
Proceeds based on marital relationship, right to, generally, § 64:9 et seq.
Remarriage, § 64:15, 64:16
Sales, § 92:75
Support rights, effect of voluntary agreement or judicial order pursuant to separation or divorce, § 64:18
Surrender of rights, § 64:22
Temporary orders, § 64:20

DIVORCE OR SEPARATION
—Cont’d
Termination of rights or obligations, § 64:22, 64:28
Terms of voluntary agreement or judicial order pursuant to separation or divorce, § 64:25, 64:26
Vesting interest of beneficiary, § 64:25
Voluntary agreement or judicial order pursuant to separation or divorce, § 64:18 et seq.
Workers’ compensation, death beneficiaries, § 134:48

DIZZY SPELLS
Accident and life insurance, § 141:67

DOCK
Marine insurance, § 221:30, 221:31

DOCUMENTARY EVIDENCE
Generally, § 253:3 et seq.
Accident reports, § 253:151
Account books, § 253:158
Adjusters’ records, § 253:173
Affidavits, § 253:174
Age, establishing, § 255:88
Agent records, § 253:171
Alcohol levels, records of, § 253:250
Applications as evidence
Generally, § 253:123 et seq.
Medical reports, § 253:125
Appraisal files, § 253:175
Arbitration records, § 253:219
Audio and visual representations
Generally, § 253:279 et seq.
Best evidence rule, § 253:9
Film, § 253:283
Photographs, § 253:282
Sound recordings, § 253:280
Technology, role of, § 253:3, 253:5
Videotapes, § 253:283
X-rays, § 253:284
Audio and visual representations
Computer-generated evidence, below
DOCUMENTARY EVIDENCE
—Cont’d
Authentication
  Computer-generated evidence, § 253:272
  Policies as evidence, § 253:117
Best Evidence Rule (this index)
  Blood testing, § 253:303
  Books, § 253:257
Business records
  Generally, § 253:157 et seq.
  Account books, § 253:158
  Best evidence rule, § 253:41
  Financial statements, § 253:160
  Hearsay rule, § 253:113
  Insured business, records of, § 253:157
  Inventory records, § 253:159
  Legal expense bills, § 253:162
  Medical bills, § 253:161
Charts
  Generally, § 253:275
  Technology, role of, § 253:3, 253:5
Claims files, § 253:176
Coast guard reports, § 253:156
Computer-generated evidence
  Generally, § 253:271 et seq.
  Authentication, § 253:272
  Best evidence rule, § 253:17, 253:21
  Hearsay rule
    Generally, § 253:274
    Records, § 253:115
    Similarity of conditions, § 253:274
    Summaries, § 253:21
Demonstrations, experiments, and tests
  Generally, § 253:285 et seq.
  Substantial similarity, § 253:286
  Technology, role of, § 253:3, 253:5
Coroners’ records
  Generally, § 253:190, 253:190 et seq.
  Cause of death, § 253:194
  Circumstances leading to death, § 253:196
  Fact of death, § 253:192
  Statutory regulation, § 253:191
  Verdict as part of proof of loss, § 253:193, 253:195, 253:197

DOCUMENTARY EVIDENCE
—Cont’d
Criminal records, § 253:214
Death certificates
  Generally, § 253:198 et seq.
  Cause of death, § 253:200 et seq.
  Contradicting, § 253:206
Foreign records, § 253:208
Form of certificate, § 253:203
Statutory regulation, § 253:199
Third party death certificates, § 253:207
Weight accorded, § 253:205
Death, establishment of
  Generally, § 253:143, 253:143 et seq.
  Beneficiary’s consent to statement, § 253:146
  Cause of death, § 253:149
  Conclusiveness, § 253:148
  Death certificate, § 253:145
  Personal representative’s proof, § 253:144
Death, establishment of
  Coroners’ records, above
Deeds, § 253:267
Demonstrations, experiments, and tests
  Generally, § 253:285 et seq.
  Substantial similarity, § 253:286
  Technology, role of, § 253:3, 253:5
Depositions, § 253:258
Diagrams, § 253:275
Disclaimer of title, § 253:259
Electrical testing, § 253:305
Estate records, § 253:216
Faa records, § 253:184
Financial statements, § 253:160
Fire reports, § 253:151
Foreign judgments and decrees, § 253:217
Government reports, § 253:155
Health agency records, § 253:185
Hearsay rule, § 253:113 et seq.
Hypothetical tax returns, § 253:260
INDEX

DOCUMENTARY EVIDENCE
—Cont’d
Incident reports, § 253:151
Insureds’ reports, § 253:153
Insurers’ records
Generally, § 253:152, 253:163 et seq.
Adjusters’ records, § 253:173
Agent records, § 253:171
Appraisal files, § 253:175
Audit reports, § 253:164
Bylaws, § 253:165
Cancellations, § 253:163
Claimants’ documents, § 253:182
Claims files, § 253:176
Classification manuals, § 253:170
Constitutions, § 253:165
Estimates, § 253:167
Financial statements, § 253:168
Instructions, § 253:169
Mailings, § 253:163
Marine insurance protests, § 253:178
Notes and memoranda, § 253:179
Premium records, § 253:180
Promotional materials, § 253:167
Rate manuals, § 253:170
Repair reports, § 253:175
Rules, § 253:169
Schedules, insurance, § 253:172
Third party affidavits, § 253:174
Uninsured motorist selection forms, § 253:181
Inventory records, § 253:159
Journals, § 253:257
Judicial records
Generally, § 253:209 et seq.
Arbitration records, § 253:219
Criminal records, § 253:214
Disability determinations, § 253:213
Estate records, § 253:216
Foreign judgments and decrees, § 253:217
Identity of parties and issues, § 253:210 et seq.
Juvenile records, § 253:218
Probate records, § 253:216

DOCUMENTARY EVIDENCE
—Cont’d
Juvenile records, § 253:218
Legal expense bills, § 253:162
Letters
Generally, § 253:220 et seq.
Addressee, admissibility against, § 253:227
Agents’ letters
Admissibility against insured, § 253:230
Admissibility against insurer, § 253:229
Best evidence rule, § 253:42
Breach of contract to purchase insurance, § 253:237
Change of beneficiary, proof of, § 253:234
Coverage, proof of, § 253:232
Duty to defend, proof of, § 253:233
Existence of policy, proof of, § 253:231
Foundational requirements, § 253:222
Insurance regulators’, § 253:225
Misrepresentation, proof of, § 253:235
Notice to insurer, establishment of, § 253:236
Parol evidence rule, applicability in interpretation of, § 253:59
Post-loss letters, § 253:224
Prejudicial effect, § 253:221
Relevance, § 253:221
Sender, admissibility against, § 253:226
Third party, admissibility against, § 253:228
Writings referred to, admissibility of, § 253:223
Life expectancy tables, § 253:261
Magazines, § 253:257
Maps
Generally, § 253:275
Technology, role of, § 253:3, 253:5
Maps
Best Evidence Rule (this index)
Marine insurance protests, § 253:178

Index-227
DOCUMENTARY EVIDENCE
—Cont’d
Mechanical testing, § 253:305
Medical bills, § 253:161
Medical records
Generally, § 253:238 et seq., 253:242 et seq.
Alcohol levels, records of, § 253:250
Authentication requirements, § 253:253
Availability of preparer, § 253:254
Hospital records, § 253:242 et seq.
Identification requirements, § 253:252
Opinions, § 253:246
Physicians’ records, § 253:238
Privileged information, § 253:245
Prognoses, § 253:246
Psychiatrists’ and psychologists’ records, § 253:240
Remoteness, § 253:241, 253:247
Requirements for admission, § 253:251
Shop book exception, § 253:244
Speculations, § 253:246
Unofficial records, § 253:256
Weight accorded records, § 253:255
Medical reports, § 253:125
Memoranda, § 253:262
Microfilm, § 253:118
Models
Generally, § 253:275
Technology, role of, § 253:3, 253:5
Neuropsychological testing, § 253:304
Notes and memoranda of insurers, § 253:179
Parol Evidence (this index)
Photographs, § 253:282
Physicians’ records, § 253:238
Policies as evidence
Generally, § 253:116 et seq.
Applications, § 253:123 et seq.
Authentication, § 253:117
Binders, § 253:120

DOCUMENTARY EVIDENCE
—Cont’d
Policies as evidence—Cont’d
Group insurance certificates, § 253:120
Microfilm form, § 253:118
Mutual benefit certificates, § 253:121
Surrendered policies, § 253:122
Polygraph Tests (this index)
Premium records, § 253:180
Presumptions and Burden of Proof (this index)
Probate records, § 253:216
Proofs of loss as evidence
Generally, § 253:126 et seq.
Admissibility requirements, § 253:130
Amount of loss, § 253:132
Conclusiveness of, § 253:141
Fact of loss, § 253:132
Good faith of denial, § 253:133
Harmless error, § 253:142
Inconsistent statements, admissibility as, § 253:135
Insured, admissibility against, § 253:134
Insurer-prepared proofs, § 253:128
Misrepresentations, admissibility as, § 253:136
Negating coverage, admissibility as, § 253:137
Past claims as evidence of fraud, § 253:138
Payment disputes, § 253:139
Physicians’ statements, § 253:129
Prior inconsistent statements, admissibility as, § 253:135
Rejected proofs, § 253:127
Subrogation actions, use in, § 253:140
Unfiled proofs, § 253:127
Psychiatrists’ and psychologists’ records, § 253:240
Psychological testing, § 253:304
Public records
Generally, § 253:183 et seq.
Faa records, § 253:184
Health agencies, § 253:185

Index-228
**DOCUMENTARY EVIDENCE**

—Cont’d

Public records—Cont’d

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hearsay rule, § 253:114</td>
</tr>
<tr>
<td>State insurance departments, § 253:187</td>
</tr>
<tr>
<td>Veterans’ agencies, § 253:188</td>
</tr>
<tr>
<td>Welfare agencies, § 253:186</td>
</tr>
<tr>
<td>Workmen’s compensation records, § 253:189</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Releases, § 253:263</td>
</tr>
<tr>
<td>Repair reports, § 253:175</td>
</tr>
<tr>
<td>Schedules, insurance, § 253:172</td>
</tr>
<tr>
<td>Settlement, § 253:264</td>
</tr>
<tr>
<td>Shop book exception, § 253:244</td>
</tr>
<tr>
<td>State insurance department records, § 253:187</td>
</tr>
<tr>
<td>Suicide note, § 253:265</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surrendered policies, evidentiary use, § 253:122</td>
</tr>
<tr>
<td>Tax returns, § 253:260</td>
</tr>
<tr>
<td>Technology, role of, § 253:3, 253:5</td>
</tr>
<tr>
<td>Telegrams, best evidence rule, § 253:43</td>
</tr>
<tr>
<td>Third party affidavits, § 253:174</td>
</tr>
<tr>
<td>Title search, § 253:266</td>
</tr>
<tr>
<td>Transfer of title, § 253:267</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uninsured motorist selection forms, § 253:181</td>
</tr>
<tr>
<td>Union attendance card, § 253:268</td>
</tr>
<tr>
<td>Vehicle insurance id card, § 253:269</td>
</tr>
<tr>
<td>Veterans’ agency records, § 253:188</td>
</tr>
<tr>
<td>Videotapes, § 253:283</td>
</tr>
<tr>
<td>Welfare agency records, § 253:186</td>
</tr>
<tr>
<td>Workmen’s compensation records, § 253:189</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>X-rays</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Generally, § 253:284</td>
</tr>
<tr>
<td>Best evidence rule, § 253:45</td>
</tr>
</tbody>
</table>

**DOCUMENTS OF TITLE**

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delivery, § 92:19</td>
</tr>
<tr>
<td>Property insurance, § 154:52</td>
</tr>
</tbody>
</table>

**DOLLAR AMOUNTS**

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Divorce or separation, terms mandating dollar amount of coverage, § 64:26</td>
</tr>
<tr>
<td>Reformation, § 27:37</td>
</tr>
</tbody>
</table>

**DOLLIES**

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile insurance, loading and unloading provisions, § 121:43</td>
</tr>
</tbody>
</table>

**DOMICILE**

See Residence or Domicile (this index)

**DONORS**

See Gift of Policy (this index)

**DOORS**

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractors’ payment bonds, § 165:105</td>
</tr>
<tr>
<td>Property insurance, § 151:58</td>
</tr>
</tbody>
</table>

**DOUBLE DEDUCTION OF DEBT**

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premiums and assessments, nonforfeiture provisions, § 77:115</td>
</tr>
</tbody>
</table>

**DOUBLE INDEMNITY**

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facility of payment clause, § 61:16</td>
</tr>
<tr>
<td>Incontestability clause, § 240:48</td>
</tr>
<tr>
<td>Release, § 216:43</td>
</tr>
</tbody>
</table>

**DOUBLE INSURANCE**

See Other Insurance (this index)

**DOUBLE PAYMENT**

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subrogation, § 224:130</td>
</tr>
</tbody>
</table>

**DOUBLE RECOVERY**

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Combining or stacking of coverages, § 169:12</td>
</tr>
<tr>
<td>No-fault insurance, § 171:68</td>
</tr>
<tr>
<td>Property insurance, § 175:6</td>
</tr>
</tbody>
</table>

**DOUBLE VISION**

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disability provisions, § 147:59</td>
</tr>
</tbody>
</table>

**DOWN’S SYNDROME**

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical insurance, § 181:48</td>
</tr>
</tbody>
</table>

**DRAFTS**

<table>
<thead>
<tr>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premiums and assessments, payment of, § 73:7 et seq.</td>
</tr>
<tr>
<td>Settlement and compromise of claim, § 215:25</td>
</tr>
</tbody>
</table>

Index-229
DRAINS AND DRAINING
Property insurance, § 155:66
Title insurance, § 159:51

DRAM SHOPS
Risks covered under policies, § 132:56
Subrogation, § 223:68

DREAD DISEASE INSURANCE
Medical insurance, § 144:76 to 144:79

DREDGING
Building and construction contracts and work, § 132:30

DRIVEN WATERS
Property insurance, § 153:56

DRIVING
See Automobiles (this index)

DRIVING RECORD
Agents and brokers, knowledge of occupation of insured, § 49:34

DROPPING WORDS OR CLAUSES
Construction of contract, limits on, § 21:17

DROUGHT
Property insurance, § 153:73

DROWNING
See Accident and Life Insurance (this index)

DRUGGISTS
Risks covered under policies, § 131:51

DRUGS OR NARCOTICS
See also Accident and Life Insurance (this index)
Accident and life insurance, § 141:50, 143:79
Combining or stacking of coverages, § 169:111
Disability provisions, § 147:99
Good health of insured, addiction, § 88:20 to 88:22, 136:55
Medical insurance, § 144:61, 144:62, 145:22, 181:50

DRUGS OR NARCOTICS—Cont’d
Workers’ compensation, § 174:14

DRUG TREATMENT FACILITIES
Medical insurance, § 145:22

DUAL EMPLOYMENT
Fidelity insurance, § 160:31

DUAL OBLIGEE BONDS
Defined, § 163:15

DUAL REPRESENTATION OR AGENTS
See Agents and Brokers (this index)

DUE CARE OR DILIGENCE
Agents and brokers, § 54:2
Cooperation, § 199:21, 199:22
Defense, § 202:18
Definition, § 206:7
Iron safe clauses, § 97:31, 97:32
Liability insurance, § 191:11
Mortgages and deeds of trust, good faith and due care required of insuring mortgagee, § 65:7
New trial, § 248:30
Notice, § 192:2
Use and occupancy, § 95:50

DUE PROCESS
See also Notice and Proof of Loss (this index)
Governing law, § 24:39
Joinder of parties, § 243:17
State insurance boards, commissioners, and similar authorities, § 2:10

DUES AND ASSESSMENTS
Notice and proof of loss, estoppel and waiver, § 195:78
Premiums and assessments, § 70:1 et seq.

DUNE BUGGIES
Automobile insurance, § 116:12

DUPLICATE COVERAGE
No-fault recovery, duplication by workers’ compensation benefits, § 171:69
### Index

#### DUPLICATE COVERAGE—Cont’d
- Uninsured and underinsured motorist coverage, § 171:22, 171:38

#### DUPLICATE RECORDS
- See Best Evidence Rule (this index)

#### DUPLICATES
- Pleadings, duplicity, § 244:7
- Recoupment, duplicate checks, § 226:62
- Subrogation, duplicative payments, § 222:81 to 222:83

#### DURATION
- See Time (this index)

#### DURESS OR COERCION
- Agents and brokers, § 56:22
- Assignment, § 36:100
- Beneficiaries, change of, § 60:75
- Release, § 216:58
- Sherman act, § 4:10
- Subrogation, § 223:28

#### DWELLING HOUSES
- See also Disability Insurance (this index)
- Accident and life insurance, § 143:58
- Description of subject matter, § 20:23
- Fire insurance, § 149:9
- Medical insurance, § 181:59
- Use and occupancy of premises, § 94:65 et seq., 94:124, 94:137 to 94:139
- Workers’ compensation, § 174:27

#### DYING
- Public official and appointed fiduciary bonds, § 166:91

#### DYNAMITE
- Use and occupancy, § 95:18

#### EARNING CAPACITY
- Workers’ compensation, § 173:6, 173:7

#### EARNINGS OR EARNING POWER
- Business interruption insurance, § 185:2

### EARNINGS OR EARNING POWER—Cont’d
- Disability provisions, § 147:26
- General liability insurance, § 172:25
- Marine insurance, § 183:128
- Workers’ compensation, § 173:28 to 173:31

#### EARTH
- Contractors’ payment bonds, § 165:102

#### EARTHQUAKE OR EARTH MOVEMENT
- See also Property Insurance (this index)
- Property insurance, § 153:64 et seq.

#### EASEMENTS
- Insurable interest, § 42:49
- Representations, warranties, and conditions, § 91:72
- Title insurance, § 159:32, 159:33

#### ECONOMIC INTEREST
- Jurisdiction of federal proceedings, § 229:32
- Settlement and compromise, immediate economic interest in form of deductibles, § 203:9

#### ECONOMIC LOSS
- No-fault coverage, § 171:46, 214:46
- Subrogation, § 225:108

#### ECONOMIC NECESSITY
- Disability provisions, § 147:13

#### EDUCATION
- See Schools and Education (this index)

#### EDUCATIONAL TREATMENTS
- Medical insurance, § 181:4

#### EFFECTIVE DATE
- See also Cancellation and Rescission (this index)
- Modification of contract, § 25:6
- Notice, delivery of, §§ 188:32, 188:36
- Proof of loss, delivery of, § 188:39
- Reformation, effective date of policy, § 27:62
EFFECTIVE DATE—Cont’d
Reinstatement and revival, § 33:5, 33:35

ELECTION OR CHOICE
Actual cash value, § 175:38
Adjustment of losses, § 178:63
Agents and brokers, termination at election of either party, § 44:59 to 44:6157
Assignment, right-exercise options, § 37:12 to 37:13

Beneficiaries (this index)
Burial insurance, § 185:98
Challenges, § 242:185, 242:186
Concurrent remedies, § 232:39
Contractors’ payment bonds, § 165:167
Contract provisions, § 232:37
Cooperation, § 199:96
Dividends, options as to disposition of dividends, § 80:60

Estate Taxes (this index)
Fraud, § 197:8

Group Insurance (this index)
Ignorance of other remedies, § 232:38
Improper action, § 232:40
Ineffective action, § 232:40
Iron safe clauses, election to avoid, § 97:27, 97:28
Limitation of actions, § 236:124, 237:88
Loans, effect on policy options, § 80:17

Medical Insurance (this index)
Parties, generally, § 241:53 et seq.
Premiums and assessments, § 77:1 et seq.
Proceeds, payment of, § 61:5 to 61:7
Property policies, § 245:98
Public official and appointed fiduciary bonds, § 166:49
Remedies, generally, § 232:36 et seq.
Renewal, option of insurer, § 29:10
Repair or replace, option to, § 176:9 to 176:11
Res judicata, election of remedies, § 27:82

ELECTION OR CHOICE—Cont’d
Sales (this index)
Subrogation (this index)
Surgery, elective. See Medical Insurance (this index)
Torts, § 243:129
Wills (this index)

ELECTRICITY
Accident and life insurance, § 143:120
Automobile property insurance, § 156:26, 156:27, 157:76
Business interruption insurance, § 167:16
Contractors’ payment bonds, § 165:149
Disability provisions, § 147:138
Fire insurance, § 149:11, 149:30
Property insurance, § 153:22
Tests, electrical, § 253:305

ELECTRONICALLY STORED INFORMATION
Discovery, § 251:12

ELEVATORS
See also Accident and Life Insurance (this index)
Accident and life insurance, § 142:141
Automobile property insurance, § 156:68
Location, device, or activity, risks associated with, § 1:55
Medical insurance, § 181:59

ELIGIBILITY
Age of insured, § 86:8 to 86:15, 240:74

Beneficiaries (this index)
Group insurance, § 8:39 to 8:54
Incontestability clause, § 240:74
Medical insurance, § 144:35

Wrongful Party (this index)

EMANCIPATION OF CHILDREN
Auto insurance, § 114:20, 114:37
Divorce or separation, § 64:28
INDEX

EMBANKMENT
Automobile property insurance, § 156:58

EMBARGO
Marine insurance, § 183:47

EMBEZZLEMENT
See also Fidelity Bonds and Insurance (this index)
Automobile property insurance, § 157:41
Hearsay exclusion and exceptions, § 249:42
Marine insurance, perils at sea provisions, § 137:39
Property insurance, § 151:33, 245:41
Subrogation, § 225:295

EMBOLISM
Accident and life insurance, § 141:56

EMERGENCY ROOM TREATMENT
Medical insurance, § 181:67

EMERGENCY VEHICLES
Accident and life insurance, § 142:83

EMINENT DOMAIN
Property insurance, § 41:14

EMOTIONAL DISTRESS
See also Group Insurance (this index)
General liability insurance, § 172:31
Group insurance, §§ 7:33, 7:43, 7:63
Third-party claims, §§ 205:13, 205:51, 205:102
Uninsured and underinsured motorist coverage, § 171:7

EMOTIONS
Jury trial, appeal to emotions, § 246:26

EMPHYSEMA
Good health of insured, § 88:74

EMPLOYEE RETIREMENT INCOME SECURITY ACT
ERISA (this index)

EMPLOYER AND EMPLOYEE
Generally, § 40:16
Absence or presence
Good health of insured, § 6:63
Group insurance, § 6:63
Watchmen or guards, requirement of presence of other employees, § 96:16

Accident and life insurance, §§ 142:26, 142:79, 142:90
Agents and brokers, negligent operation of automobiles, §§ 56:17, 56:18
Agents and Brokers (this index)
Arbitrators, appraisers, and proceedings before them, § 211:36
Assaults by co-workers, § 136:6
Automobile Insurance (this index)
Automobile Property Insurance (this index)
Business interruption insurance, § 185:9
Combining or stacking of coverages, § 169:81
Commercial General Liability Policies (this index)
Commercial liability insurance, § 201:66
Contractors’ bonds, § 163:84
Contractors’ payment bonds, §§ 165:19, 165:20

Contracts for employee benefits, § 1:24
Cooperation, §§ 199:44, 199:89
Defense, § 202:11
Disability insurance, § 146:47, 242:118
Employers’ Liability Insurance (this index)
ERISA (this index)
Estate taxes, § 63:50
Expert witnesses, § 252:73
Fidelity Bonds and Insurance (this index)
Fire insurance, § 149:51
General liability insurance, §§ 172:7, 172:37
Group Insurance (this index)
EMPLOYER AND EMPLOYEE—Cont’d
Homeowners’ Insurance (this index)
Impleader, § 243:9
Income Taxes (this index)
Intervention, § 243:13
Liability insurance, § 1:36, 201:36
Life insurance, § 43:12 to 43:19, 179:14, 243:69
Limitation of actions, § 237:102
Marine insurance, § 221:48, 221:49, 221:51
Medical insurance, § 144:35
No-fault insurance, § 171:55
Occupation (this index)
Physicians (this index)
Premiums and Assessments (this index)
Proof of employment status, § 255:97 et seq.
Removal or Discharge From Employment or Office (this index)
Risks covered under policies, § 132:57
Strike and labor activity insurance, § 167:66 to 167:68
Subrogation (this index)
Third-party claims, § 206:18
Unemployment and Unemployment Insurance (this index)
Waiver and estoppel, § 194:79
Watchmen or guards, requirement of presence of other employees, § 96:16
Witnesses, § 252:85
Workers’ Compensation (this index)

EMPLOYERS’ LIABILITY INSURANCE—Cont’d
Costs and risks included, § 69:29 to 69:32
Evasion of rates, § 69:24
Inspection of records, § 69:27
Interstate transactions, § 69:30
Liability insurance, § 242:29
Limitation of actions, § 235:35
Merit rating, § 69:23
Premiums, § 69:21 et seq.
Rate structure, § 69:21 et seq.
Workers’ compensation, § 173:2

EMPLOYMENT COMMISSIONS
Cooperation, § 199:55
Notice, § 187:74
Threshold requirements, § 201:14

EMPLOYMENT RELATIONSHIP
Automobile insurance, § 111:12

ENCLOSURE OF PROPERTY
Property insurance, § 153:52

ENCROACHMENTS
Title insurance, § 159:43, 159:44, 185:84

ENCUMBRANCES
See Liens and Encumbrances (this index)

ENDORSEMENTS
See Riders and Endorsements (this index)

ENDOWMENT INSURANCE
See also Life Insurance (this index)
Beneficiaries, § 59:30
Exemption from claims of creditors, § 66:19, 66:20, 66:45
Income taxes, § 63:20 to 63:23
Penalties, fees and similar consequences, § 204:81

ENEMY ACTION
Accident and life insurance, § 142:135
War and civil disturbances, § 239:144
Index

ENGINEER
   Contractors’ performance bonds, § 164:40
   Subrogation, § 223:106

ENGINES
   Marine insurance, damage to vessel and engines caused by rescue, § 221:40

ENGLISH
   Fraud and deceit, insured’s inability to understand English, § 85:62, 85:63
   Marine insurance, § 221:49

ENGLISH RULE
   Marine insurance, § 183:31, 183:52, 183:210

ENJOYMENT OF PROPERTY
   Estate taxes, alteration of time and manner of enjoyment of property, § 63:38

ENROLLMENT
   Group insurance, § 8:11

ENTERTAINMENT
   Risks covered under policies, § 132:58

ENTIRE CONTRACT STATUTES
   Cancellation and rescission, § 31:104

ENTIRETIES, ESTATES BY
   Generally, § 68:29, 68:30
   Insurable interest, § 42:44
   Representations, warranties, and conditions, § 91:64
   Severance of estate, § 68:30

ENTRY ONTO PROPERTY
   Discovery, inspection of property, § 251:15

ENVIRONMENT
   Jurisdiction, § 228:37, 228:68
   Liability insurance, § 201:41, 201:42 to 201:44
   Medical insurance, environmental therapy, § 181:44
   Environment—Cont’d
   Notice and proof of loss, § 191:15, 191:21, 191:27
   Property insurance, § 148:49
   Threshold requirements, § 201:13, 201:16
   Title insurance, hazards on land, § 159:52

EPILEPSY
   Disability provisions, § 147:66
   Good health of insured, § 88:63

EQUIPMENT
   See Machinery or Equipment (this index)

EQUITABLE ALLOCATION
   Subrogation, § 225:132

EQUITABLE CONTRIBUTION
   Subrogation, § 222:98

EQUITABLE DISTRIBUTION
   See Subrogation (this index)

EQUITABLE DOCTRINE OF LACHES
   Generally, § 234:5

EQUITABLE EXCEPTION
   Costs of action, § 233:12

EQUITABLE FUND
   Subrogation, § 223:112, 223:113

EQUITABLE INDEMNITY
   Subrogation, § 222:99

EQUITABLE LIEN
   Reimbursement, § 226:23

EQUITABLE PRINCIPLE
   Subrogation, § 223:145 to 223:148

EQUITABLE REIMBURSEMENT
   Generally, § 226:17 to 226:19

EQUITABLE RELIEF
   Generally, § 232:111 et seq.
   Accounting
   Generally, § 232:180 et seq.
   Contract provisions, § 232:181
   Excess assessments, recovery of, § 232:182

Index-235
EQUITABLE RELIEF—Cont’d
Accounting—Cont’d
   Fidelity bonds, § 232:183
   Surety bonds, § 232:183
   Trusts, § 232:184
   Administrative action, § 232:156
   Agency contracts, § 232:175
   Allocation of risk, § 232:123
   Altering benefits to injured recipient, § 232:141
   Appraisal provisions, § 232:170
   Arbitration awards, § 213:46
   Assessments, § 232:176, 232:182
   Assignments, § 232:177
   Attorney, choice of, § 232:145
   Availability of adequate legal remedy, § 232:127
   Beneficiary, claim of, § 232:122
   Benefit of another, contract to obtain and/or maintain insurance for, § 232:164, 232:165
   Bonds and undertakings, §§ 232:183, 232:184
   Cancellation or nonrenewal of policy, §§ 232:138, 232:139
   Certificate, mutual benefit certificate, § 232:124
   Choice of attorney, § 232:145
   Clean hands doctrine, § 232:126
   Consent of insurer or insured, § 232:144
   Contracts
      Accounting, § 232:181
      Rights, § 232:118
      Corporate management, § 232:150
      Criminal act, § 232:151
      Criminal prosecution, § 232:157
      Custody, order transferring, § 232:190
      Defend, duty to, § 232:167
      Defense costs, § 232:146
      Defense of insured against third-party claims, §§ 232:145, 232:146
      Delivery of rider, § 232:137

EQUITABLE RELIEF—Cont’d
Direct action, § 232:120, 232:178
Excess assessments, recovery of, § 232:182
Exclusions, §§ 232:133, 232:134
Experimental treatments, §§ 232:133, 232:134
Expulsion and rejection of local unit or individual, § 232:154
Fidelity bonds, § 232:183
Fraud, § 232:121
Future disability benefits, payment of, § 232:148
Handling claims, §§ 232:142, 232:143
Health benefits, § 232:168
Incontestability clause, § 240:44
Injunctions
   Generally, §§ 232:125 et seq.
   Actions on policy, §§ 232:129, 232:130
   Administrative action, § 232:156
   Agents, acts of, § 232:155
   Altering benefits to injured recipient, § 232:141
   Attorney, choice of counsel, § 232:145
   Availability of adequate legal remedy, § 232:127
   Brokers, acts of, § 232:155
   Cancellation or nonrenewal of policy, § 232:138
   Clean hands doctrine, § 232:126
   Consent of insurer or insured, § 232:144
   Corporate management, § 232:150
   Criminal act, § 232:151
   Criminal prosecution, § 232:157
   Defense costs incurred by insured, payment of, § 232:146
   Defense of insured against third-party claims, §§ 232:145, 232:146
   Delivery of rider, § 232:137
INDEX

EQUITABLE RELIEF—Cont’d
Injunctions—Cont’d
Expulsion and rejection of local unit or individual, § 232:154
Future disability benefits, payment of, § 232:148
Handling claims, § 232:142, 232:143
Health insurer, payments by, § 232:132 to 232:135
Interpleader, § 232:131
Issuance, generally, § 232:136 et seq.
Maintenance of policy, generally, § 232:136 et seq.
Medical insurance, § 232:139
Medical reports, use by insurer in litigation, § 232:149
Paying claims, method of, § 232:143
Process claims, failure to, § 232:142
Promise to insure another, § 232:140
Property, disposition after loss, § 232:147
Propriety determination, § 232:112 to 232:115
Reinstatement of policy, § 232:136
Taxes, § 232:158
Treatments excluded as investigative or experimental, § 232:133, 232:134
Unauthorized conduct of business, § 232:152
Unfair competition and competitive practices between insurer, agents, and the like, § 232:159
Valuing claims, method of, § 232:143
Inspection of insured’s records, § 232:173
Insurance brokers, acts of, § 232:155
Insured and injured third parties, § 232:188

EQUITABLE RELIEF—Cont’d
Interpleader, § 232:131
Investigative treatments, § 232:133, 232:134
Judgment, § 232:191
Jurisdiction over entire controversy, § 232:116
Jury trial, § 232:113
Law, actions in, versus actions in equity, § 232:111
Legal remedy, lack of, § 232:112
Life insurance, § 232:164
Loan provisions, § 232:171
Medical insurance, § 232:139, 232:164
Medical reports, use by insurer in litigation, § 232:149
Mortgagor and mortgagee, § 232:186
Multiple insurers, risk allocation, § 232:123
Multiplicity of actions, § 232:114
Mutual benefit certificate, § 232:124
Order
Determining whether judgment in prior legal action was on ground which falls within policy coverage, § 232:191
Transferring possession or custody of policy, § 232:190
Overpayment, recovery of, § 232:119
Payments
Specific performance, § 232:168
Possession, § 232:190
Preservation of insurer’s funds, § 232:185
Prior actions, § 232:191
Proceeds, § 232:186 to 232:189
Process claims, failure to, § 232:142
Promise to insure another, § 232:140
Property, disposition after loss, § 232:147
Propriety determination, § 232:112 to 232:115

Index-237
EQUITABLE RELIEF—Cont’d
Psychological reports, use by insurer in litigation, § 232:149
Receipts, issuance of, § 232:172
Records, inspection of, § 232:173
Reinstatement, § 232:136, 232:166
Rejection, § 232:154
Reports, § 232:149
Rider, delivery of, § 232:137
Settlement of claim, § 232:174
Specific performance
Generally, § 232:160 et seq.
Agency contracts, § 232:175
Agent’s submission of requisite information to obtain policy, § 232:161
Agreements, generally, § 232:161 et seq.
Appraisal provisions, § 232:170
Assessments, § 232:176
Assignments, § 232:177
Benefit of another, contract to obtain and/or maintain insurance for, § 232:164, 232:165
Defend, duty to, § 232:167
Delivery of policy, § 232:162, 232:163
Direct action, § 232:178
Health insurance, § 232:164
Inspection of insured’s records, § 232:173
Issuance of policy, § 232:162, 232:163
Life insurance, § 232:164
Loan provisions, § 232:171
Management and conduct of insurer, § 232:179
Medical insurance, § 232:164
Payment of disability or other health benefits, § 232:168
Receipts, issuance of, § 232:172
Reinstatement, § 232:166
Renewal, § 232:166
Settlement of claim, § 232:174

EQUITABLE RELIEF—Cont’d
Specific performance—Cont’d
Surety agreement, obligations under, § 232:169
Statutes, § 232:115
Surety agreement, obligations under, § 232:169
Surety bonds, § 232:183
Taxes, § 232:158
Third-party claims, § 232:145, 232:146
Third persons, § 232:164, 232:165
Transfer, order transferring possession or custody of policy, § 232:190
Treatments excluded as investigative or experimental, § 232:133, 232:134
Trusts, § 232:184
Unauthorized conduct of business, § 232:152
Unfair competition, § 232:159
Valuing claims, method of, § 232:143
Vendor and vendee, § 232:187

EQUITABLE RIGHTS
Subrogation, § 225:257, 225:258

EQUITABLE SUBROGATION
See Subrogation (this index)

EQUITY
Assignment, § 37:27 to 37:42
Beneficiaries, change of, § 60:27, 60:28
Cancellation and rescission, § 31:88, 31:90, 31:93
Costs of action, § 233:59
Facility of payment clause, equitable entitlement-proceeds, § 61:23 to 61:25
Facility of payment clause, equitable entitlement to proceeds, § 61:31
General liability insurance, § 172:24
Insurable interest, § 41:6
Interpleader, § 232:76
Limitation of actions, § 237:47

Index-238
INDEX

EQUITY—Cont’d
Mortgages and deeds of trust, § 65:82 et seq., 242:61
Reformation (this index)
Subrogation, § 223:134
Title and Ownership (this index)

ERISA
Accident and Life Insurance (this index)
Accident insurance, § 139:16
Arbitration, appraisal, or submission agreements, § 210:22
Burden of proving applicability, § 254:16
Disability Insurance (this index)
Discovery
Generally, § 251:21
Evidence
Generally, § 186:9
Group insurance
Criticism of, § 7:14
Insurance, § 7:13
Pension cases as precedent, § 7:9
Purposes and policies, § 7:8
Regulatory framework after, § 7:5
Structure and terminology, § 7:9
Health insurance, § 242:184
Limitation of actions, § 235:24, 235:67, 235:68
Medical insurance, § 144:12, 144:101, 180:3, 181:6
Notice, § 186:9
Parol evidence rule, application to benefit disputes, § 253:53
Prejudice, § 193:27
Reconvtement (this index)
Subrogation
Generally, § 222:49 to 222:52
Contractual provisions, need for, § 222:50
Defenses, § 224:186
General measure of recovery, amounts paid for claim as, § 223:92
Made whole rule, § 223:139 to 223:142
Subrogation—Cont’d
Preemption, generally, § 222:49
Review, standard of, § 222:51
Separate agreement from participant, plan’s right to require, § 222:52
Uninsured or underinsured motorist benefits, § 223:75
Venue, § 230:101
Witnesses, § 252:81

ERROR
Delayed payment or nonpayment, § 207:30
Errors and Omissions Policies (this index)
Fraud, § 197:13
Judicial Review (this index)
Mistakes (this index)
Notice and proof of loss, estoppel and waiver, § 195:75

ERRORS AND OMISSIONS POLICIES
Commercial liability insurance, § 201:58
General liability insurance, § 172:73

ERYSIPELAS
Good health of insured, § 88:98

ESCAPATORS
Accident and life insurance, § 142:57

ESCALATORS
Commercial liability insurance, § 201:58
General liability insurance, § 172:73

ESTATES OF DECEDENTS
See Decedents’ Estates (this index)

ESTATE TAXES
Generally, § 63:28 et seq.
ESTATE TAXES—Cont’d
Amount includable in estate,
computation of, § 63:48 to
63:50
Annuities, § 63:31, 63:34
Assignment, § 63:39
Beneficiaries
Generally, § 63:30
Change of beneficiary, § 63:30
Third persons, liability of, § 63:52
Borrowing on policy, § 63:40
Cancellation of policy, § 63:46
Change of beneficiary, § 63:30
Changes
Beneficiary, change of, § 63:30
Enjoyment of property, alteration
of time and manner of,
§ 63:38
Constitutional law, § 63:28
Deductions, § 63:51
Description of property, § 63:31 et
seq.
Dividends, § 63:43
Election or option
Payment, mode of, § 63:38
Settlement options, § 63:38
Employer and employee, § 63:50
Enjoyment of property, alteration of
time and manner of, § 63:38
Executors and administrators,
§ 63:29
Gross estate, inclusion of insurance
proceeds in, § 63:28 et seq.
Husband and wife
Amount includable in estate,
computation of, § 63:49
Marital deductions, § 63:51
Joint exercise of incidents of owner-
ship and another, effect of policy
requiring, § 63:37
Life estates, remainders, and rever-
sions, § 63:33, 63:44
Marital deductions, § 63:51
Ownership, incidents of, § 63:36 et
seq.
Partnership, § 63:50
Pledging policy, § 63:40
Settlement options, § 63:38
Surrender of policy, § 63:46

ESTATE TAXES—Cont’d
Third persons, liability of, § 63:52,
63:53
Time and manner of enjoyment of
property, alteration of, § 63:38
Transfers
Death
Annuity rule, transfers taking
effect on, § 63:34
Contemplation of death,
third persons, liability of,
§ 63:52, 63:53
Life estates, transfers in which
insured retains, § 63:33
Trusts, interests in, § 63:42

ESTIMATES
Automobiles and other motor
vehicles, § 177:14
Dividends, liability of insurer,
§ 80:61
Fraud, § 197:27
Hearsay exclusion and exceptions,
§ 249:25
Labor and material bonds, § 191:50
Limitation of actions, § 236:141
Marine insurance, § 183:144,
183:155, 183:156
Witnesses, § 252:63

ESTOPPEL AND WAIVER
Generally, § 238:1 et seq., 239:93 et
seq.
Acceptance and retention
Benefits, § 239:128
Life insurance premiums, § 238:87
Premiums, § 238:87, 239:121,
239:122

Accident and Life Insurance (this
index)
Additional proof of loss, request for,
§ 238:42 to 238:44
Adjoining buildings, § 96:32
Adjusters, dispatch of, notice,
§ 194:69
Adjustment notice, negotiations for
settlement or adjustment of
claim, § 194:70
Adjustment of loss and promise to
pay, § 238:55, 238:56
ESTOPPEL AND WAIVER—Cont’d

Copy of policy, failure to provide, § 238:22
Court, payment into, § 194:60
Criminal proceedings against employee covered by fidelity bond, notice, § 194:79
Custom and usage, effect of, § 194:20
Damaged goods, taking possession of damaged goods, § 194:80
Declaration or non-waiver agreement, See Non-Waiver Agreement and Declaration (this index)
Declaratory judgments, § 238:75, 239:127
Defective service of process, § 238:81
Defenses (this index)
Definition, § 239:95
Degree of proof, § 194:19, 238:18
Delay
Investigation and evaluation of claim, § 238:32, 238:33, 238:40
Negotiation of settlement, § 194:72, 238:48
Delayed payment or nonpayment, demand for payment, § 207:14
Deliver policy, failure to, § 239:118
Delivery of Policy (this index)
Demand or submission of claim for appraisal, arbitration or award, notice regarding, § 194:46, 194:48
Denial of claim
Generally, § 238:60 et seq.
After expiration of period, § 238:69 to 238:74
Amounts concededly due, § 238:61
Continuing insurance in effect after denial, § 238:62, 238:63
Exhaustion of potential grounds, § 238:70
Before expiration of period, § 238:66 to 238:68
Lapse of policy, § 238:72

ESTOPPEL AND WAIVER—Cont’d

Denial of claim—Cont’d
Within limitation period, § 238:67, 238:68
Oral binder, § 238:73
Party’s assertion of claim against insured, § 238:74
Payment of claim, failure to deny, § 238:53
Reconsideration of denial, § 238:65
Remainder of time, § 238:68
Sufficiency of denial, § 238:64
Timing of denial, generally, § 238:66 et seq.
Denial of liability, notice and proof of loss, below, § 195:54
Departure, § 244:75
Description or Identification (this index)
Directed verdicts, § 247:28
Directions of insurer, notice, § 194:28
Disability insurance, § 146:31
Disclosure, § 238:29
Discovery, § 251:27
Dismissal, involuntary, § 247:14
Dismissal of declaratory judgment action to determine coverage, § 239:127
Divorce or separation, estoppel to dispute validity of surrender of rights pursuant to voluntary agreement, § 64:22
Employee, criminal proceedings against employee covered by fidelity bond, § 194:79
Evasiveness of insurer, notice, § 194:27
Evidence, § 238:17 to 238:19
Examination of insured property, § 196:53
Examination under oath, § 194:42, 238:44
Execution and execution sales, § 66:54
Exemption from claims of creditors, § 66:49
INDEX

ESTOPPEL AND WAIVER—Cont’d
Exhaustion of potential grounds,
§ 238:70
Exhumation. See Autopsy and Exhumation (this index)
Existing right, § 239:106
Expense, insurer’s conduct inducing insured to spend, notice,
§ 194:25, 194:26
Expiration of limitation period,
§ 238:34, 238:36
Express waiver versus implied waiver, notice, § 194:22
Extension of time, § 238:35, 238:41
Facility of payment clause, § 61:25, 61:26
False statements as to existence, validity, or status of policy or clauses therein, § 238:25
Fault of party, § 239:102
Fidelity bond, notice as to criminal proceedings against employee covered by fidelity bond,
§ 194:79
Fidelity insurance, § 160:37, 162:30
Filing, § 238:41, 238:48
Finality, § 238:8, 239:98
Fire insurance, § 149:64
Flood insurance, § 194:5
Forms, § 238:7, 238:39, 238:40
Fraud
Concealment, § 238:20, 238:21
Defense, generally, § 239:138
Notice, § 194:27
Party, generally, § 239:102
Fraudulent proofs, notice, payments, § 194:55
General principles
Generally, § 194:1 to 194:8
Conclusiveness of waiver, § 194:8
Policy obligation, waiver or estoppel to precede, § 194:7
Policy requirements, insurer’s right to waive
Generally, § 194:3 to 194:5
Flood insurance, § 194:5
Specified manner, effect of policy provision for waiver in, § 194:4

ESTOPPEL AND WAIVER—Cont’d
General principles—Cont’d
Statutory regulation, § 194:2
Statutory requirements, insurer’s right to waive, § 194:6
Subsequent compliance, § 194:8
Gift of policy, § 38:8
Good-faith, disclaiming coverage,
§ 198:51 to 198:55, 198:56
Good Health of Insured (this index)
Governing law, waiver of intent of parties, § 24:21 to 24:23
Government insurers, § 239:105
Group Insurance (this index)
Handling claim
Generally, § 238:30 et seq.
Concession of liability, § 238:55
Immunity, § 238:84
Implied, express waiver versus implied waiver, notice, § 194:22
Implied waiver, acts constituting,
§ 194:23, 194:24
Indemnity and indemnity insurance,
§ 89:23
Indication to proceed pending outcome of another proceeding,
§ 238:76
Inspection, § 238:44
Instructions of insurer, notice,
§ 194:28
Instructions to jury, § 246:98
Insurable interest, § 41:7
Insured, acts or conduct by, generally,
§ 239:128 to 239:130
Insurer, acts or conduct by, generally,
§ 239:116 et seq.
Insurer, waiver by, generally, § 194:9
Interest on money, § 80:38, 178:41
Interview, § 238:43
Investigation and evaluation of claim
Generally, § 238:31 et seq.
Additional proof of loss, request for, § 238:42 to 238:44
Delay, § 238:32, 238:33, 238:40
Dispatch of adjusters, notice,
§ 194:69
Examination under oath, § 238:44

Index-243
ESTOPPEL AND WAIVER—Cont’d
Investigation and evaluation of claim
—Cont’d
Expiration of limitation period,
§ 238:34, 238:36
Extension of time, § 238:35,
238:41
Form, actions requiring, § 238:39,
238:40
Inspection, § 238:44
Interview, § 238:43
Production of documents, § 238:44
Proof of loss
Generally, § 238:38 et seq.
Additional proof of loss, request for,
§ 238:42 to 238:44
Delay in providing form,
§ 238:40
Examination under oath,
§ 238:44
Extending time for filing,
§ 238:41
Form, actions requiring,
§ 238:39, 238:40
Inspection, § 238:44
Interview, § 238:43
Production of documents,
§ 238:44
Terms of policy, § 238:37
Iron safe clauses, § 97:33 et seq.
Issuance of policy, § 239:119
Joinder of parties
Misjoinder, § 243:25
Nonjoinder, § 243:20
Jurisdiction
Generally, § 238:82
Federal proceedings, § 229:79,
229:80
State proceedings
Mutual benefit societies,
§ 228:51
Objection, § 228:12, 228:13,
228:16
Jury trial, § 246:21
Knowledge
Existence of right, § 239:107
Facts pertinent to claim, insurer’s,
§ 194:29
Investigation, § 194:37

ESTOPPEL AND WAIVER—Cont’d
Knowledge—Cont’d
Notice, knowledge of breach by insurer, § 194:13
Labor, insurer’s conduct inducing insured to spend, § 194:25,
194:26
Lapse of policy, § 238:72
Liens and encumbrances, § 93:48 et seq.
Life insurance, § 179:4, 238:87
Limitation of actions
Generally, § 236:176 et seq.,
238:1 et seq.
Cancel policy, insurer’s suit to,
§ 236:180
Defendant’s activities, trigger as,
§ 236:156
Denial of liability, § 236:177,
236:178
Forms, insurer’s refusal to provide proper forms, § 236:181
Handling claim, insurer’s delay in,
§ 236:182
Improper settlement demand,
§ 236:179
Proof of loss or death, § 236:64
Limitations, contractual, § 238:3
Loans (this index)
Lodge, subordinate lodge, authority of, § 194:12
Marine insurance, § 183:19, 183:80,
183:91, 183:107, 183:179 to
183:181
Measurement of degree of loss,
§ 175:84
Medical insurance, § 181:12
Misrepresentation of coverage,
§ 238:24
Missing property, assistance in locating, § 194:78
Misuse of confidential information,
§ 239:126
Modification of contract, § 25:7,
51:58
Mortgages, § 194:59, 238:26, 238:58
Mortgages and Deeds of Trust (this index)
Mutual companies, § 39:36
INDEX

ESTOPPEL AND WAIVER—Cont’d
Negotiation of settlement
Generally, § 238:45 et seq.
Delay in filing action, § 238:48
Notice, § 238:47
Question of fact, § 238:50
Statute, § 238:47
New trial, § 248:27
No-fault coverage, waiver of claim in excess of maximum, § 214:40
Nondisclosure or concealment of other information, § 238:29
Non-Waiver Agreement and Declaration (this index)
Nonwaiver agreements, § 238:9, 239:100
Notice and proof of loss
Generally, § 194:1 to 194:84
Acceptance, § 195:12, 195:14 to 195:16, 195:78
Acknowledgment, § 195:1, 195:12, 195:80
Additional proof, § 195:20 to 195:24, 195:67
Adjusters, dispatch of, § 194:69
Adjustment, negotiations for settlement or adjustment of claim, § 194:70
Admission of breach, § 195:40
Admission of liability, § 194:51 to 194:52
Agents, generally, § 195:82, 195:83
Agreement to binding appraisal, § 194:49
Approval of notice, § 195:10
Approval of proof, § 195:19
Arbitration, appraisal, or award
Generally, § 194:45 et seq.
Agreement, non-waiver agreement or declaration, § 194:50
Agreement to binding appraisal, § 194:49
Declaration, non-waiver agreement or declaration, § 194:50
Demand or submission of claim for appraisal and/or arbitra-

ESTOPPEL AND WAIVER—Cont’d
Notice and proof of loss—Cont’d
Arbitration, appraisal, or award—Cont’d
Decision, § 194:46, 194:48
Non-waiver agreement or declaration, § 194:50
Refusal to arbitrate, § 194:47
Statutes, § 194:45
Submission of claim for appraisal, § 194:48
Submission of claim to arbitration, § 194:46
Authority of subordinate lodge, § 194:12
Authorized agent
Denial of liability, § 195:42
Waiver by, generally, § 194:9, 194:10
Autopsy, investigation or promise to investigate, § 194:43
Blank forms, furnishing
Generally, § 195:25 et seq.
Admission of breach, § 195:40
Conditional refusal, § 195:40
Delay in furnishing, § 195:28
Denial of liability, § 195:38
Failure to furnish, generally, § 195:31 to 195:36
Knowledge of breach, insurer’s, § 195:26
Non-waiver declaration or agreement, § 195:29, 195:30
Policy no longer in force, § 195:37
Previous waivers, non-waiver declaration or agreement, § 195:30
Prior breach, § 195:39
Refusal to furnish, generally, § 195:31 to 195:36
Request for forms, § 195:33
Sending forms, § 195:26
Statutes, § 195:32
Unauthorized person, refusal by, § 195:34
Waivers, previous, § 195:30
Wrong forms, § 195:27

Index-245
ESTOPPEL AND WAIVER—Cont’d
Notice and proof of loss—Cont’d
Burden of proof, § 194:18
Cancellation or attempt to cancel policy, § 195:56
Certificate, § 195:14
Change in agent, failure to inform insured of, § 195:83
Change of claim after denial, § 195:76
Conditional denial, § 195:66
Conditional promise to pay, § 194:62
Conditional refusal, § 195:40
Court, payment into, § 194:60
Criminal proceedings against employee covered by fidelity bond, § 194:79
Custom and usage, effect of, § 194:20
Damaged goods, taking possession of damaged goods, § 194:80
Defects, § 195:6, 195:66
Deficiencies, insurer’s failure to inform insured of, § 195:4, 195:5
Degree of proof, § 194:19
Delay, § 194:72, 195:28
Demand for proof, generally, § 194:40 to 194:43, 195:20 to 195:24
Denial of liability sufficient to create waiver
Assertion of waiver, § 195:54
Cancellation or attempt to cancel policy, § 195:56
Defend, refusal to, § 195:50
Express or unequivocal, requirement that denial be, § 195:47
Failure to specify grounds, § 195:51
Opinion statement as to policy coverage, § 195:55
Pay claim, refusal to, § 195:53
Questions of law or fact, § 195:48
Reservation of rights, § 195:52

ESTOPPEL AND WAIVER—Cont’d
Notice and proof of loss—Cont’d
Denial of liability sufficient to create waiver—Cont’d
Statement as to policy coverage, § 195:55
Sufficiency of notice and proofs, generally, § 195:46 to 195:57
Suit to determine coverage, § 195:49
Directions of insurer, § 194:28
Dues, § 195:78
Employee, criminal proceedings against employee covered by fidelity bond, § 194:79
Endorsement, issuance of, § 195:81
Erroneous information, § 195:75
Evasiveness of insurer, § 194:27
Examination under oath, demand for proof, investigation or promise to investigate, § 194:42
Expense, insurer’s conduct inducing insured to spend, § 194:25, 194:26
Express waiver versus implied waiver, § 194:22
Fidelity bond, criminal proceedings against employee covered by fidelity bond, § 194:79
Fraud of insurer, § 194:27
Fraudulent proofs, payments, § 194:55
Implied, express waiver versus implied waiver, § 194:22
Instructions of insurer, § 194:28
Insurer, waiver by, generally, § 194:9
Investigation or promise to investigate
Generally, § 194:31 et seq.
Agent, statements by, § 194:35, 194:36
Autopsy, demand for proof, § 194:43
Declaration, non-waiver agreement or declaration,
ESTOPPEL AND WAIVER—Cont’d
Notice and proof of loss—Cont’d
Records, production of documents and records, § 194:40
Refusal to arbitrate, § 194:47
Rejection of offer to pay or settle, § 194:65
Repair, offer to replace or repair damaged property, § 194:66
Replace, offer to replace or repair damaged property, § 194:66
Reservation of rights, § 195:52
Retention of policy, § 194:30
Retraction, subsequent retraction of admission, admission of liability, § 194:53
Settlement
Generally, § 194:63 to 194:64, 194:67, 194:68
Delay in negotiations for settlement, § 194:72
Negotiations for settlement or adjustment of claim, § 194:70
Statement as to policy coverage, § 195:55
Statutes
Arbitration, appraisal, or award, § 194:45
Investigation or promise to investigate, § 194:32
Right to waive requirements of, § 194:6
Submission of claim for appraisal and/or arbitration, § 194:46, 194:48
Subordinate lodge, authority of, § 194:12
Subsequent compliance, § 194:8
Subsequent retraction of admission, admission of liability, § 194:53
Sufficiency of notice and proof of loss
Generally, § 195:1 et seq., 195:11 et seq.
Acceptance of acknowledgment of receipt of notice, § 195:12

ESTOPPEL AND WAIVER—Cont’d
Notice and proof of loss—Cont’d
Sufficiency of notice and proof of loss—Cont’d
Acceptance or refusal of premiums or dues, § 195:78
Acknowledgement as waiver of objections, § 195:1
Acknowledgment of lost policy, § 195:80
Additional proof required to establish claim, § 195:67
Agent, failure to inform insured of change in, § 195:83
Agent, mistake in policy, § 195:82
Agreement, non-waiver agreement, § 195:9
Approval of notice, § 195:10
Approval of proof, § 195:19
Authorized agent, denial of liability, § 195:42
Change in agent, failure to inform insured of, § 195:83
Change of claim after denial, § 195:76
Conditional denial, § 195:66
Defective, rejection of proof as, § 195:66
Defects as waiver, § 195:6
Demand for, or failure-demand, proof or additional proof, § 195:20 to 195:24
Denial of liability, generally, § 195:41 et seq.
Dues, § 195:78
Endorsement, issuance of, § 195:81
Erroneous information, § 195:75
Estoppel, insurer’s failure to inform insured of deficiencies as, § 195:4, 195:5
Fraudulent proof, § 195:77
Insolvency of insurer, § 195:84
Loss of coverage—which denial applies, § 195:62 to 195:67
Mistake in policy, § 195:82
ESTOPPEL AND WAIVER—Cont’d
Notice and proof of loss—Cont’d
Sufficiency of notice and proof of loss—Cont’d
Multiple benefits for same harm, § 195:64
Objections, § 195:1, 195:7, 195:58
Oral notice, § 195:8, 195:13
Partial denial, loss of coverage to which denial applies, § 195:63
Prejudice to insured, denial of liability, § 195:43
Premiums, § 195:78
Prior acceptance of certificate by particular physician, § 195:14
Receipt and retention of overdue proofs without objections, § 195:17, 195:18
Receipt or acceptance of inadequate proof without objection, § 195:15, 195:16
Reservation of rights, denial of liability with, § 195:45
Silence not waiver, § 195:2, 195:3
Statutes, insurer’s failure to inform insured of deficiencies as estoppel, § 195:5
Subordinate lodge refusal to send notice or proofs, § 195:11
Triggering liability, § 195:61
Withdrawal of denial, § 195:74
Third person, payment to, § 194:58, 194:59
30 days, § 195:68
Time
Insurer’s conduct inducing insured to spend, § 194:25, 194:26
Negotiations, relationship with time for compliance, § 194:71

ESTOPPEL AND WAIVER—Cont’d
Notice and proof of loss—Cont’d
Time requirements for determination of claim, sufficiency of notice and proof
Generally, § 195:68 et seq.
Expiration, denial after, § 195:72
Expiration, denial before, § 195:71
As soon as reasonably possible, § 195:69
30 days, § 195:68
Unauthorized agent, waiver by, § 194:11
Withdrawal of defense by one insurer as affecting rights of other insurer, § 194:16
Notice and proof of loss
Defenses (this index)
Non-Waiver Agreement and Declaration (this index)
Time
Time requirements for determination of claim, sufficiency of notice and proof, below in this group
Oath, examination under oath, § 194:42, 238:44
Objections, § 244:100
Occupation of insured, § 86:37
Offer to pay, § 194:63 to 194:64, 238:57
Offer to replace or repair damaged property, § 194:66
Oral binder, § 238:73
Other claims, waiver of notice of proof of one claim as affecting, § 194:15
Other proceedings, § 238:76
Other time limits in policy, § 238:83
Parol evidence rule, § 253:92
Partial liability, admission of liability, § 194:52
Partial payments, § 238:57, 239:125
Parties, fault of, generally, § 239:102
Part payment, § 194:56
Payment of claim
Generally, § 238:52 et seq.
ESTOPPEL AND WAIVER—Cont’d

Payment of claim—Cont’d
Adjustment of loss and promise to pay, § 238:55, 238:56
Coinsured, payment to one, § 238:58, 238:59
Deny, failure to, § 238:53
Mortgagee or mortgagor, payment to, § 238:58
Mortgage, failure to inform mortgagee that payment was made to mortgagor, § 238:26
Offer to pay all or portion of claim, § 238:57
Policy, payments under, § 239:123 to 239:125
Promise to pay
Generally, § 238:53
Adjustment of loss and promise to pay, § 238:55, 238:56
Question of fact, § 238:56
Return previously paid premiums, § 239:122
Same cause of action, payment after limitation period of other claims arising from, § 238:88
Substantial loss, § 238:59
Periodic payments, § 194:57
Physical examination, demand for proof, § 194:41
Plead, failure to plead constituting waiver, § 244:61, 244:62
Pleading and proof, notice, § 194:17 to 194:21
Possession, taking possession of damaged goods, § 194:80
Post-loss powers, limitation of actions, § 53:37, 53:38
Potential benefits under policy, failure to provide information as to, § 238:24
Preclusion distinguished, § 239:97
Prejudice, § 239:112 to 239:114
Presumptions and burden of proof, § 254:148
Prior judgment, § 239:17, 239:97
Privileged information, § 250:6, 250:11

ESTOPPEL AND WAIVER—Cont’d
Privileges and immunities, § 238:84, 250:11
Production of documents, § 194:40, 194:47, 238:44
Promise to pay, § 194:61, 194:62, 238:53, 238:55, 238:56
Proof of loss. Investigation and evaluation of claim, above
Proof, waiver of notice as affecting, § 194:14
Property insurance, § 148:75, 151:5, 155:4
Questions of law or fact, § 194:21, 238:19, 238:50, 238:56, 239:99
Raise limitation defense, failure to, § 238:78 to 238:80
Rates and Rating (this index)
Real party in interest, § 241:8
Reasonableness of reliance, § 238:16, 239:111
Recognition of policy, § 239:120
Reconsideration of denial, § 238:65
Recoupment, § 226:104, 226:116
Reformation of policy, § 238:77
Reformation (this index)
Refusal to arbitrate, notice, § 194:47
Refusal to proceed pending outcome of another proceeding, § 238:76
Regulatory authorities, § 239:117
Reinstatement and revival, § 33:94 to 33:111
Reinstatement of policy, application for, § 239:130
Rejection of offer to pay or settle, notice, § 194:65
Reliance, § 238:14 to 238:16, 239:110, 239:111
Renewal (this index)
Rent insurance, § 167:28
Reopening case, § 248:9
Representations to regulatory authorities, § 239:117
Representations, Warranties, Conditions, and Concealment (this index)
Rescission of policy, § 238:85

Index-250
ESTOPPEL AND WAIVER—Cont’d
Reservation of rights, § 238:9,
239:100
Retention
Bond surety’s retention of contrac-
tor on project after project
completion date, § 238:90
Life insurance premiums, § 238:87
Notice, § 194:30
Policy, generally, § 239:129
Premiums, generally, § 239:121,
239:122
Retraction, subsequent retraction of
admission of liability, § 194:53
Return previously paid premiums,
§ 239:122
Revival, § 238:8
Sales, § 92:39 et seq.
Secured transactions, § 92:40, 92:47
Security bonds, § 232:11
Separate policies, payments under
policy, § 239:124
Service of process, § 231:20, 231:21,
231:67, 238:81
Settlement and compromise
Generally, § 203:34, 203:35
Consideration for compromise,
§ 215:36
Standard form of policy, statute
prescribing, § 239:101
Standard policies, provisions of,
§ 17:15
State insurance boards, commissio-
ers, and similar authorities,
estoppel based on past practices,
§ 2:13
Statutes
Generally, § 194:6, 194:32,
194:45, 239:101
Limitations, § 238:4
Negotiation of settlement,
§ 238:47
Rights, generally, § 19:9
Statutory regulation, § 194:2
Stranger to contract creating estoppel
or waiver, § 239:104
Submission of claim for appraisal,
§ 194:48

ESTOPPEL AND WAIVER—Cont’d
Submission of claim to arbitration,
§ 194:46
Subordinate lodge, authority of,
§ 194:12
Subrogation
Generally, § 224:169 to 224:171
Antisubrogation rule prohibiting
subrogation recovery from
own insured, § 224:43
Automobile no-fault and personal
injury protection insurance,
§ 225:138
Existing cause of action, § 223:54
Subsequence compliance, § 194:8
Subsequent retraction of admission of
liability, § 194:53
Substantial loss, § 238:59
Sufficiency of denial, § 238:64
Surety, § 238:90
Terms of policy, § 238:37
Third parties, insurer’s waiver or
estoppel as binding on insured,
§ 238:6
Third-party claimant, prejudice,
§ 239:113
Third person, payment to, § 194:58,
194:59
Title and ownership, § 91:94, 91:95,
91:99, 91:100
Unauthorized agent, waiver by,
§ 194:11
Uninsured and underinsured motorist
coverage, § 171:27, 214:12
Uninsured tortfeasor, § 238:78
Use and Occupancy (this index)
Validity, § 238:25
Venue, § 230:5, 230:103
Watchmen or guards, § 96:6
Withdrawal of defense by one insurer
as affecting rights of other
insurer, § 194:16
Witnesses, § 252:8

ETHICS
Third-party claims, § 205:31

EVASION OF RATES
Workers’ compensation and employ-
ers’ liability insurance, § 69:24
EVASIVENESS
Waiver and estoppel, § 194:27

EVICION
Liability insurance, § 201:44
Title insurance, § 159:60

EVIDENCE
Generally, § 196:1 et seq., 249:1 et seq.
Access to evidence and burden of proof, § 254:5
Accidental, death as, § 249:14
Accidental means, death by, § 249:14
Accident and Life Insurance (this index)
Accident Insurance (this index)
Actual cash value, § 175:33 to 175:35, 175:50, 175:51
Adjuster’s authority, § 48:68
Admissibility of evidence, § 247:23, 249:4, 249:5
Admissions (this index)
Age, establishing, § 255:87
Agency (this index)
Agents and Brokers (this index)
Ambiguity, extrinsic evidence, § 21:15
Answers, § 244:57
Appeal and Review (this index)
Applications, attachment of application to policy, § 18:12, 18:15, 18:16
Arbitrators, appraisers, and proceedings before them, § 211:64 to 211:67
Arson of insured property, § 249:13
Assignment, conditional or qualified, § 37:57 to 37:59
Automobile Insurance (this index)
Automobile property insurance, fire insurance, § 157:69
Automobiles and other motor vehicles, § 177:3
Autopsy and Exhumation (this index)
Beneficiaries, common disaster, § 61:45, 61:48, 61:49
Best Evidence Rule (this index)

EVIDENCE—Cont’d
Binders and binding receipts, § 13:7, 186:20
Boiler and machinery insurance, § 150:39
Buildings and similar structures, § 177:25, 177:26
Burden of proof. See Presumptions and Burden of Proof (this index)
Business interruption insurance, § 185:17 to 185:20
Cancellation and Rescission (this index)
Causation (this index)
Character Evidence (this index)
Circumstantial evidence
Generally, § 249:10 et seq.
Arson of insured property, § 249:13
Defined, § 249:7
Fire insurance, § 149:57
Policy limitations on value or use of, § 249:11
Coinsurance, § 220:13
Common-law bonds, § 186:56
Competency, proof of facts, § 255:103
Computers (this index)
Condition of person, proof of, § 255:96 et seq.
Condition precedent, § 186:34, 186:41 to 186:43
Conditions of policy, § 245:69, 245:70
Conflicting policy provisions, § 186:49, 186:50
Construction and interpretation
Contractor bonds, § 186:53
Statutory regulation, generally, § 186:46, 186:47
Construction of contractual provisions
Generally, § 186:27 et seq., 196:4
Condition precedent, § 186:34, 186:41 to 186:43

Index-252
EVIDENCE—Cont’d
Construction of contractual provisions—Cont’d
Contract stipulations limiting coverage, § 186:41 to 186:43
Disability insurance, § 186:30, 186:38
Fidelity insurance, applied to, § 186:28
Government policies, § 186:39
Hail damage policies, § 186:39
Health insurance, § 186:30
Labor and material bonds, § 186:40
Liability insurance, § 186:29
Life insurance, § 186:30
Marine insurance, § 186:31
Phrases creating condition precedent, § 186:43
Property insurance, § 186:32
Provisions creating condition precedent, § 186:43
Reasonable, liberal construction to achieve purpose requirement, § 186:27
Strict versus substantial compliance
Generally, § 186:33 et seq.
Condition precedent, notice and proof as, § 186:34
Disability policies, § 186:38
Government policies, § 186:39
Hail damage policies, § 186:39
Labor and material bonds, § 186:40
Measure of substantial compliance, § 186:36
Time requirements, application to substantial compliance rule to, § 186:35
Time requirements, application to substantial compliance rule to, § 186:35
Words creating condition precedent, § 186:43
Contractor bonds, § 186:17
Contractors’ payment bonds, § 165:10 to 165:12, 165:49

EVIDENCE—Cont’d
Contractors’ performance bonds, § 164:20
Contractual requirements, § 186:10
Cooperation, § 199:76
Copies. See Best Evidence Rule (this index)
Crops, § 177:52
Cure
Generally, § 244:104
Conform pleadings, § 244:114, 244:115
Parol evidence rule, § 244:128
Death as accidental or by accidental means, § 249:14
Death, documentary evidence to establish, Documentary Evidence (this index)
Defenses, § 200:21, 226:129, 245:103 to 245:105
Definition
Generally, § 249:6
Admissions, § 249:9
Circumstantial evidence, § 249:7
Direct evidence, § 249:7
Judicial notice, § 249:9
Physical evidence, § 249:8, 249:9
Presumptions, § 249:9
Testimony, § 249:8, 249:9
Demand for proof required by insurer, § 186:24
Demurrer, § 244:91
Dependency, proof of, § 255:96
Description or Identification (this index)
Direct actions, § 186:15
Directed verdicts
Conflicting evidence, § 247:34
Incomplete evidence, § 247:33
Overwhelming evidence, § 247:31
Scintilla of evidence, § 247:32
Direct evidence defined, § 249:7
Disability Insurance (this index)
Divorce or separation, premium payments as evidence of intent, § 64:14
Documentary Evidence (this index)
EVIDENCE—Cont’d
Employment status, proof of, § 255:97 et seq.
ERISA (this index)
Estoppel and waiver, § 238:17 to 238:19
Evidence versus notice, § 186:8
Examination (this index)
Examination Under Oath (this index)
Exemption From Claims of Creditors (this index)
Exhumation. See Autopsy and Exhumation (this index)
Federal rules of evidence, § 249:3
Fidelity insurance, § 185:35, 185:36, 186:16, 186:28
Financial condition, proof of, § 255:100
Fire Insurance (this index)
Fraud, § 197:34
Fraud and Deceit (this index)
General merchandise, § 177:41
Gift of policy, § 38:5 to 38:7
Good Health of Insured (this index)
Government policies, § 186:39
Habit
Burden of proof, § 254:103
Judicial notice, § 254:259, 254:277
Hail damage policies, § 186:39
Health insurance, § 186:30
Hearsay Exclusion and Exceptions (this index)
Household furniture, § 177:38, 177:39
Incontestability clause, § 240:81
Indemnity and indemnity insurance, § 89:18, 89:19
Instructions to jury, § 246:66, 246:95, 246:103
Insurable interest, § 41:10
Interest on money, § 178:38 to 178:41
Iron safe clauses distinguished, § 186:21
Judgment notwithstanding the verdict (jnov), § 248:11
Judicial Notice (this index)
EVIDENCE—Cont’d
Judicial Review (this index)
Jurisdiction of federal proceedings, § 229:41
Jury trial, § 246:24, 246:29
Labor and material bonds, § 186:40
Letters. Documentary Evidence (this index)
Liability insurance, § 186:13, 186:29
Liberal construction, § 186:27
Liens and encumbrances, § 93:24, 186:55
Life insurance, § 186:30
Limitation of Actions (this index)
Limitations, § 249:11
Machinery and supplies, § 177:45
Marine Insurance (this index)
Measure of Damages (this index)
Medical Examination (this index)
Medical insurance, § 144:78, 144:79, 144:97, 144:98
Modification, § 25:27, 25:27, 186:11
Mortgages and deeds of trust, proof of loss, § 65:60
Newly-discovered evidence, § 248:29 to 248:31
New trial
Evidence, sufficiency of, § 248:19
Improper ruling on evidence, § 248:25
Newly-discovered evidence, § 248:29 to 248:31
Verdict contrary to weight of evidence, § 248:22, 248:23
No-fault insurance, § 171:62
Nonproduction of evidence, presumption as to, § 254:202
Notice, § 249:9
Notice and Proof of Loss (this index)
Oath. See Examination Under Oath (this index)
Objections (this index)
Official acts, burden of proving, § 254:142
Parol contracts, § 13:22, 186:20
Parol Evidence (this index)
Pattern evidence, § 255:83
Personal effects, § 177:38, 177:39

Index-254
EVIDENCE—Cont’d

Phrases creating condition precedent, § 186:43
Physical evidence
  Definitions, § 249:8, 249:9
Physical evidence
  Documentary Evidence (this index)
Physical examination. Medical Examination (this index)
Pleadings, § 244:16
Polygraph Tests (this index)
Post-loss duties, generally, § 186:1 et seq.
Prejudice, § 193:49, 193:64 et seq.
Premiums and Assessments (this index)
Presumptions and Burden of Proof (this index)
Presumptions defined, § 249:9
Privileged information, § 250:65
Production of Books, Documents, and Records (this index)
Prompt notice of claim requirement, distinguished, § 186:13
Property Insurance (this index)
Public official and appointed fiduciary bonds, § 166:77, 166:78
Questions of law or fact, § 186:18, 186:26
Questions of Law or Fact (this index)
Reasonable, liberal construction to achieve purpose requirement, § 186:27
Recoupment
Fraud, payment based on
  Generally, § 226:85, 226:86
  Misrepresentation as to loss, evidence of
    Generally, § 226:94 et seq.
  Amount of loss, § 226:95, 226:96
  Business interruption insurance, § 226:96
  Cause of loss, § 226:97
  Disability, initiation of, § 226:98
  Mistake of insurer, § 226:59

EVIDENCE—Cont’d

Reformation (this index)
Rehabilitation, conservation, and reorganization, § 5:25
Reinstatement and revival, health or insurability of insured, § 33:61, 33:63, 33:69 to 33:72, 33:110
Release, § 216:53
Relevance of evidence, § 249:5
Renewal, § 29:44 to 29:46
Representations, Warranties, Conditions, and Concealment (this index)
Retroactivity, § 186:53
Secondary evidence. See Best Evidence Rule (this index)
Service of process
  Evidence, proof of service, § 231:100 to 231:102
  Facts and circumstances to be proved, § 231:102
  Foreign insurers, sufficiency of evidence, § 231:32
Settlement and compromise, § 203:31
Spoliation of evidence, § 208:12, 208:29
Standard of Proof (this index)
  Statements in proof, § 186:25
  Status of person, proof of, § 255:96 et seq.
Statutory regulation
  Generally, § 186:44 et seq., 196:5
  Common-law bonds, § 186:56
  Conflicting policy provisions, § 186:49, 186:50
  Construction, generally, § 186:53
  Construction of statutory provisions directly addressing issue, § 186:46, 186:47
Contractor bonds
  Generally, § 186:52 et seq.
  Common-law bonds, § 186:56
  Conflict between statute and bond, § 186:57
  Construction, generally, § 186:53
  Lien laws, relationship of bond statute to, § 186:55

Index-255
EVIDENCE—Cont’d
Statutory regulation—Cont’d
Contractor bonds—Cont’d
Retroactivity, § 186:53
Terms, specific terms in compliance with statute, § 186:58
Lien laws, relationship of bond statute to, § 186:55
Retroactivity, § 186:53
Terms, specific terms in compliance with statute, § 186:50, 186:58
Subrogation
Assignment, § 222:65
Burden of proof, § 223:96
Contractual subrogation, § 222:40
Impairment of rights, § 224:75, 224:108
Legal subrogation, § 222:30
Made whole rule and similar limitations, § 225:38
Obligation, subrogation pursuant to, § 223:33
Uninsured/underinsured motorist insurance, § 225:15, 225:38
Summaries of lengthy and complex records, best evidence rule, § 253:20
Summary judgment, § 247:23
Terms, specific terms in compliance with statute, § 186:50, 186:58
Testimony defined, § 249:8, 249:9
Third-Party Claims (this index)
Time requirements, § 186:35
Title and Ownership (this index)
Trigger of Events (this index)
Uniform rules of evidence, § 249:3
Use, § 249:11
Vacancy of Property (this index)
Validity, § 186:12, 186:23, 196:2
Value, § 249:11
Valued policies or statutes, § 175:99, 175:105
Venue, § 230:6, 230:9
Watchmen or guards, § 96:1
Witnesses (this index)
Words creating condition precedent, § 186:43

EXAMINATION
Generally, § 196:49 to 196:54
Acceptance or rejection of policy, § 16:5
Admissions (this index)
Breach, § 196:54
Defenses, § 245:112
Demand for inspection, § 196:50
Estoppel and waiver, § 238:44
Excuse for noncompliance, § 196:53
Fidelity Bonds and Insurance (this index)
Fidelity insurance, § 162:12, 162:13
Incontestability clause, § 240:66
Inspection, generally, § 196:52
Inspection (this index)
Investigations (this index)
Iron Safe Clauses (this index)
Jury trials, § 246:13
Location of loss, § 196:51
Medical Examination (this index)
Noncompliance, § 196:53
Place of inspection, § 196:51
Polygraph Tests (this index)
Reasonableness, § 204:124
Reasonably prompt, § 196:50
Silence as admission, § 254:234
Waiver and estoppel, § 196:53
Warrantless search, § 196:52

EXAMINATION UNDER OATH
Generally, § 196:6 et seq., 196:8, 196:9
Admissions (this index)
Attorney, § 196:10, 196:17
Breach, generally, § 196:25
Condition, breach precluding recovery, § 196:28
Condition, breach precluding suit on policy, § 196:30
Condition precedent, § 196:22
Cooperation clause, breach of, § 196:27
Cure, § 196:29
Defective notice of intent to examine, § 196:15
Discovery, § 196:9
Delivery of notice of intent to examine, § 196:9
Discovered, § 251:16
EXAMINATION UNDER OATH
—Cont’d
Estoppel and waiver, § 194:42
Excuses for refusal
Generally, § 196:14 et seq.
Attorney, denial of right to have present, § 196:17
Defective notice of intent to examine, § 196:15
Incarceration, § 196:19
Non-waiver agreement, refusal to enter, § 196:18
Objection to time or place, § 196:16
Privilege against self-incrimination, § 196:20
Repudiation of liability, § 196:21
Waiver, § 196:21
False swearing, proof of
Generally, § 255:79 et seq.
Intent, § 255:82
Knowledge, § 255:82
Pattern, § 255:83
Scheme, § 255:83
Valuation claims, § 255:81
Incarceration, § 196:19
Intent, § 196:8, 196:9, 196:15
Jury trial, § 246:13
Material issue, § 196:11, 196:12
Noncompliance, generally, § 196:23
Non-waiver agreement, refusal to enter, § 196:18
Notice and proof of loss, § 196:8, 196:9, 196:15
Objection to time or place, § 196:16
Organization, § 196:7
Other insureds, effect of breach on, § 196:26
Polygraph, § 196:12
Privilege against self-incrimination, § 196:20
Repudiation of liability, § 196:21
Self-incrimination, § 196:20
Silence as admission, § 254:234
Subsequent willingness to comply, § 196:32, 196:33
Substantial compliance, § 196:31
Transcript for examination, § 196:13

EXAMINATION UNDER OATH
—Cont’d
Willful noncompliance, § 196:24
Willingness, § 196:32, 196:33
EXCAVATION
Property insurance, § 153:72
EXCEPTIONS
See Exemptions, Exceptions, and Exclusions (this index)
EXCESS CLAIMS
Jurisdiction of federal proceedings, § 229:44
Release, § 216:33
Subrogation, § 223:56
EXCESS INSURANCE
Generally, § 103:13
See also Other Insurance (this index)
Automobile liability insurance, § 170:34, 170:46
Burden of proof, § 254:38
Coinsurance, § 220:32, 220:38, 220:41
Combining or stacking of coverages, § 169:8
Common law, § 204:33
Construction of specific policy trigger language, § 191:68
Contribution, § 218:13, 218:41
Cooperation, § 199:41, 199:111
Declaratory judgments, § 243:89
Deductible, occurrences within applicable deductible as trigger, § 191:69
Defense, § 200:51
Defense costs, § 226:127
General liability insurance, § 172:39
Good-faith, § 198:20, 198:44
Ignorance of substance of policy provisions, § 192:64, 192:65
Insolvency, § 6:35 to 6:39
Justiciability, declaratory judgments, § 227:41
Limitation of actions, § 236:147
Medical insurance, § 220:51
Notice
Authorized agent, § 187:98
EXCESS INSURANCE—Cont’d
Notice—Cont’d
  Burden of proof, § 190:12
  Excuses, § 192:128
  Noncompliance, § 193:15
  Reasonable notice, § 190:34
  Satisfaction of notice, § 187:51 to 187:53
  Sufficiency of information, § 189:37
  Timeliness, § 190:85 to 190:86
  To whom, § 187:98, 187:99
Occurrences within applicable deductible as trigger, § 191:69
Other activities and entities, § 208:18
Prior judgment, § 239:81
Reformation, § 27:42
Subrogation
  Generally, § 222:18, 222:19
  Amounts recoverable, § 223:99
  Automobile no-fault and personal injury protection insurance, § 225:90
  Existing cause of action, § 223:73
  Marine insurance, § 225:235, 225:237
  Obligation, subrogation pursuant to, § 223:32
  Third-party claims, § 205:56 to 205:61
Trigger concept, § 191:67 to 191:69
Uninsured and underinsured motorist coverage, § 171:26
EXCESSIVE AWARD
  Generally, § 213:51
EXCESSIVE LOANS
  Fidelity insurance, § 161:79
EXCESSIVE REPAIR COSTS
  Marine insurance, § 221:52
EXCESSIVE RETALIATION
  Accident and life insurance, § 140:51
EXCESS JUDGMENT
  Automobile liability insurance, § 170:43 to 170:46
EXCESS JUDGMENT—Cont’d
  General liability insurance, § 172:47, 172:48
  No-fault coverage, § 214:40
  Third-party claims, § 205:72, 205:92, 206:4, 206:50, 206:51
EXCESS LIABILITY
  Release, § 216:45
  Third-party claims, § 206:35
EXCESS LIABILITY BOND
  Fidelity insurance, § 185:71
EXCESS LIABILITY INSURANCE
  Ignorance of existence of policy or insurer identity, § 192:37
  Prejudice, § 193:72
  Reasonable belief in nonliability, § 192:94
EXCESS PREMIUMS
  See Premiums and Assessments (this index)
EXCESS SECURITY
  Subrogation, § 225:267, 225:268
EXCHANGE OF PARTIES
  Governing law, § 24:24
EXCHANGE OF POLICIES
  Premiums and assessments, waiver of nonforfeiture provisions, § 77:35
EXCHANGE OF PROPERTY
  See Sales (this index)
EXCLUSIONS
  See Exemptions, Exceptions, and Exclusions (this index)
EXCLUSIVE JURISDICTION
  Generally, § 227:16
EXCLUSIVE REMEDIES
  Liability, § 204:8, 204:9
  Subrogation, § 225:72
EXCLUSIVE VEHICLE
  Costs of action, § 233:22
EXCLUSIVITY
  Agents and Brokers (this index)
INDEX

EXCLUSIVITY OF AGENCY
Agents and Brokers (this index)

EXCUSE OR JUSTIFICATION
Accident and life insurance, § 140:59
Agents and Brokers (this index)
Autopsy and Exhumation (this index)
Beneficiaries (this index)
Complaints, petitions, and declarations, § 244:28
Contractors’ performance bonds, § 164:31
Cooperation (this index)
Defense, § 202:5
Delayed payment or nonpayment, § 207:4
Estate taxes, incidents of ownership justifying inclusion, § 63:36 et seq.
Examination of insured property, § 196:53
Examination Under Oath (this index)
Fidelity insurance, § 160:35
Notice and Proof of Loss (this index)
Premiums and Assessments (this index)
Production of Books, Documents, and Records (this index)
Public official and appointed fiduciary bonds, § 166:34
Reformation, § 27:1 to 27:28
Renewal, excusing notice, § 29:8
Sales, failure to obtain indorsement as excusing insurer’s inaction, § 92:46
Service of process, § 231:97, 231:98
Statutes and regulations, § 204:118

EXECUTION AND EXECUTION SALES—Cont’d
Exemption From Claims of Creditors (this index)
Homestead property, § 66:53
Insurable interest, § 42:67
Judicial Sales (this index)
Personal property, § 66:52
Representations, warranties, and conditions, § 91:46, 91:47, 92:81 to 92:85
Waiver and estoppel, § 66:54

EXECUTION OF POLICY
Generally, § 14:1 to 14:5
Agents and brokers, § 51:11 et seq.
Countersignature, § 14:5
Date, § 14:2
Delayed payment or nonpayment, § 207:37
Incontestability clause, § 240:52, 240:79
Presumption of, § 254:185
Signature, § 14:3, 14:4

EXECUTORS AND ADMINISTRATORS
Generally, § 40:23
See also Assignment (this index)
Agency, § 44:12
Autopsy and exhumation, § 196:86
Beneficiaries, § 59:21
Disability insurance, § 242:119
Estate taxes, § 63:29
Fidelity insurance, § 160:76
Incontestability clause, § 240:43
Insurable interest, § 42:74
Jurisdiction of federal proceedings, § 229:25
Notice and proof of loss, § 187:25, 187:104
Penalties, fees and similar consequences, § 204:72
Public official and appointed fiduciary bonds, § 166:61

EXEMPLARY DAMAGES
See also Group Insurance (this index)
EXEMPLARY DAMAGES—Cont’d
Automobile liability insurance, § 170:17, 170:18

EXEMPTION FROM CLAIMS OF CREDITORS
Generally, § 66:13 et seq.
Advancements, § 66:23
Annuities, § 66:21
Beneficiaries
Generally, § 66:31
Identity or status of beneficiary, § 66:32 to 66:34
Burden of proof, § 66:17
Cash surrender value, § 66:24
Change of beneficiary, § 66:34
Disability payments, § 66:25
Dividends, § 66:26
Endowment insurance, § 66:19, 66:20, 66:45
Evidence
Burden of proof, § 66:17
Fraud, § 66:41
Fraud, § 66:40 to 66:42
Governing law, § 66:16
Identity or status of beneficiary, § 66:32 to 66:34
Installment payments, § 66:27
Intent-defraud, § 66:40 to 66:42
Life insurance, § 66:18
Limitations and restrictions, § 66:30, 66:31
Loans on policy, § 66:26
Ownership of policy, rights incident to, § 66:47
Pledge of policy, § 66:43
Predeceased beneficiaries, § 66:33
Premiums, § 66:33 et seq.
Proceeds left with insurer, § 66:28
Purchase of property with proceeds of insurance, § 66:29
Retroactive application, § 66:15
Validity of statutes, § 66:14, 66:15
Waiver, § 66:49

EXEMPTIONS, EXCEPTIONS, AND EXCLUSIONS
Accident and Life Insurance (this index)

COUCH ON INSURANCE 3D
Index-260
INDEX

EXEMPTIONS, EXCEPTIONS, AND EXCLUSIONS—Cont’d
Judicial review, exceptions to requirement, § 2:17
Jurisdiction, § 228:48 to 228:50, 228:53
Jurisdiction of federal proceedings, § 229:67
Jury trial, § 246:34 to 246:36
Liability insurance, § 201:40, 201:42
Life, health, and disability insurance, delayed payment or nonpayment, § 207:59
Limitation of actions, § 236:164
Marine insurance, § 183:30, 183:70
Measurement of degree of loss, § 175:67
Medical Insurance (this index)
Medical payments, § 158:6, 158:24
Negligent or intentional acts, threshold requirements, § 201:18
Premiums and Assessments (this index)
Property Insurance (this index)
Public official and appointed fiduciary bonds, § 166:76, 166:84
Recoupment, § 226:57
Reimbursement, § 226:43
State indemnification funds, § 171:75
Subrogation
Amounts recoverable, § 223:114, 223:115
Antisubrogation rule prohibiting subrogation recovery from own insured, § 224:10, 224:11
Automobile no-fault and personal injury protection insurance, § 225:113
Statutory rights, § 224:119
Threshold requirements, § 201:26
Title Insurance (this index)
Uninsured and Underinsured Motorist Coverage (this index)
Use and Occupancy (this index)
Valued policies or statutes, § 175:95
EXERCISE
Disability insurance, § 146:46
EXERTION, STRAIN, AND STRESS
See Accident and Life Insurance (this index)
EXHAUSTION OF ASSETS
Subrogation, § 224:127
EXHAUSTION OF POTENTIAL GROUNDS
Estoppel and waiver, § 238:70
EXHAUSTION OF PRIMARY POLICY LIMITS
Recoupment, § 226:67
EXHAUSTION OF REMEDIES
Administrative remedies, § 232:15
Defense, § 200:41
Insolvency, guarantee associations, § 6:29
Judicial review, § 2:16
Jurisdiction, § 228:46, 228:47, 228:48 to 228:50
EXHAUSTION OF TORTFEASOR’S POLICY
Limitation of actions, § 236:113
EXHUMATION
See Autopsy and Exhumation (this index)
EXONERATION
Subrogation, § 225:256
EXPANSION
Description or identification, expansion of designated place through usage, § 20:15
Property insurance, § 153:69
EX PARTE CONTACTS AND INVESTIGATIONS
Arbitration awards, § 213:59
EX PARTE PROCEEDINGS
Arbitrators, appraisers, and proceedings before them, § 211:63
EXPECTANCIES
Beneficiaries, § 58:14
EXPENSES
See Costs and Expenses (this index)
EXPERIENCE

Disability Insurance (this index)
Disability provisions, § 147:47, 147:48
Jury trial, § 246:57

EXPERIMENTAL EVIDENCE
See Documentary Evidence (this index)

EXPERIMENTAL TREATMENTS
Equitable remedies, § 232:133, 232:134
Medical insurance, § 181:4

EXPERT TESTIMONY
Generally, § 208:8, 252:21 et seq.
Arbitrators, appraisers, and proceedings before them, § 211:56, 211:66
Attorneys, § 252:74
Bad faith, § 252:25, 252:73 to 252:76
Causation of loss, § 255:17
Certainty, § 252:24
Common law, § 204:42
Damages, § 252:76
Daubert, § 252:32
Defend, duty to, § 252:77
Disability as cause of loss, § 255:30
Disclosure of factual basis for opinion, § 252:31
Disease, proof of, § 255:72
Employees of insurance industry, § 252:73
Facts, § 252:31, 252:35
Frye, § 252:32
Handling claims, § 252:25, 252:73 to 252:76
Health, proof of, § 255:72
Hearsay, § 252:38, 252:39
Hypothetical questions, § 252:34 to 252:37
Illness, proof of, § 255:72
Illustrative hypotheticals, § 252:36
Incompetence, § 252:23
Intermediate view of ultimate issue in case, § 252:42
Issue in case, opinion as to, § 252:40 to 252:42

EXPERT TESTIMONY—Cont’d
Learning, reliance on, § 252:30
Loss, causation of, § 255:17
Objections, § 252:37
Property value, damage, cost of repair, § 252:57
Qualifications, § 252:27, 252:28
Relevance, § 252:22
Scientific theory, § 252:32, 252:33
Settlement, duty to, § 252:78
Third-party claims, § 205:89, 206:11
Weight of opinion
Generally, § 252:43 et seq.
Basis as affecting, § 252:44
Conflicting expert opinions, § 252:47
Contradicted opinion, § 252:46, 252:47
Uncontradicted opinion, § 252:45

EXPIRATION
Cancellation and Rescission (this index)
Destruction of expired policies, § 208:30
Estoppel and waiver, § 238:34, 238:36
Fidelity insurance, § 185:51
Notice and proof of loss, estoppel and waiver, § 195:71, 195:72
Premiums and Assessments (this index)
Recoupment, § 226:103

EXPLANATION OF BENEFITS
Group insurance, § 8:11

EXPLOSIONS
Accident and life insurance, § 142:64, 142:84
Automobile insurance, § 119:65, 119:66
Automobile property insurance, § 156:35
Boiler and machinery insurance, § 150:27, 150:28
Burden of proof, § 150:22
Concussion, § 150:16
Construction and interpretation, § 150:7, 150:13

Index-262
EXPLOSIONS—Cont’d
Contractors’ payment bonds, § 165:155
Description of subject matter, § 20:61
Equipment, explosions in, § 150:20
Exclusions and limitations
Generally, § 150:12 et seq.
Concussion, § 150:16
Construction and interpretation, § 150:13
Equipment, explosions in, § 150:20
Fire damage from fire on other property, § 150:17
Other property, fire or explosion on, § 150:17, 150:19
Unless fire ensues, § 150:18, 150:19
Extended fire insurance, § 150:3
Fire damage from fire on other property, § 150:17
Fire losses, generally, § 150:11
Marine insurance risks, § 137:35
Other property, fire or explosion on, § 150:17, 150:19
Property insurance, § 150:1 et seq., 155:53, 155:54, 155:69
Questions of law or fact, § 150:21
Standard or ordinary fire insurance, § 150:4, 150:5
Unless fire ensues, § 150:18, 150:19
Use and occupancy, § 95:17 to 95:21
EXPRESS WARRANTIES
See Representations, Warranties, Conditions, and Concealment (this index)
EXPULSION
Injunctions, § 232:154
Jurisdiction, § 228:47, 228:49
EXTENDED ECONOMIC LOSS
Subrogation, § 225:108
EXTENDED INSURANCE
See also Subrogation (this index)
Fire insurance, explosions, § 150:3
Mutual companies, § 39:32
EXTENDED INSURANCE—Cont’d
Premiums and assessments, nonforfeiture provisions, § 77:36 et seq.
Statutes excluding or extending coverage, § 175:67
EXTENSION OF TIME
See Time (this index)
EXTENSIONS-BUILDINGS
Description of subject matter, § 20:29 to 20:33
EXTERMINATION
Property insurance, § 155:87
EXTERNAL CAUSE
Accident and life insurance, § 142:43
Property insurance, § 148:59, 154:60, 154:92
EXTERNAL MEANS
Accident insurance, § 139:18
EXTERNAL SIGNS
See Accident Insurance (this index)
EXTRACONTRACTUAL DAMAGES
Generally, § 204:4
Bad faith and extraccontractual damages, § 198:8, 204:4, 204:21, 204:37, 207:73
EXTRAHAZARDOUS OCCUPATIONS
Representations, warranties, and conditions, § 86:26 to 86:28
EXTRAHAZARDOUS USES
Representations, warranties, and conditions, § 94:42
EXTRAORDINARY EXPENSES
Marine insurance, § 183:130
EXTRATERRITORIAL JURISDICTION AND LIMITATIONS
See Territorial Jurisdiction and Limitations (this index)
EXTRINSIC EVIDENCE
See also Parol Evidence (this index)
EXTRINSIC EVIDENCE—Cont’d
Ambiguity, § 21:15, 253:93 et seq.
Collateral agreements as, § 253:73
Custom and usage evidence as extrinsic, § 253:75
Defense, § 200:21
Intentions, evidence of
  Ambiguous contracts, § 253:93 et seq.
  Unambiguous contracts, § 253:54 et seq.
EYE DEFECTS AND DISORDERS
  See also Disability Insurance (this index)
  Disability provisions, § 147:63
  Good health of insured, § 88:69, 136:41
  Workers’ compensation, § 173:20
EYEWITNESS CLAUSES
  See Accident Insurance (this index)
FACILITY OF PAYMENT CLAUSE
  Generally, § 61:1 et seq.
  Assignment, § 37:5
  Beneficiaries, § 61:17
  Compelling of payment, § 61:17 to 61:19
  Discretion of insurer, § 61:21
  Double indemnity, § 61:16
  Equitable entitlement-proceeds, § 61:23 to 61:25
  Equitable entitlement to proceeds, § 61:31
  Life insurance policies, § 242:104
  Partial payment, § 61:28
  Premiums, payment of, § 61:24
  Third parties, § 61:18
  Waiver and estoppel, § 61:25, 61:26
FACTORIES
  See Manufacturers and Manufacturing (this index)
FAILURES
  Agents and Brokers (this index)
FAILURES TO OBTAIN INSURANCE
  Burden of proof, § 254:135
  Limitation of actions, § 236:85
  Policy, failure to deliver, § 239:118
  Subrogation of action, § 223:72
  Um coverage, effect of failure to offer, § 122:46
FAIR ACCESS TO INSURANCE REQUIREMENTS ACT
  Generally, § 4:4
FAIR CASH MARKET VALUE
  Construction contract guaranties, § 184:25
FAIR EMPLOYMENT LAWS
  Group insurance, § 7:32
FAIR HOUSING ACT
  Generally, § 4:4
FAIR MARKET VALUE
  Defined, § 175:31, 175:32
FAIR PLANS
  Generally, § 1:27
FAITHFUL PERFORMANCE OF DUTIES
  Public official and appointed fiduciary bonds, § 166:36 to 166:38
FALLS AND FALLING
  Accident and life insurance, § 141:17, 141:18, 142:144, 143:119
  Automobile property insurance, comprehensive coverage, § 156:37
  Property insurance, § 148:25
FALSE ARREST
  Liability insurance, § 201:47
FALSE MISREPRESENTATIONS
  See Fraud and Deceit (this index)
FAMILY OR RELATIVES
  Generally, § 40:8 to 40:11
  Agency, relatives as agent, § 44:8
  Age of insured, representation as to, § 86:3

Index-264
INDEX

FAMILY OR RELATIVES—Cont’d
   Automobile Insurance (this index)
      Automobile property insurance, § 157:39
   Beneficiaries (this index)
   Children (this index)
      Delivery of policy to relative of beneficiary, § 14:19
      Family insurance, § 1:44
      Gift of policy, § 38:20 to 38:23
      Good health of insured, family health history, § 87:4, 88:84
   Homeowners’ Insurance (this index)
   Husband and Wife (this index)
   Insurable Interest (this index)
      Life insurance, § 41:21, 43:1 to 43:11
      Medical payments, § 158:16, 158:26, 158:33
      Notice, § 187:37, 189:72
      Proceeds based on family relationship, right to, generally, § 64:1 et seq.
      Property insurance, § 148:8, 154:66
      Reasonable belief in nonliability, § 192:91
      Subrogation, § 224:69
      Witnesses, § 252:13, 252:64
      Workers’ compensation, § 174:23
   FAMILY PURPOSE DOCTRINE
      Automobile insurance, § 111:4
   FARE-PAYING PASSENGER
      Accident and life insurance, § 142:122
   FARES
      See Automobile Insurance (this index)
   FARMERS’ EQUIPMENT INSURANCE
      Property insurance, § 154:96
   FARMOWNERS’ LIABILITY INSURANCE
      Generally, § 128:32 to 128:37
      Employees, exclusion of
         Generally, § 128:36, 128:37
      Workers’ compensation, in terms of persons eligible for,
         § 128:37
      Employees, inclusion of
         Generally, § 128:35 to 128:37
      Schedule of employees, failure to list person in, § 128:36
      Premises covered, § 128:34
   FARMS AND FARMING
      See Agriculture and Crops (this index)
   FAULTY WORKMANSHIP
      See Commercial General Liability Policies (this index)
   FAX TRANSMISSIONS
      Best Evidence Rule (this index)
   FEAR
      Marine insurance, § 183:44
      Notice, § 192:103 to 192:107
   FEASIBLE PARTIES
      Jurisdiction of federal proceedings, § 229:30
      Jurisdiction, § 229:92
   FEDERAL ANTI-INJUNCTION ACT
      Jurisdiction, § 229:92
   FEDERAL ARBITRATION ACT
      Generally, § 209:13, 209:27
      Objections, § 213:31
   FEDERAL COMMON LAW
      Subrogation, § 223:140
   FEDERAL COURTS
      Alignment of parties, jurisdiction, § 229:31 to 229:33
      Governing law, § 24:44 to 24:52
      Incontestability clause, § 240:95
      Jurisdiction
         Generally, § 227:4, 229:1 et seq.
         Abstention
         Generally, § 229:95 et seq., 229:106
FEDERAL COURTS—Cont’d
Jurisdiction—Cont’d
Abstention—Cont’d
First action brought in federal courts, § 229:97
First action brought in state court, § 229:98, 229:99
Forum non conveniens, relationship to, § 229:110
Identity of issues and parties, § 229:99
Insolvency, § 229:102, 229:103
Interpleader actions, § 229:104, 229:105
Interpleader actions in state court, § 229:105
Liquidation, § 229:102, 229:103
Merits, determination on, § 229:100
Pending action, federal claim as defense to, § 229:101
Propriety of refusal of jurisdiction
Generally, § 229:100 et seq.
Federal court, interpleader actions in, § 229:104
Interpleader actions, § 229:104, 229:105
Merits, determination on, § 229:100
Pending action, federal claim as defense to, § 229:101
State accounting, § 229:106
State court, interpleader actions in, § 229:105
State receivership, liquidation and insolvency, § 229:102, 229:103
United states as plaintiff, § 229:107
Receivership, § 229:102, 229:103
State accounting, § 229:106
State receivership, liquidation and insolvency, § 229:102, 229:103
United states as plaintiff, § 229:107
Accounting, § 229:106

FEDERAL COURTS—Cont’d
Jurisdiction—Cont’d
Administrators of estate, § 229:25
Admiralty jurisdiction and marine insurance
Generally, § 229:11 et seq.
Admiralty jurisdiction found, § 229:12
Admiralty jurisdiction unclear, § 229:14
Declaratory judgments, § 229:16
Discretion to refuse to assume jurisdiction, § 229:15
No admiralty jurisdiction found, § 229:13
Adverse interests of diverse parties, generally, § 229:28 et seq.
Agencies, state, § 229:27
Aggregation of claims, § 229:46 to 229:48
Alignment of parties, § 229:31 to 229:33
All parties, § 229:29, 229:30
Alternate pleading, § 229:90
Amount in controversy, § 229:61
Amounts already paid or tendered, § 229:49
Anti-injunction act, § 229:91 to 229:94
Arbitration costs, § 229:50
Assigned or subrogated interests, § 229:34
Associations, unincorporated, § 229:23
Attorneys’ fees, § 229:51
Avoidance, § 229:47
Bad-faith penalties, § 229:56
Bankruptcy jurisdiction, § 229:62, 229:63
Cause of action, § 229:73, 229:85, 229:88 to 229:90
Collusive parties, § 229:76
Common economic interest, § 229:32
Concurrent or exclusive jurisdiction, § 227:16

Index-266
FEDERAL COURTS—Cont’d
Jurisdiction—Cont’d
Contingent beneficiary, insurer’s claim against, § 229:48
Corporations, § 229:22
Costs, § 229:50
Counterclaim amounts, § 229:52
Damages, § 229:56, 229:58
Declaratory judgments, § 229:6, 229:8, 229:9, 229:16
Defenses, § 229:101
Direct actions concerning liability insurance, § 229:36
Discretion to refuse to assume jurisdiction, § 229:15
Dismissal, forum non conveniens, § 229:111
District court jurisdiction, generally, § 229:2
Diversity of citizenship
Generally, § 229:17 et seq.
Adverse interest, generally, § 229:28 et seq.
Aggregation of claims, § 229:46 to 229:48
Alignment of parties, generally, § 229:34 et seq.
All parties, § 229:29, 229:30
Amounts already paid or tendered, § 229:49
Arbitration costs, § 229:50
Assigned or subrogated interests, § 229:34
Attorneys’ fees, § 229:51
Bad-faith penalties, § 229:56
Citizenship, generally, § 229:21 et seq.
Common economic interest, § 229:32
Contingent beneficiary, insurer’s claim against, § 229:48
Corporations, § 229:22
Counterclaim amounts, § 229:52
Direct actions concerning liability insurance, § 229:36
Evidence of value, § 229:41
Excess of policy limit, claim in, § 229:44

FEDERAL COURTS—Cont’d
Jurisdiction—Cont’d
Diversity of citizenship—Cont’d
Feasible parties, § 229:30
Future payments or premiums, § 229:53
Garnishments, § 229:35
Indispensable parties, § 229:30
Individuals, § 229:24
Injunctive relief, § 229:45
Interest on money, § 229:54
Interpleader, § 229:38
Invalid claim, § 229:55
Joined claims to avoid multiplicity of suits, § 229:47
Jurisdictional amount
Generally, § 229:39 et seq.
Aggregation of claims, § 229:46 to 229:48
Amounts already paid or tendered, § 229:49
Arbitration costs, § 229:50
Attorneys’ fees, § 229:51
Bad-faith penalties, § 229:56
Computation, generally, § 229:49 et seq.
Contingent beneficiary, insurer’s claim against, § 229:48
Counterclaim amounts, § 229:52
Determination, basis for, generally, § 229:41 et seq.
Evidence of value, § 229:41
Excess of policy limit, claim in, § 229:44
Future payments or premiums, § 229:53
Injunctive relief, § 229:45
Interest, § 229:54
Invalid claim, § 229:55
Joined claims to avoid multiplicity of suits, § 229:47
Lost coverage, claims for, § 229:45
Opportunities lost, claims for, § 229:45
Other statutes, § 229:40
### FEDERAL COURTS—Cont’d

**Jurisdiction—Cont’d**

- Diversity of citizenship—Cont’d
- Jurisdictional amount—Cont’d
  - Pleadings, amount claim in, § 229:41
  - Punitive damages, § 229:56
  - Reservation of policy, § 229:57
  - Rights lost, claims for, § 229:45
  - Special damages, § 229:58
  - Ultimate recovery irrelevant, § 229:42
- Value of insurance policy, § 229:43
- Liability insurance, direct actions concerning, § 229:36
- Lost coverage, claims for, § 229:45
- Opportunities lost, claims for, § 229:45
- Partnerships, § 229:23
  - Pleadings, amount claim in, § 229:41
  - Punitive damages, § 229:56
- Real party in interest rule, relation to, § 229:33
- Representatives and administrators of estate, § 229:25
- Reservation of policy, § 229:57
- Special damages, § 229:58
- State agencies, § 229:27
- State guaranty funds, § 229:27
- States, § 229:27
- Statutes, § 229:18, 229:40
- Subrogated interests, § 229:34
- Supremacy over state statutes, § 229:19
- Time for determining, § 229:20
- Trusts and trustees, § 229:26
- Ultimate recovery irrelevant, § 229:42
- Unincorporated associations and like entities, § 229:23
- Uninsured motorist insurance claims, § 229:37
- United states, § 229:27

### FEDERAL COURTS—Cont’d

**Jurisdiction—Cont’d**

- Diversity of citizenship—Cont’d
  - Value of insurance policy, § 229:43
- Diversity requirement for interpleader, § 229:60
- Economic interest, § 229:32
- Estates, § 229:25
- Evidence of value, § 229:41
- Exception for claims by or against parties joined to action, § 229:67
- Excess of policy limit, claim in, § 229:44
- Feasible parties, § 229:30
- Federal preemption of state insurance laws, § 229:9
- Federal question jurisdiction
  - Generally, § 229:7 et seq.
  - Declaratory judgments on federal matters, § 229:8, 229:9
- Federal preemption of state insurance laws, § 229:9
- Interpleader proceeding, § 229:10
  - Preemption of state insurance laws, § 229:9
- First action brought in federal courts, § 229:97
- First action brought in state court, § 229:98, 229:99
- Foreign sovereign immunities act jurisdiction, § 229:64, 229:65
- Forum, generally, § 227:15
- Forum non conveniens, § 229:109 to 229:111
  - Future payments or premiums, § 229:53
- Garnishments, § 229:35
- Guaranty funds, § 229:27
- Identity of issues and parties, § 229:99
- Immunities, § 229:64, 229:65
- Indispensable parties, § 229:30
- Injunctions, § 229:91 to 229:94
- Injunctive relief, § 229:45
- Insolvency, § 229:102, 229:103
INDEX

FEDERAL COURTS—Cont’d
Jurisdiction—Cont’d
Interest on money, § 229:54
Interpleader, § 229:10, 229:38, 229:59 to 229:61, 229:104, 229:105
Invalid claim, § 229:55
Joinder of parties, § 229:67, 229:75
Joined claims to avoid multiplicity of suits, § 229:47
Liability insurance, direct actions concerning, § 229:36
Limitations, § 229:44, 229:74
Liquidation, § 229:102, 229:103
Lost coverage, claims for, § 229:45
Merit, lack of, § 229:85
Merits, determination on, § 229:100
Multiplicity of suits, § 229:47
Nominal and collusive parties, § 229:76
Opportunities lost, claims for, § 229:45
Partial renunciation to prevent removal, § 229:87
Parties
Abstention, § 229:99, 229:107
Removal of action to federal courts, § 229:75, 229:76, 229:83
Supplemental (ancillary and pendent) jurisdiction, § 229:67
Partnerships, § 229:23
Payments, § 229:49, 229:53
Penalties, § 229:56
Pending action, federal claim as defense to, § 229:101
Personal jurisdiction, § 229:3
Pleadings, § 229:41, 229:90
Preemption of state insurance laws, § 229:9
Premiums, § 229:53
Propriety, injunction, § 229:93, 229:94
Punitive damages, § 229:56

Real party in interest rule, relation to, § 229:33
Receivership, § 229:102, 229:103
Remand to state court, § 229:81
Removal of action-federal courts
Satisfaction of federal jurisdictional requirements, § 229:84 to 229:87
Separable causes of action, § 229:88 to 229:90
Removal of action to federal courts
Generally, § 229:71 et seq.
Alternate pleading, § 229:90
Cause of action, § 229:73, 229:85
Collusive parties, § 229:76
Determination of right to remove, jurisdiction for, § 229:72
Joinder of parties, § 229:75
Limitation on removal of cases arising from workers’ compensation laws, § 229:74
Merit, lack of, § 229:85
Nominal and collusive parties, § 229:76
Partial renunciation to prevent removal, § 229:87
Parties, § 229:75, 229:76, 229:83
Related claims, § 229:78
Remand to state court, § 229:81
Separable controversy, § 229:89
Time for determination, § 229:86
Time for removal, § 229:82
Tribal courts, § 229:71
Waiver and estoppel, § 229:79, 229:80
Renunciation, § 229:87
Representatives and administrators of estate, § 229:25
Reservation of policy, § 229:57
Resolution of main claim, § 229:69

Index-269
FEDERAL COURTS—Cont’d
Jurisdiction—Cont’d
Satisfaction of federal jurisdictional requirements, § 229:84 to 229:87
Separable causes of action, § 229:88 to 229:90
Separable controversy, § 229:89
Special damages, § 229:58
State accounting, § 229:106
State agencies, § 229:27
State guaranty funds, § 229:98, 229:105
State proceedings, injunctions against, § 229:92
State receivership, liquidation and insolvency, § 229:102, 229:103
States, diversity of citizenship, § 229:27
State statutes, § 229:19
Statutes
Anti-injunction act, § 229:91 to 229:94
Bankruptcy jurisdiction, § 229:63
Diversity of citizenship, § 229:18, 229:19, 229:40
Foreign sovereign immunities act jurisdiction, § 229:64, 229:65
Interpleader, § 229:59
Subject matter jurisdiction, § 229:4, 229:5
Subrogated interests, § 229:34
Supplemental (ancillary and pendent) jurisdiction
Generally, § 229:66 et seq.
Declining, grounds for, § 229:68
Exception for claims by or against parties joined to action, § 229:67
Resolution of main claim, § 229:69
Statutes, generally, § 229:19
Supremacy over state statutes, § 229:19
Tribal courts, § 229:71

FEDERAL COURTS—Cont’d
Jurisdiction—Cont’d
Trusts and trustees, § 229:26
Ultimate recovery irrelevant, § 229:42
Unincorporated associations and like entities, § 229:23
Uninsured motorist insurance claims, § 229:37
United states, § 229:27, 229:107
Validity, § 229:55
Value of insurance policy, § 229:43
Waiver and estoppel, § 229:79, 229:80
Workers’ compensation, § 229:74
Limitation of actions, § 237:26
Process and Service of Process and Papers (this index)
United states as party, § 229:27, 229:107

FEDERAL EMPLOYEES HEALTH BENEFITS ACT
No-fault insurance, § 171:74
Subrogation, § 223:143

FEDERAL FLOOD INSURANCE PROGRAM
See Property Insurance (this index)

FEDERAL GOVERNMENT
Abstention (this index)
Antitrust Legislation (this index)
Appeals, § 248:44
Consumer protection, § 4:18
Contractors’ bonds, § 163:25, 163:78
Declaratory judgments, § 232:56
Defenses, § 239:153
Federal Courts (this index)
Group Insurance (this index)
Incontestability clause, § 240:13
Interpleader, § 232:75
Jurisdiction. See Federal Courts (this index)
Justiciability, § 227:22, 227:25
Limitation of actions, § 234:11
Medical Insurance (this index)
Penalties, fees and similar consequences, § 204:106
INDEX

FEDERAL GOVERNMENT
—Cont’d
Premiums and assessments, federal statutes protecting private insurance of persons in armed forces, § 77:26
Prior judgment, § 239:26
Property insurance, § 154:23
Regulation of insurance, § 2:4 to 2:6
Sanctions of Court (this index)
Subrogation, § 222:74, 223:51 to 223:53
Venue (this index)

FEDERAL MILLER ACT
Construction contract guaranties, § 184:9, 184:14

FEDERAL QUESTIONS
See also Federal Courts (this index)
Governing law, § 24:51

FEDERAL RULES OF CIVIL PROCEDURE
Discovery, § 251:4
Sanctions, § 233:95, 233:101
Service of process, § 231:93

FEDERAL RULES OF EVIDENCE
See Evidence (this index)

FEDERAL TAXES
See Taxation (this index)

FEDERAL TRADE COMMISSION ACT
Generally, § 2:6

FEES
Attorneys’ Fees (this index)
Automobile insurance, carrying persons or cargo for fee, § 121:93
Commission Fees (this index)
Costs of Action (this index)
Grantor and grantee of determinable fee, § 68:44
Independent medical examination, § 196:57
Insolvency (this index)
Penalties, Fees, and Similar Consequences (this index)

FEE—Cont’d
Premiums, assessments distinguished from fees and dues, § 70:3
Recoupment, § 226:119
Reimbursement, § 226:42
Subrogation, § 223:104, 223:118, 225:323
Third-party claims, § 205:103 to 205:106
Title insurance, § 159:61

FEET
Disability insurance, § 146:69

FELONY
See also Automobile Property Insurance (this index)
Accident and life insurance, § 140:61

FEMALE DISEASES AND DISORDERS
Good health of insured, § 88:79

FENCES
Description of subject matter, § 20:62

FERTILITY AND FERTILIZATION
Medical insurance, § 144:52, 144:53, 181:38
In vitro fertilization, § 181:38

FICTITIOUS EMPLOYEES
Fidelity insurance, § 161:91

FICTITIOUS NAME
Real party in action, § 241:28

FIDELITY
Venue, state proceedings, § 230:38

FIDELITY BONDS AND INSURANCE
Generally, § 1:16, 160:1 et seq., 185:34 et seq.
Abstraction, wrongful, § 161:20, 161:33 to 161:35
Account for funds or property, failure to, § 161:66 to 161:68
Accountings, § 185:41
Actual cash value, § 185:57
Additional bond or other security, procuring of, § 162:42
FIDELITY BONDS AND
INSURANCE—Cont’d
Admissions of defalcating employee,
§ 254:225
Advances-employees, § 161:86 to 161:88
After hours of employment, conduct, § 161:16
Agents, purchasing, § 161:72
Allocation of loss where several bonds cover loss, § 185:46
Alter ego rule, § 160:40
Amount of bond, generally, § 185:54
Amounts recoverable, generally, § 185:37 et seq.
Annual premiums, § 185:65, 185:66
Application for bond by employee, § 162:29
Appointment, manner of, § 160:32
Appointment of receiver, § 160:96
Attorneys, § 160:48
Attorneys’ fees, § 185:39, 185:40
Audits and accountings, § 185:41
Authorization or ratification by insured, § 162:14 to 162:17
Banks and banking
Cashiers, officers, and employees, § 161:69
Checks and other commercial paper, § 161:96
Depository guaranty bond, amount paid under, § 185:45
False records and reports, § 161:103
Loans or borrowing funds, § 161:74 to 161:76
Loss of funds through, § 161:107 to 161:109
Bargain, benefit of, § 185:38
Benefit to employee or other person
Criminal conduct, § 161:49
As element, § 161:4
Fraud and dishonesty, § 161:28
Willful or wrongful misapplication, § 161:39
Wrongful abstraction, § 161:35
Blanket bonds, § 160:4
Bond obligee, § 242:127 to 242:130
Bonds, § 160:1

FIDELITY BONDS AND
INSURANCE—Cont’d
Borrowed or temporary employees, § 160:30
Breach, factors determining
Generally, § 100:9 to 100:15
Authority of insured’s officer or employee to make binding statements, § 100:9
Constructive knowledge of insured, § 100:14
Good faith, § 100:10, 100:11
Intent, § 100:10
Knowledge of insured
Generally, § 100:12 to 100:15
Constructive knowledge, § 100:14
Discover and report, duty to, § 100:15
Imputation of knowledge of dishonest employee, § 100:13
Role of knowledge, generally, § 100:12
Statement based upon examination as showing good faith, § 100:11
Breach of insured’s duty, what constitutes
Generally, § 100:22 to 100:26
Absence of inquiry, § 100:26
Independent examination, § 100:24
Insufficient information, acceptance of, § 100:26
Misrepresentations, breach as to, § 100:22
Nonreliance of insurer, § 100:24
Periodic examinations and audits, § 100:23
Waiver and estoppel, § 100:25, 100:26
Warranty statements, breach as to, § 100:23
Burden of proof
Generally, § 185:35, 254:61 et seq.
Criminal conduct, § 161:54
Embezzlement, § 254:62
Fraud and dishonesty, § 161:32

Index-272
INDEX

FIDELITY BONDS AND INSURANCE—Cont’d

Burden of proof—Cont’d
Limitation of liability, § 185:62
Loss valuation, § 254:77
Misappropriation, § 254:62
Time, loss as within period of coverage, § 160:69, 160:78
Bylaws, violation by insured of its own, § 162:40
Carryover losses, § 160:80
Cashiers, § 161:69, 161:70

Cause of loss
Generally, § 255:37 et seq.
Accounts, § 255:39
Auditors statement and testimony, § 255:41
Books, § 255:39
Employees’ statements, § 255:40
Institutions relevant, § 255:38
Records, § 255:39
Statements by employee, § 255:40
Testimony by employee, § 255:40
Time periods relevant, § 255:38
Change of duties or status of employee
Generally, § 160:50 et seq.
Consent of insurer required, § 160:52
Continuing coverage, § 160:51
Resignation, § 160:55
Stock control by corporate employee, acquisition of, § 160:53
Terminating coverage, § 160:52
Termination of employment, § 160:54, 160:55
Character of statements as representations, warranty or condition, § 100:2 to 100:4
Checks and other commercial paper
Generally, § 161:92 et seq.
Bank employees and officers, § 161:96
Discounting commercial paper, § 161:99
Employee, instrument of, § 161:95, 161:96

FIDELITY BONDS AND INSURANCE—Cont’d

Checks and other commercial paper—Cont’d
Exclusion, uncollected funds exclusion, § 161:93
Kiting checks, § 161:98
Officer, instrument of, § 161:95, 161:96
Third persons, instruments of, § 161:97 to 161:99
Uncollected funds exclusion, § 161:93
Worthless checks or instruments, § 161:98
Circumstances of transaction, § 160:21
Collateral, property held as, § 161:118
Collection of funds for employer, § 161:68
Commingling of funds, § 161:117
Commissions, compensation and, § 161:89 to 161:91
Compel principal to discharge debt, § 160:10, 160:11
Compensation and commissions, § 161:89 to 161:91
Compensation, manner of receiving, § 160:42
Concealment
Application for bond by employee, § 162:29
Constructive knowledge, § 162:24
Continuation of service, § 162:20
Disclose, opportunity to, § 162:27
Exclusion of employee by virtue of prior, known acts, § 162:22
False records and reports, § 161:102, 161:103
Inquiry by insurer, § 162:27
Intent of employer, § 162:26
Knowledge
Generally, § 162:23 et seq.
Application for bond by employee, § 162:29
Constructive knowledge, § 162:24
Concealment—Cont’d
Knowledge—Cont’d
Disclose, opportunity to, § 162:27
Exclusion of employee by virtue of prior, known acts, § 162:22
Inquiry by insurer, § 162:27
Intent of employer, § 162:26
Waiver and estoppel of surety, § 162:30
Prior acts of misconduct, generally, § 162:18 et seq.
Release, concealment as, generally, § 162:18
Termination as to future acts, § 162:21
Time, loss as within period of coverage, § 160:85 to 160:88
Waiver and estoppel of surety, § 162:30
Conduct covered, generally, § 161:1 et seq.
Consent, § 160:52, 162:5
Consignment, § 160:43
Construction and interpretation
Abstraction, wrongful, § 161:33 to 161:35
Benefit to employee or other person, willful or wrongful misapplication, § 161:39
Benefit to employee or other person, wrongful abstraction, § 161:35
Circumstances of transaction, § 160:21
Conversion, wrongful, § 161:36
Discovery of default or loss, time of, § 160:95, 160:96
Disjunctive construction, § 161:5
Employment contract, § 160:22
Intent of parties, generally, § 160:15 et seq.
Liberal construction, § 160:19, 160:20
Misapplication, willful or wrongful, § 161:37 to 161:39
Misappropriation, willful or wrongful, § 161:40
Relation to risk, § 160:23
Statements, construction of, § 100:5
Statute, effect of, § 160:20
Suretyship of insurance, classification as, § 160:14
Trigger concept, § 191:52
Unambiguous language, § 160:16
Whole, contract construed as, § 160:17
Wrongful conversion, § 161:36
Wrongful conversion, § 161:36
Constructive knowledge, § 162:24
Context of issues discussed, § 100:1
Continuation of service, § 162:20
Continuing coverage, § 160:51
Contract, generally, § 160:7 to 160:9
Contribution, § 218:14, 218:15
Controlling, intent of parties as, § 160:27
Conversion, wrongful, § 161:36
Corporate officers
Generally, § 160:38 et seq.
Alter ego rule, § 160:40
Compensation, manner of receiving, § 160:42
Directors, officers who are also, § 160:39
Stockholders, officers who are also, § 160:40, 160:41
Trustees, officers who are also, § 160:39
INDEX

FIDELITY BONDS AND INSURANCE—Cont’d
Course of dealing, effect of, § 162:15
Court costs, § 185:39, 185:40
Credit extension by employee, § 161:81
Credits, § 185:43 to 185:46
Criminal conduct
   Generally, § 161:41 et seq.
   Amounting to crime, § 161:46
   Benefit to person covered, § 161:49
   Burden of proof, § 161:54
   Construction and interpretation, generally, § 161:41 et seq.
Embezzlement
   Generally, § 161:43 et seq.
   Benefit to person covered, § 161:49
   Intent, § 161:48
Fraud and dishonesty, § 161:29, 161:30
   Including crimes, § 161:45
   Intent, § 161:48, 161:51
Larceny, § 161:43 to 161:46, 161:50, 161:51
   Limitation to premises of insured, § 161:42
   Premises of insured, limitation to, § 161:42
   Questions of law or fact, § 161:53
   Sufficiency of evidence, § 161:55
Culpable negligence, § 161:23
Cumulative recovery permitted, § 185:66
Currency conversion rate applicable, § 185:42
Current bond, loss discovered under, § 160:84
Customer of employer, losses covered, § 160:57
Death, § 160:76, 160:77
Debts
   Advances-employees, § 161:86 to 161:88
   Expense moneys deposited in personal account, § 161:88

FIDELITY BONDS AND INSURANCE—Cont’d
Debts—Cont’d
   Failure to pay, generally, § 161:83 et seq.
   Goods sold to employee, § 161:85
   Personal debts of employee paid with employer’s funds, § 161:84
   Ultra vires acts, § 161:62
   Declarations, effect of other, §§ 160:25, 160:26
Deductions or credits, § 185:43 to 185:46
Defalcation, §§ 160:81, 185:49, 185:60
Default
   Amounts collected from employee or third person, § 185:44
   Concealment of, §§ 160:85 to 160:88
   Identification of employee, §§ 160:34, 160:35
   Negotiable instrument, loss as prerequisite to recovery, § 160:62
   Restitution of funds taken, § 162:37
   Subordinate of bonded officer or employee, acts or, § 161:56
Defenses—breach, §§ 100:22 to 100:26
Definitions, § 160:1
Demand for payment, § 185:50
Denial of claim, date of, § 185:53
Depository, § 162:17
Deposits, § 185:45
Designation, manner of, § 160:32
Directors, officers who are also, § 160:39
Disbursement in violation of rule, § 161:65
Discharge debt, compel principal to, §§ 160:10, 160:11
Disclose, opportunity to, § 162:27
Discounting commercial paper, §§ 161:99
Discovery
   Improper conduct as trigger, § 191:90

Index-275
Discovery—Cont’d
Knowledge of loss, § 191:55
Knowledge of misconduct, § 191:56
Loss or payment of judgment as trigger, § 191:91
Discovery of default or loss, time of
Generally, § 160:89 et seq.
Appointment of receiver, § 160:96
Construction and interpretation, § 160:95, 160:96
Enforceability, § 160:92 to 160:94
Limitation of actions, § 160:94
Limitation on time for discovery, § 160:90, 160:91
Misrepresentation statutes, § 160:93
Receiver, appointment of, § 160:96
Statutes, warranty and misrepresentation, § 160:93
Sufficiency of particular facts, § 160:98
Termination of employment, § 160:91
Uncertainty of details, § 160:99
Validity and enforceability, § 160:92 to 160:94
Warranty statutes, § 160:93
Dishonesty, § 161:19, 161:106
Disjunctive construction, § 161:5
Distribution of proceeds where claims exceed amount of bond, § 185:58
Dividend, wrongful declaration of, § 161:101, 161:116
Dual employment, effect of, § 160:31
Embezzlement
Dishonest acts, § 161:106
Fraud and dishonesty, § 161:30
Negligence, § 161:22
Prerequisite to recovery, loss as, § 160:63
Replacement of property embezzled, cost of, § 185:57
Enforceability, § 160:92 to 160:94
Equitable remedies, § 232:183
Errors of judgment, § 161:60

FIDELITY BONDS AND INSURANCE—Cont’d
Estoppel and waiver, § 160:37, 162:30
Evidence, § 185:35, 185:36
Examinations and audits by insured, requirement of
Generally, § 100:16 to 100:21
Adequacy of particular examinations, § 100:19
During life of policy, § 100:17
Manner and extent of examination, § 100:18, 100:19
At or before examination, § 100:16
Time of examination, § 100:20
Who may make examination, § 100:21
Examine accounts, failure to as negligence of insured, § 162:12
 Examiner, negligence of, § 162:13
Exceptions or limitations
 Generally, § 161:9 et seq.
After hours of employment, conduct, § 161:16
In property, § 161:11
By virtue of office or position, funds received, § 161:14
Excessive loans, § 161:79
Excess liability bond, § 185:71
Exclusions
Loans or borrowing funds, § 161:82
Particular persons, § 160:36
Potential income not realized, § 185:55
Prior, known acts, § 162:22
Uncollected funds exclusion, § 161:93
Excusing identification of defaulting employee, § 160:35
Executor, death of bonded executor, § 160:76
Expense moneys deposited in personal account, § 161:88
Expiration of investigation period, § 185:51
False records and reports
Generally, § 161:100 et seq.
FIDELITY BONDS AND INSURANCE—Cont’d
False records and reports—Cont’d
Bank officer or employee, concealing prior misconduct,
§ 161:103
Concealing prior misconduct,
§ 161:102, 161:103
Dividend, wrongful declaration of dividend, § 161:101
Investigation, § 161:104
Wrongful declaration of dividend,
§ 161:101
Fictitious employees, payment to,
§ 161:91
Fidelity bonds, definitions, § 160:1
Financial condition, proof of,
§ 255:101
Fixed term of office, § 160:70
Forgery, § 161:105, 161:106
Fraud and dishonesty
Benefit to employee or other person, § 161:28
Burden of proof, § 161:32
Construction and interpretation, generally, § 161:24 et seq.
Criminal conduct, relation to,
§ 161:29, 161:30
Embezzlement, distinction from,
§ 161:30
Intent, § 161:27
Larceny, distinction from,
§ 161:30
Mysterious disappearance,
§ 161:31
Questions of law or fact, § 161:32
Wages paid to employee under fraudulent circumstances,
§ 185:56
Willfulness, § 161:27
Good faith acts, § 161:60
Goods sold to employee, § 161:85
Group or unit conduct, § 185:63
Guaranty, bank depository guaranty bond, amount paid under,
§ 185:45
Identification of defaulting employee,
§ 160:34, 160:35

FIDELITY BONDS AND INSURANCE—Cont’d
Ignorance of existence of policy or insurer identity, § 192:33
Ignorance of existence or character of loss, occurrence or accident,
§ 192:17
Ignorance of substance of policy provisions, § 192:57
Income, exclusion of potential income not realized, § 185:55
Incorporation, § 162:41
Indemnity contract, § 160:7
Indemnity, generally, § 160:12
Independent contractors, distinction as to, § 160:28
Infancy of bonded employee, § 162:4
Inquiry by insurer, § 162:27
Inquiry, duty of, § 191:54
Insolvent obligee, § 242:128
Instructions, violation of, § 161:63 to 161:65

Intent
Concealment of prior acts of misconduct, § 162:26
Criminal conduct, § 161:48, 161:51
As element, § 161:2, 161:3
Fraud and dishonesty, § 161:27
Mutual intent, modification of contract, § 160:24
Willful or wrongful misapplication, § 161:38
Wrongful abstraction, § 161:34

Interest
Generally, § 185:47 et seq.
Defalcation, date of, § 185:49
Demand, notice of breach or demand for payment,
§ 185:50
Denial of claim, date of, § 185:53
Expiration of investigation period, § 185:51
Investigation period, expiration of, § 185:51
Judgment, date of, § 185:52
Notice of breach or demand for payment, § 185:50
Rate of interest, § 185:48

Index-277
FIDELITY BONDS AND INSURANCE—Cont’d
Interest—Cont’d
Time from which interest runs, § 185:49 to 185:53
Investigation, § 161:104, 185:51
Joint adventurers, § 160:44
Judgment, § 161:60, 185:52
Judgment creditor of insured, § 160:58
Judgment, discovery of loss or payment of judgment as trigger, § 191:91
Kiting checks, § 161:98
Knowledge
Time, loss as within period of coverage, § 160:75
Trigger, § 191:55, 191:56
Larceny
Criminal conduct, § 161:43 to 161:46, 161:50, 161:51
Fraud and dishonesty, § 161:30
Negligence, § 161:22
Legality of employment, § 160:6
Liberal construction, § 160:19, 160:20, 161:44
Limitation of actions
Generally, § 160:94
Commencement of period, § 236:57 to 236:59, 236:73, 236:142
Contractual limitation periods, § 235:51, 235:69
Defendant’s actions, trigger as, § 236:142
Discovery of loss, § 236:57 to 236:59
Enforcement of payment pursuant to terms of contract, § 234:46
Proof of loss or death, § 236:73
Limitation of liability
Generally, § 185:54 et seq.
Actual cash value, § 185:57
Amount of bond, generally, § 185:54
Annual premiums, defalcation extending over period of years, § 185:65, 185:66

FIDELITY BONDS AND INSURANCE—Cont’d
Limitation of liability—Cont’d
Burden of proof, § 185:62
Cumulative recovery permitted, § 185:66
Defalcation by employee, determining number of, § 185:60
Distribution of proceeds where claims exceed amount of bond, § 185:58
Embezzlement, replacement of property embezzled, cost of, § 185:57
Excess liability bond, § 185:71
Exclusion of potential income not realized, § 185:55
Fraud, wages paid to employee under fraudulent circumstances, § 185:56
Group or unit conduct, § 185:63
Income, exclusion of potential income not realized, § 185:55
Maximum liability per employee, § 185:61, 185:62
Multiple sureties, § 185:70, 185:71
Potential income, exclusion of potential income not realized, § 185:55
Proceeds, distribution of where claims exceed amount of bond, § 185:58
Relation to actions of employee, generally, § 185:59 et seq.
Renewal or successive bonds
Generally, § 185:65 et seq.
Annual premiums, defalcation extending over period of years, § 185:65, 185:66
Cumulative recovery permitted, § 185:66
Express provisions for renewal, § 185:67, 185:68
Successive bonds, express provisions for renewal, § 185:68
Years, defalcation extending over period of years, § 185:65, 185:66
FIDELITY BONDS AND INSURANCE—Cont’d
Limitation of liability—Cont’d
Replacement of property embezzled, cost of, § 185:57
Rider, provision in, § 185:64
Traceable to bonded employee, loss be, § 185:59
Unit conduct, § 185:63
Wages paid to employee under fraudulent circumstances,
§ 185:56
Years, defalcation extending over period of years, § 185:65,
185:66
Limitation on time for discovery,
§ 160:90, 160:91
Limitation to premises of insured,
§ 161:42
Loans or borrowing funds
Generally, § 161:73 et seq.
Bank officers and employees,
§ 161:74 to 161:76
Credit extension by employee,
§ 161:81
Excessive loans, § 161:79
Exclusions, § 161:82
Overdraft of bank account, permitting,
§ 161:80
Ratification or approval of,
§ 162:17
Statute, in violation of, § 161:75
Third persons, § 161:76, 161:78 to 161:81
Trustee, § 161:77
Location of employee, § 160:33
Losing property of employer,
§ 161:110
Manifest intent of employee as element, § 161:3
Maximum liability per employee,
§ 185:61, 185:62
Misapplication, § 161:21, 161:37 to 161:39
Misappropriation, § 161:21, 161:40
Misconduct
Discovery or knowledge of misconduct, § 191:56
Relationship to loss, § 191:53

FIDELITY BONDS AND INSURANCE—Cont’d
Misrepresentation statutes, § 160:93
Mistakes, § 161:60
Modification of contract, § 160:24 to 160:26
Multiple bond coverage, § 185:46
Multiple related insureds, § 160:46
Multiple sureties, § 185:70, 185:71
Mutual intent, modification of contract, § 160:24
Mysterious disappearance, § 161:31
Neglect of duty, § 161:22
Negligence
Generally, § 161:18 et seq.
Abstraction, wrongful, § 161:20
Construction and interpretation, generally, § 161:18 et seq.
Culpable negligence, § 161:23
Dishonesty, § 161:19
Embezzlement, § 161:22
Of insured, § 162:11 to 162:13
Larceny, § 161:22
Misapplication, § 161:21
Misappropriation, § 161:21
Neglect of duty, § 161:22
Wrongful abstraction, § 161:20
Wrongful misappropriation or misapplication, § 161:21
Negotiable instrument, default involving, § 160:62
Notice and proof of loss
Generally, § 187:119, 189:94 to 189:97, 192:117
Conditions precedent or contract stipulations, § 190:25
Construction of contractual provisions, § 186:28
Criminal proceedings associated with fidelity loss, § 192:117
At earliest practicable moment, § 190:72
Excess insurance, burden of proof as to, § 190:13
Excuses, generally, § 192:125
Fear of legal action and other repercussions, § 192:107
Immediate, § 190:74
Noncompliance, § 193:12, 193:13

Index-279
FIDELITY BONDS AND INSURANCE—Cont’d
Notice and proof of loss—Cont’d
Oral versus written notice,
§ 188:16
Proof of loss, § 189:94 to 189:97
Reasonableness, § 190:41
Within reasonable time, § 190:75
Reasonable time, within, § 190:75
As soon as possible, § 190:71
As soon as practicable, § 190:72
Within specified period, § 190:76
Specifying time after notice of loss, § 190:110
Sufficiency of information,
§ 189:38
Terminal date of bond, after,
§ 190:77
Timeliness
Generally, § 190:19, 190:71 et seq.
After terminal date of bond,
§ 190:77
At earliest practicable moment,
§ 190:72
Immediate, § 190:74
Within reasonable time,
§ 190:75
Reasonable time, within,
§ 190:75
As soon as possible, § 190:71
As soon as practicable, § 190:72
Within specified period,
§ 190:76
Within specified time, § 190:73
Terminal date of bond, after,
§ 190:77
Notice of breach or demand for payment,
§ 185:50
Officer, instrument of, § 161:95, 161:96
Orders, disposition of property by bonded person pursuant to,
§ 162:43
Overdraft of bank account, permitting,
§ 161:80
Participation in acts of others,
§ 162:44
FIDELITY BONDS AND INSURANCE—Cont’d
Participation in misconduct, § 161:6, 161:7
Parties, generally, § 242:127 et seq.
Partners, exclusion of acts of,
§ 160:36
Payee, § 242:133
Permanent employment required,
§ 160:30
Personal debts of employee paid with employer’s funds, § 161:84
Political subdivision obligee,
§ 242:129, 242:130
Potential income, § 185:55
Pre-contract matters,
§ 160:26
On premises coverage,
§ 161:8
Premises of insured, limitation to,
§ 161:42
Prerequisites as to liability,
§ 160:100, 160:101
Prerequisite to recovery, loss as
Generally, § 160:60 et seq.
Default involving negotiable instrument, § 160:62
Embezzlement, § 160:63
Negotiable instrument, default involving, § 160:62
Property subject to loss, § 160:65
Questions of law or fact, § 160:66
Reimbursement, § 160:64
Restitution, payment of, § 160:63
Presumptions
Generally, § 160:78
Missing funds, § 254:153
Prior actions
Obtaining security, § 162:34
Recovery in, § 162:33
Release of security, § 162:35
Unsuccessful prior actions,
§ 162:32
Prior acts, § 160:83, 160:84
Prior defaults, restitution of funds taken, § 162:37
Private party fidelity insurance,
§ 242:132
Proceeds, distribution of where claims exceed amount of bond,
§ 185:58

Index-280
INDEX

FIDELITY BONDS AND INSURANCE—Cont’d
Profits lost, § 185:38
Promoters, § 160:47
Proof of facts, § 255:37 et seq.
In property, § 161:11
Prosecution of bonded person, § 160:101
Public official bonds, § 242:131
Questions of law or fact
Generally, § 100:8, 185:36
Criminal conduct, § 161:53
Fraud and dishonesty, § 161:32
Prerequisite to recovery, loss as, § 160:66
Time, loss as within period of coverage, § 160:69
Rate of interest, § 185:48
Ratification by insured, § 162:14 to 162:17
Reappointment of bonded person, § 160:71
Receiver, appointment of, § 160:96
Recovered fund, right to, § 160:13
Reimbursement, § 160:64, 160:100
Release
Prior actions, § 162:35
Settlement of claim, § 162:5 to 162:8
Renewal policies, § 100:7, 160:79 to 160:81
Replacement of property embezzled, cost of, § 185:57
Reports, third persons, § 162:45
Representations, warranties, and conditions as-fidelity risks, generally, § 100:1 to 100:26
Resignation, § 160:55
Restitution, § 160:63, 162:36 to 162:38
Rider, provision in, § 185:64
Safeguards, omission of as negligence of insured, § 162:12
Safe, removing property from, § 161:120
Sale or purchase
Employer or principal, purchase of property for, § 161:111
Purchasers, § 160:47

FIDELITY BONDS AND INSURANCE—Cont’d
Sale or purchase—Cont’d
Purchasing agents, ultra vires acts, § 161:72
Salespersons, § 160:45, 161:71
Stolen goods, § 161:115
Ultra vires acts, § 161:71, 161:72
Salvage, right to, § 160:11
Second defaults, § 160:85
Securities trading, § 161:112 to 161:114
Settlement of claim, § 162:5 to 162:8
Stolen goods, sale of, § 161:115
Subordinate, § 161:56
Subsequent defaults, § 160:85
Subsidiary corporation, employees of, § 160:46
Successive policies, § 160:79 to 160:81
Successor unit, § 242:130
Suspicion, § 191:54
Temporary employees, § 160:30
Terminating coverage, § 160:52
Termination as to future acts, § 162:21
Termination of employment, § 160:54, 160:55, 160:91
Thief, providing information to, § 161:121
Third-party beneficiaries, § 160:58
Third persons
Acts of, § 162:43 to 162:45
Checks and other commercial paper, § 161:97 to 161:99

Index-281
FIDELITY BONDS AND INSURANCE—Cont’d
Third persons—Cont’d
Defaulting employee or third person, amounts collected from, § 185:44
Loans or borrowing funds, § 161:76, 161:78 to 161:81
Loss through creation of liability of employer to, § 161:58

Time
Burden of proof, § 160:69, 160:78
Carryover losses, § 160:80
Concealment of defaults, § 160:85 to 160:88
Current bond, loss discovered under, § 160:84
Death of bonded executor, § 160:76
Death of insured, § 160:77
Defalcation as determinative, time of, § 160:81
Defaults, concealment of, § 160:85 to 160:88
Duration of risk, generally, § 160:67
Executor, death of bonded executor, § 160:76
Fixed term of office, § 160:70
Interest, § 185:49 to 185:53
Knowledge of prior acts, § 160:75
Loss as within period of coverage, generally, § 160:67 et seq.
Presumptions, § 160:78
Prior acts, § 160:83, 160:84
Prospective coverage, generally, § 160:72
Questions of law or fact, § 160:69
Reappointment of bonded person, § 160:71
Renewal policies, § 160:79 to 160:81
Retrospective coverage, generally, § 160:72
Second defaults, § 160:85
Statements, time to which statements relate, § 100:6
Subsequent defaults, § 160:85

FIDELITY BONDS AND INSURANCE—Cont’d
Time—Cont’d
Successive policies, § 160:79 to 160:81
Termination of risk, generally, § 160:67
Validity of limitations, generally, § 160:68
Trigger
Generally, § 191:51 et seq., 191:90, 191:91
Claim as trigger, § 191:57
Construction and interpretation, § 191:52
Defendant’s actions, trigger as, § 236:142
Discovery or knowledge of loss, § 191:55
Discovery or knowledge of misconduct, § 191:56
Employee misconduct, relationship to loss, § 191:53
Inquiry, duty of, § 191:54
Knowledge of loss, § 191:55
Knowledge of misconduct, § 191:56
Misconduct, discovery or knowledge of misconduct, § 191:56
Suit as trigger, § 191:58
Suspicion, § 191:54

Trusts
Beneficiary, § 160:59
Corporate officers who are also trustees, § 160:39
Grantor, § 160:59
Loans or borrowing funds, § 161:77
Ultra vires acts
Generally, § 161:61 et seq., 162:39
Account for funds or property, failure to, § 161:66 to 161:68
Agents, purchasing agents, § 161:72
Bank cashiers, officers, and employees, § 161:69
Cashiers, § 161:69, 161:70
INDEX

FIDELITY BONDS AND INSURANCE—Cont’d
Ultra vires acts—Cont’d
Collection of funds for employer, § 161:68
Debt, payment of corporate debt, § 161:62
Disbursement in violation of rule, § 161:65
Instructions, violation of, § 161:63 to 161:65
Purchasing agents, § 161:72
Salespersons, § 161:71
Withholding under claim of right, § 161:67
Unambiguous language, § 160:16
Uncertainty of details, § 160:99
Uncollected funds exclusion, § 161:93
Unit conduct, § 185:63
Unsuccessful prior actions, § 162:32
Validity
Generally, § 160:5, 160:6
Discovery of default or loss, time of, § 160:92 to 160:94
Value at place of wrong, § 185:42
Vehicle, unauthorized use of employer’s, § 161:119
Vicarious liability of employer, § 161:58
By virtue of office or position, funds received, § 161:14
Wages paid to employee under fraudulent circumstances, § 185:56
Waiver and estoppel, § 194:79
Warranty statutes, § 160:93
Willfulness
Fraud and dishonesty, § 161:27
Misapplication, willful or wrongful, § 161:37 to 161:39
Misappropriation, willful or wrongful, § 161:40
Wrongful abstraction, § 161:34
Withholding under claim of right, § 161:67
Worthless checks or instruments, § 161:98
Writings and declarations, effect of other, § 160:25, 160:26

FIDELITY BONDS AND INSURANCE—Cont’d
Wrongful abstraction, § 161:20, 161:33 to 161:35
Wrongful conversion, § 161:36
Wrongful declaration of dividend, § 161:101, 161:116
Wrongful misappropriation or misapplication, § 161:21
Years, defalcation extending over period of, § 185:65, 185:66

FIDUCIARIES
Agency (this index)
Bank deposit guaranty, § 166:10
Costs of action, § 233:12
Executors and Administrators (this index)
Good-faith, § 198:14
Limitation of actions, § 234:38
Notice, § 187:38, 187:117
Premiums and assessments, § 74:22
Reimbursement, § 226:9
Release, § 216:56
Subrogation, waiver, § 224:154
Trusts and Trustees (this index)

FIDUCIARY BONDS
See Public Official and Appointed Fiduciary Bonds (this index)

FIELD AGENTS
Generally, § 48:60

FIGHTING
Accident and life insurance, § 140:33, 140:34

FILES AND FILING
See Records and Recording (this index)

FINALITY
Costs of action, final decision of court, § 233:61, 233:62
Estoppel and waiver, § 238:8, 239:98
Jurisdiction, finality of action by association tribunal, § 228:52 to 228:54
Limitation of actions
Acceptance, § 236:136, 236:137
Estimates, § 236:141
FINALITY—Cont’d
Limitation of actions—Cont’d
Final rejection, § 236:93
Settlement, § 236:132 to 236:135
Prior judgment, § 239:28, 239:29

FINAL JUDGMENT
Appeals, § 248:39, 248:40
Limitation of actions, § 236:154, 237:35, 237:36
Recoupment, § 226:101

FINAL SETTLEMENT
DOCUMENT
Cancellation and rescission, notice, § 32:15

FINANCE COMPANIES
Agents and Brokers (this index)
Automobile property insurance, § 157:81
Cancellation and Rescission (this index)
Contractors’ payment bonds, § 165:75
Joinder of parties, § 243:48
Premiums finance companies, § 79:17

FINANCIAL CONDITION
Jury trial, reference to financial condition, § 246:27

FINANCIAL INSTITUTION
BLANKET BONDS—Cont’d
Notice and proof of loss—Cont’d
Reasonable time, within, § 190:75
As soon as possible, § 190:71
As soon as practicable, § 190:72
Sufficiency of information, § 189:38
Terminal date of bond, after, § 190:76
Timeliness
Generally, § 190:71
At earliest practicable moment, § 190:72
Immediate, § 190:74
Within reasonable time, § 190:75
Reasonable time, within, § 190:75
As soon as possible, § 190:71
As soon as practicable, § 190:72
Within specified period, § 190:76
Within specified time, § 190:73
Terminal date of bond, after, § 190:76
Risks within coverage, § 167:46 et seq.
Subrogation (this index)
Value given on securities, documents, or other written documents, § 167:50

FINANCIAL MATTERS
Agents and brokers, pecuniary interest of, § 49:21
Automobile Insurance (this index)
Contractors’ performance bonds, § 164:101
Creditors (this index)
Discovery, § 251:34
Insolvency (this index)
Marine insurance, § 183:159 to 183:161
Representations, warranties, conditions, and concealment, § 86:1, 86:41 et seq.
Title insurance, § 159:62
INDEX

FINANCIAL RESPONSIBILITY ACT
See also Automobile Insurance (this index)
Automobile liability insurance, § 170:4
No-fault insurance, § 125:3
Other insurance clauses, § 219:32
Third-party claims, § 206:48

FINANCIAL RESPONSIBILITY BOND
Other insurance clauses, § 219:19
Subrogation, § 223:69

FINDINGS
See also Appeal and Review (this index)
Judgment notwithstanding the verdict (jnov), § 248:12
Prior judgment, § 239:73 to 239:78
Verdicts
Implied findings, § 247:47
Limitations on use of special findings, § 247:52
Special findings, § 247:50, 247:51

FINE ART
Property loss, generally, § 177:62

FINES
General liability insurance, § 172:42

FIRE
See also Accident and Life Insurance (this index)
Automobile property insurance, § 156:32, 156:33, 156:76
Explosions, § 150:17, 155:54
Limitation of actions, § 236:22 to 236:24
Marine insurance, § 221:19 to 221:23
Notice, § 189:71
Property insurance, § 153:70, 155:8, 155:52, 155:54, 191:81
Subrogation, § 223:71
Witnesses, § 252:66

FIREFIGHTERS
Accident and life insurance, § 143:5

FIREFIGHTERS—Cont’d
Fire insurance, § 149:39, 149:40

FIREFIGHTING APPARATUS
Use and occupancy, § 95:47 to 95:53

FIRE INSURANCE
Generally, § 149:1 et seq.
Accidentally thrown into fire, property, § 149:26
Arson
Generally, § 149:45 et seq.
Burden of proof, § 149:56
Circumstantial evidence, § 149:57
Corporate insured, § 149:51
Criminal charges and conviction, § 149:62
Employee of corporate insured, § 149:51
Evidence
Generally, § 149:55 et seq.
Burden of proof, § 149:56
Circumstantial evidence, § 149:57
Corporate insured, § 149:51
Criminal charges and conviction, § 149:62
Intent, § 149:59
Motive and intent, § 149:59
Pleadings, § 149:55
Previous fires, § 149:60
Questions of law or fact, § 149:63
Rebuttal, § 149:61
Standard of proof, § 149:56
Sufficiency of evidence, § 149:58 to 149:61
Waiver and estoppel, § 149:64
Innocent insured, rights of
Generally, § 149:48 et seq.
Corporate insured, § 149:51
Employee of corporate insured, § 149:51
Interested parties, § 149:53
Officer of corporate insured, § 149:51
Partnership, § 149:52
Shareholder of corporate insured, § 149:51
Spouse, § 149:49, 149:50
FIRE INSURANCE—Cont’d
Arson—Cont’d
Innocent insured, rights of
—Cont’d
Statutory standard terms, § 149:48
Third persons, unrelated, § 149:54
Insanity of insured, § 149:47
Intent, § 149:59
Interested parties, § 149:53
Motive and intent, § 149:59
Officer of corporate insured, § 149:51
Partnership, § 149:52
Pleadings, § 149:55
Previous fires, § 149:60
Public policy, § 149:45
Questions of law or fact, § 149:63
Rebuttal, § 149:61
Shareholder of corporate insured, § 149:51
Spouse, § 149:49, 149:50
Standard of proof, § 149:56
Statutory standard terms, § 149:48
Sufficiency of evidence, § 149:58 to 149:61
Third persons, unrelated, § 149:54
Waiver and estoppel, § 149:64
Assignment (this index)
Automobile Property Insurance (this index)
Bailment of property, § 154:33 to 154:35
Burden of proof, § 149:56
Business property, homeowner’s exclusion for, § 149:9
Cause of fall, § 149:17, 149:18
Change of hazard clause, § 149:68
Character of fire, generally, § 149:21 et seq.
Chimney fires, § 149:31
Cigarette fires, § 149:32
Circumstantial evidence, § 149:57
Collapse of building or party wall, § 149:38
Combustion, § 149:23, 149:28, 149:33

FIRE INSURANCE—Cont’d
Construction and interpretation, § 149:4
Corporate insured, § 149:51
Criminal charges and conviction, § 149:62
Definitions, § 149:21, 149:24
Electricity, § 149:11, 149:30
Employee of corporate insured, § 149:51
Entire building, § 149:15
Exclusions and limitations
Generally, § 149:6 et seq.
Business property, homeowner’s exclusion for, § 149:9
Electrical current, § 149:11
Exceptions, § 149:13
Homeowner’s exclusion for business property, § 149:9
Theft, loss from, § 149:12
Unless fire ensues, § 149:11
Explosion clause, § 149:19
Explosions (this index)
Failure to protect property, § 149:70
Falling of building clause
Generally, § 149:14 et seq.
Cause of fall, § 149:17, 149:18
Entire building, § 149:15
Explosion clause, § 149:19
Part of building, § 149:16
Questions of law or fact, § 149:20
Time relation to cause of fall, § 149:18
Validity, § 149:14
Fire-fighting efforts, § 149:39, 149:40
Fraud, § 149:66, 149:67, 149:71
Friendly versus hostile fire
Generally, § 149:24 et seq.
Accidentally thrown into fire, § 149:21
Chimney fires, § 149:31
Cigarette fires, § 149:32
Combustion, § 149:28, 149:33
Definitions, § 149:24
Electricity and electrical fires, § 149:30

Index-286
INDEX

FIRE INSURANCE—Cont’d
Friendly versus hostile fire—Cont’d
Heating fires or devices, § 149:27 to 149:29
Lighting fires or devices, § 149:27 to 149:29
Mechanical malfunction, § 149:29
Overheating without combustion, § 149:28
Smoke, § 149:25
Soot, § 149:25
Spontaneous combustion, § 149:33
Gross negligence, § 149:67
Heating fires or devices, § 149:27 to 149:29
Homeowner’s exclusion for business property, § 149:9
Inferences of fraudulent intent, § 149:71
Insanity of insured, § 149:47
Intent, § 149:59, 149:71
Interested parties, § 149:53
Intervening causes, § 149:35
Lighting fires or devices, § 149:27 to 149:29
Lightning, § 149:22
Limitation of actions, § 235:14 to 235:17, 236:11
Limitations and restrictions, § 149:70
Location, removal of goods to, § 149:42
Mechanical malfunction, § 149:29
Motive and intent, § 149:59
Neglect to protect imperiled goods, § 149:69
Negligence, § 149:65 to 149:68
Neighboring or party wall, collapse of, § 149:38
Officer of corporate insured, § 149:51
Overheating without combustion, § 149:23, 149:28
Partnership, § 149:52
Part of building, § 149:16
Party wall, collapse of, § 149:38
Pleadings, § 149:55
Previous fires, § 149:60
Prior judgment, § 239:49, 239:50

FIRE INSURANCE—Cont’d
Property insurance, § 154:33 to 154:35
Protect property, failure to, § 149:69 to 149:72
Proximate cause of loss
Generally, § 149:34 et seq.
Collapse of building, § 149:38
Collapse of neighboring or party wall, § 149:38
Fire-fighting efforts, § 149:39, 149:40
Intervening causes, § 149:35
Location, removal of goods to, § 149:42
Neighboring or party wall, collapse of, § 149:38
Party wall, collapse of, § 149:38
Removal of goods, § 149:41, 149:42
Smoke, § 149:36, 149:37
Soot, § 149:36, 149:37
Spread prevention, fire-fighting efforts, § 149:40
Steam, § 149:36, 149:37
Theft of property, § 149:43
Train of events test, § 149:35
Vapors, § 149:36, 149:37
Public policy, § 149:45
Questions of law or fact, § 149:5, 149:20, 149:63, 149:72
Rebuttal, § 149:61
Removal of goods, § 149:41, 149:42
Shareholder of corporate insured, § 149:51
Smoke, § 149:25, 149:36, 149:37
Soot, § 149:25, 149:36, 149:37
Spontaneous combustion, § 149:33
Spouse, § 149:49, 149:50
Spread prevention, fire-fighting efforts, § 149:40
Standard of proof, § 149:56
Statutory standard terms, § 149:48
Steam, § 149:36, 149:37
Sufficiency of evidence, § 149:58 to 149:61
Theft, § 149:12, 149:43
Third persons, unrelated, § 149:54

Index-287
FIRE INSURANCE—Cont’d
Time relation to cause of fall, § 149:18
Train of events test, § 149:35
Unless fire ensues, § 149:11
Validity, § 149:14
Vapors, § 149:36, 149:37
Waiver and estoppel, § 149:64

FIRE MARSHAL
Witnesses, § 252:58

FIREWORKS
Use and occupancy, § 95:19

FIRST AND LAST DAY
Premiums and assessments, inclusion or exclusion in computing time of payment, § 72:14

FIRST EXCESS INSURER
Notice, § 187:53

FIRST PARTY CLAIMS
Attorney-client relationship, § 250:27, 250:28
Claims handling process, § 198:3
Common law, § 204:12, 204:16, 204:22, 204:28
Costs of action, § 233:46

FISHING
Accident insurance, § 139:58

FITNESS FOR OCCUPANCY
Vacancy of property, § 94:112

FITS, SEIZURES, EPILEPSY, AND THE LIKE
Good health of insured, § 88:63

FIXED LOAN VALUE
Mutual companies, § 39:33

FIXING OF PRICES
Sherman act, § 4:11

FIXTURES—Cont’d
Valued policies or statutes, § 175:112

FLEET POLICIES
Combining or stacking of coverages, § 169:50 to 169:53

FLIGHT ATTENDANT
Accident and life insurance, § 142:128

FLOATER POLICIES
Property insurance, § 148:27, 154:64 to 154:67

FLOOD INSURANCE
Limitation of actions, § 234:34, 236:86
Venue, § 230:102

FLOODS
Generally, § 177:85
See also Property Insurance (this index)

FOOD
Accident and life insurance, § 141:43, 141:52, 143:72 to 143:74
Contractors’ payment bonds, § 165:64 to 165:88
Exclusion of diseases, § 141:52

FORCE
Accident insurance, § 139:19
Automobile property insurance, § 157:48
Delayed payment or nonpayment, § 207:28
Public official and appointed fiduciary bonds, § 166:55

FORECLOSURE
Adjustment of losses, § 178:57
Advertisement, § 92:98
Agents and brokers, § 52:9
Alienation of title, § 65:59
Construction of foreclosure clauses, § 65:10, 65:15 et seq.
INDEX

FORECLOSURE—Cont’d
Cooperation, § 199:36
Insurable interest, § 42:30
Purchasers and foreclosure sale, § 65:73
Repossession, § 92:104
Sales, generally, § 92:87 et seq.
Subrogation, § 224:181, 224:182
Successive mortgagees and other third parties, rights as between, § 65:70 to 65:73
Surrender of property, § 92:101
Third persons, acquisition of title by, § 92:103
Title insurance, § 159:75, 159:89, 159:94
Use and occupancy, § 94:21

FOREIGN ADJUSTMENT
Marine insurance, § 221:84

FOREIGN ARBITRATION AWARDS
Convention on recognition of, § 209:22

FOREIGN CURRENCY
Life insurance, § 179:3

FOREIGN OR ALIEN INSURERS—Cont’d
Authority to do business, capacity of insurer, § 245:14
Bond or security deposits with state, § 3:24
Business county, § 230:81, 230:82
Ceasing to do business, § 231:30
Coinsurance contracts, § 3:11
Consent-jurisdiction, § 3:26 to 3:34
Constitutional limitations, § 3:3
Construction and interpretation
Agents and brokers, regulations specific to, § 47:27
Retaliatory and reciprocal statutes, § 3:37
Contracts
Coinsurance contracts, § 3:11
Local property, control of foreign contracts insuring, § 3:25
Residents, making of contracts with, § 3:10
Validity and enforceability, § 3:41
Cumulative methods of service of process, § 3:30
Doing business, generally, § 3:6 et seq.
Duration of appointment of agent for service of process, § 3:31
Enforceability of contracts, § 3:41
Exclusive methods of service of process, § 3:30
Insolvency, distribution of local assets, § 6:5, 6:16
Isolated acts, § 3:8
Jurisdiction, § 3:26 to 3:34, 228:18, 228:19
Licenses and permits
Generally, § 3:21
Renewal of licenses, § 3:23
Revocation or suspension of license, § 3:23
Litigation, generally, § 3:18
Loans and mortgages, § 3:16
Mail and mailing, § 3:13
McCarran-Ferguson Act (this index)
Medical examination, § 3:14
Mortgages, § 3:16

Index-289
FOREIGN OR ALIEN INSURERS—Cont’d
Noncompliance with regulations, effect of, generally, § 3:39 to 3:41
Payment of losses, § 3:17
Penalties, fees and similar consequences, § 204:83, 204:86
Preliminary acts relating to organization of insurer, § 3:9
Premiums and Assessments (this index)
Process and Service of Process and Papers (this index)
Qualifications to do business, § 228:28, 231:29, 231:31
Reciprocal statutes, § 3:35 to 3:38
Regulations relating to foreign insurers, generally, § 3:1 et seq.
Reinsurance, § 3:11
Renewal
Inspection renewal from company not authorized to do business in state, § 46:54 to 46:57
License renewal, § 3:23
Residence county, § 230:71
Resident agents, § 47:26
Retaliatory and reciprocal statutes, § 3:35 to 3:38
Revocation or suspension of license, § 3:23
Security bonds
Generally, § 232:6 et seq.
Satisfaction of requirements, § 232:10
Validity, § 232:7
Waiver and estoppel, § 232:11
Service of process, agent for, § 3:26 to 3:34
State official designated as agent for service of process, § 3:27
Subsequent compliance with statutes, effect of, § 3:41
Uniform unauthorized insurers act, § 3:29
Validity and enforceability of contracts, § 3:41

FOREIGN SOVEREIGN IMMUNITIES ACT
Jurisdiction of federal proceedings, § 229:64, 229:65
Service of process, § 231:14
FOREIGN STATE OR COUNTRY
Death certificates from, § 253:208
FORESEEABILITY
Accident and Life Insurance (this index)
Accident Insurance (this index)
FORFEITURES
Agents and Brokers (this index)
Arbitrators, appraisers, and proceedings before them, § 211:30
Attachment of Property (this index)
Construction and interpretation, § 22:30 to 22:37
Defenses, § 245:87, 245:119
Limitation of actions, § 234:41
Loans (this index)
Mortgages and deeds of trust, § 65:93
Nonforfeiture Provisions (this index)
Notice, § 187:8, 187:11, 193:20
Premiums and Assessments (this index)
FORGERY
See also Banks and Banking (this index)
Bankers’ blanket bond, § 167:50

Index-290
FRAUD AND DECEIT—Cont’d
Belief, good faith, § 197:27
Beneficiaries
Actions by insured or beneficiary against insurer or agent, generally, § 232:91 et seq.
Change of, § 60:72 to 60:74
Future, statements as to, § 232:100
Benefits, statements as to future benefits, § 232:99
Binders and binding receipts, avoidance of contract for false misrepresentations, § 13:5
Burden of proof. Presumptions and burden of proof, below
Cancellability of policy, § 232:98
Cancellation and Rescission (this index)
Causes of action, generally, § 232:91 et seq.
Co-insured, effect on, § 197:38
Collusion, § 232:109, 239:134
Commercial General Liability Policies (this index)
Commercial liability insurance, § 201:59, 201:65
Common law, § 204:26
Complaints, petitions, and declarations, § 244:40
Concealment. See Representations, Warranties, Conditions, and Concealment (this index)
Conclusiveness, § 197:15
Construction and interpretation, § 197:3
Contract action, § 232:96
Contractors’ performance bonds, § 164:37, 164:51
Contribution to loss, § 81:93
Conversion rights of group policy, § 232:105
Cooperation, § 199:42 to 199:46, 199:62
Correct, right to, § 197:15
Cost, availability of similar insurance at less cost, § 232:92
Creditors, § 239:135
Criminal offense, § 197:5

FRAUD AND DECEIT—Cont’d
Defenses
Generally, § 200:8 to 200:10, 239:131 et seq., 245:122 et seq.
Collusion between insured and third party, § 239:134
Estoppel and waiver, § 239:138
Intervention of rights of creditors, § 239:135
Questions of law or fact, § 239:137
Statutes as precluding assertion, § 239:136
Third parties, assertion of defense against, § 239:133 to 239:135
Definition of misrepresentation, § 81:6
Degree of proof, § 197:6
Degree of proof required, § 254:117
Delayed payment or nonpayment, § 207:40, 207:41
Description or identification, § 90:2, 90:4
Directed verdicts, § 247:42, 247:43
Disability insurance policies, § 245:127
Disclosure, § 232:92, 232:93
Distinctions between warranties and conditions precedent, § 81:26
English, insured’s inability to understand, § 85:62, 85:63
Equitable remedies, § 232:121
Errors or mistakes, § 197:14
Estimate, good faith, § 197:27
Estoppel and waiver
Generally, § 238:24, 239:102
Concealment, § 238:20, 238:21
Defenses, § 239:138
Existence, validity, or status of policy or clauses therein, false statements as to, § 238:25
Evidence
Generally, § 82:29 to 82:33
Age of insured, § 86:7
Burden of proof, § 81:85 to 81:88, 82:29, 82:31
Materiality, § 82:10, 82:11, 82:20, 82:26
Overvaluation, § 197:34
INDEX

FRAUD AND DECEIT—Cont’d
Evidence—Cont’d
Questions of law or fact, § 81:89 to 81:91, 82:33
Evidence
Presumptions and burden of proof, below
Exemption from claims of creditors, § 66:40 to 66:42
Existence of coverage, § 208:19 to 208:23, 238:25
False statements, generally, § 197:9
Fidelity Bonds and Insurance (this index)
Fire insurance, § 149:66, 149:67, 149:71
FRAUD AND DECEIT—Cont’d
Fraudulent Conveyances or Transfers (this index)
Future, statements as to
Generally, § 232:97 et seq.
Beneficiary, status of, § 232:100
Benefits, § 232:99
Cancellability of policy, § 232:98
Issuance of policy, § 232:101
Loans, § 232:99
Payments, § 232:99
Rates, § 232:97
Good faith, § 81:86, 197:27
Good Health of Insured (this index)
Gross overvaluation as evidence of fraud, § 197:34
Group insurance eligibility, § 8:41
Health insurance, § 242:172 to 242:174, 245:127
Homeowners’ Insurance (this index)
Implied intent, § 197:12
Improper issuance, § 232:94 to 232:96
Income, salary, and financial condition of insured, § 86:41 et seq.
Incontestability clause
Age of insured, misrepresentations as to, § 240:73 to 240:75
Health, misrepresentations as to, § 240:68 to 240:70
Relationship between named insured and additional insured
Incontestability clause—Cont’d
Incontestability Clause (this index)
Indemnity and indemnity insurance, § 89:18 to 89:20, 89:22
Innoverent misrepresentations, § 82:34 to 82:39
Instructions to jury, § 246:94, 246:95
Insured risk, fraud as to, property policies, § 245:125
Insurer, actions by, § 232:107 to 232:110
Insurer’s misrepresentations in sale of insurance, § 254:133
Intent
Generally, § 197:12 to 197:17
Conclusiveness, § 197:15
Correct, right to, § 197:15
Particular circumstances, § 197:16, 197:17
Questions of law or fact, § 197:13
Unintentional errors or mistakes, § 197:14
Intervention of rights of creditors, § 239:135
Iron safe clauses, § 97:12, 97:13, 97:52, 97:71
Knowledge, § 232:89
Lapse of policy, § 232:102
Letter as evidence of misrepresentation, § 253:235
Liens and encumbrances, § 93:26
Life insurance, § 242:169 to 242:171, 245:127
Limitation of actions, § 234:58, 236:50, 236:162, 237:100
Loans, § 232:99
Loss payee, effect on, § 197:39
Manipulation to secure surrender or lapse of policy, § 232:102
Marine insurance, § 183:39
Materiality, § 82:10, 82:11, 82:20, 82:26, 197:18 to 197:20

Index-293
FRAUD AND DECEIT—Cont’d
Materiality of misrepresentations, presumption as to, § 254:173
Matters of law, statements on, § 232:90
Meaning of policy clause, § 232:93
Medical examination, § 81:56, 81:57
Misrepresentations, generally, § 197:10
Misrepresentations in sale of insurance, § 254:133
Mistake or inadvertence, § 197:27 to 197:29
Mortgages and deeds of trust, § 65:27, 65:65
Multiple coverages, effect on, § 197:41
Nonexistent items, inclusion of, § 197:28, 197:33
Notice or knowledge
Generally, § 82:11, 82:22, 82:28, 189:7
Estoppel and waiver, § 85:8, 85:11, 195:77
Proof of loss, estoppel and waiver, § 195:77
Oath, statements under, § 197:19
Obtaining policy, property policies, § 245:124
Occupation of insured, § 86:40
Opinion, § 197:27
Options, § 197:8
Other insurance, inclusion of items insured elsewhere, § 197:35
Overvaluation
Generally, § 197:25 et seq.
Actual loss exceeds policy limits, § 197:32
Belief, good faith, § 197:27
Estimate, good faith, § 197:27
Good faith opinion, § 197:27
Gross overvaluation as evidence of fraud, § 197:34
Intentional overvaluation, generally, § 197:30 et seq.
Mistake or inadvertence, § 197:27 to 197:29
Nonexistent items, inclusion of, § 197:28, 197:33

FRAUD AND DECEIT—Cont’d
Overvaluation—Cont’d
Other insurance, inclusion of items insured elsewhere, § 197:35
Questions of law or fact, § 197:26, 197:27
Stated value not exceeding actual loss, § 197:31
Undamaged items, inclusion of, § 197:28, 197:33
Parol evidence rule, application of to fraud evidence, § 253:87
Particular applications, § 197:24
Parties, generally, § 242:169 to 242:174
Past claims as evidence of fraud, § 253:138
Payments
Generally, § 197:39, 232:108
Future, statements as to, § 232:99
Payor of premiums, health policies, § 242:172
Personal representative, § 242:171, 242:207
Physician-patient privilege, § 250:32
Policy limits, § 197:32
Polygraph Tests (this index)
Post-loss fraud, § 81:3
Preclusion, § 239:136
Prejudice, § 197:21, 197:22
Premiums and Assessments (this index)
Presumptions and burden of proof
Arson by insured, § 254:118 et seq.
Degree of proof required, § 254:117
False swearing, § 254:115
Insured’s participation in loss, § 254:118 et seq.
INDEX

FRAUD AND DECEIT—Cont’d
Presumptions and burden of proof—Cont’d
Insurer’s misrepresentations in sale of insurance, § 254:133
Materiality of misrepresentations, § 254:173
Misrepresentations in sale of insurance, § 254:133
Presumptions as to, § 254:170
Standard of proof required, § 254:117
Prior judgment, § 239:67, 239:78
Proof of
Generally, § 255:79 et seq.
Death claims, § 255:80
Health claims, § 255:80
Intent, § 255:82
Knowledge, § 255:82
Pattern, § 255:83
Scheme, § 255:83
Valuation claims, § 255:81
Property insurance
Arson, § 245:126
Creditors, § 242:58
Obtaining policy, § 245:124
Risk, insured, § 245:125
Public official and appointed fiduciary bonds, § 166:76
Rates, statements as to future, § 232:97
Recoupment (this index)
Reinstatement and Revival (this index)
Reinstatement, improper, § 232:94 to 232:96
Release or Discharge (this index)
Reliance, § 82:10, 82:11, 82:20, 197:21, 197:22
Renewal, § 29:30 to 29:32
Representations, warranties, conditions, and concealment,
FRAUD AND DECEIT—Cont’d
§ 197:10, 232:103
Sale of personal property, § 91:50
Sanctions, § 233:102
Severability of contract, § 23:7
Spouse
Health insurance, § 242:174
Life insurance, § 242:169, 242:170
Standard of proof required, § 254:117
Stated value not exceeding actual loss, § 197:31
Statements known to be false, § 232:89
Statutes, § 81:51, 197:4, 239:136
Subrogation, § 223:115, 224:10, 224:11, 225:106
Subsequent action, bar against, § 197:42
Substitution of policy, improper, § 232:94 to 232:96
 Sufficiency of pleading, § 245:123
Surrender, § 232:102
Third-Party Claims (this index)
Title and ownership, § 91:4, 91:5, 91:11 to 91:15
Title insurance, § 159:54, 159:84, 159:88
Undamaged items, inclusion of, § 197:28, 197:33
Uninsured/underinsured motorist coverage, § 214:30
Unintentional errors or mistakes, § 197:14
Vacancy of property, § 94:104, 94:106
Validity, § 197:2
Value, § 93:7 to 93:11
Venue, § 230:25, 230:58
Waiver and estoppel, § 194:27, 194:55
Workers’ compensation, § 232:106
FRAUDS, STATUTE OF
Generally, § 13:17, 13:18

Index-295
FRAUDS, STATUTE OF—Cont’d
Agents and brokers, § 44:40
Assignment, § 36:10
Renewal, § 29:28, 29:29
Settlement and compromise of claim, offer of, § 215:13

FRAUDULENT CONVEYANCES OR TRANSFERS
Generally, § 66:4
Representations, warranties, and conditions, § 91:42, 92:24 to 92:27
Title insurance, § 159:75

FREEZING
Accident and life insurance, § 143:110
Property insurance, § 155:66

FREIGHT
Automobile insurance, § 119:51 to 119:54
Contractors’ Payment Bonds (this index)
Insurable interest, § 42:13
Marine Insurance (this index)
Property insurance, § 154:88
Ships, Vessels, Cargo, Stores, and the Like (this index)
Supercargos, agency, § 44:24
Use and occupancy, freight compartment alarms, § 95:21
Witnesses, § 252:91

FREIGHT INSURANCE
See Marine Insurance (this index)

FREIGHT PRO RATA ITINERIS
Marine insurance, § 221:95

FRESH AIR
Disability insurance, § 146:46

FRIENDLY FIRE
See Fire Insurance (this index)

FRIENDS
Life insurance, insurable interest, § 43:26

FRIGHT, SHOCK AND LIKE STIMULI
Good health of insured, § 136:50

FRINGE BENEFITS
Contractors’ payment bonds, § 165:77
Workers’ compensation, § 173:49

FRIVOLOUS OR VAGUE
Delayed payment or nonpayment, § 207:27

FROST HEAVE
Property insurance, § 153:76

FRYE RULE
Expert witnesses, § 252:32

FUEL AND FUEL STORAGE
Marine insurance, § 221:36, 221:37
Use and occupancy, § 94:27, 95:21 to 95:28

FUELS
See Contractors’ Payment Bonds (this index)

FULL FAITH AND CREDIT CLAUSE
Governing law, § 24:38

FULL-TIME EMPLOYMENT
Group insurance, § 8:50

FUMES
See Accident and Life Insurance (this index)

PROPERTY INSURANCE, § 155:87

FUNERAL INSURANCE OR ASSOCIATIONS
See also Burial Insurance or Associations (this index)
Medical payments, § 158:6, 185:105
Venue, § 230:42

FUNGI
Property insurance, § 153:86

FUR FLOATER POLICIES
Property insurance, § 154:64 to 154:67
INDEX

FURNITURE
See Household Goods and Furniture (this index)

FUTILITY
Notice, § 192:113

FUTURE CHANGES
Contribution and apportionment, § 217:15
Modification of contract, restrictions, § 25:4
Notice, § 193:13

FUTURE DEBTS
Assignment, § 37:54
Breach as to future payments, §§ 232:43, 232:44
Judgments, § 247:54
Jurisdiction of federal proceedings, § 229:53
Liens and encumbrances, § 93:43
Prior judgment, §§ 239:46, 239:47
Subrogation, § 223:155

FUTURE GOODS AND RIGHTS
See also Fraud and Deceit (this index)
Injunctions, § 232:148
Insurable interest, § 41:15
Limitation of actions, § 234:61
Subrogation, §§ 225:203, 225:204, 225:209, 225:214

GALLBLADDER DISORDERS
Good health of insured, §§ 88:49, 88:50

GARAGES
Service Stations and Garages (this index)

GARMENTS
See Clothing (this index)

GARNISHMENT
Attachment, § 232:198
Interpleader, § 232:86
Joinder of parties, § 243:109
Jurisdiction of federal proceedings, § 229:35

GASOLINE, OIL, AND OTHER FUELS
Contractors’ payment bonds, § 165:150, 165:151
Property insurance, § 155:85

GASOLINE STATION OPERATOR
Disability provisions, § 147:129

GAS OR FUME INHALATION
See Accident and Life Insurance (this index)

GASTROPLASTY
Medical insurance, § 181:27

GENDER
Medical insurance, §§ 144:25, 144:46

GENERAL AGENT OF INSURER
See Agents and Brokers (this index)

GENERAL AVERAGE
See Marine Insurance (this index)

GENERAL BUSINESS PERSONS
See Disability Insurance (this index)

GENERAL COMMERCIAL LIABILITY INSURANCE
Jurisdiction, § 228:38

GENERAL CONCEPTS
Generally, §§ 103:1 to 103:41
Assault and battery, § 103:26
Basis and nature of insurer’s liability
Generally, §§ 103:11 to 103:22
Excess policies, § 103:13
Insolvency or bankruptcy of insured, effect of, §§ 103:18
Legal inability of insured and related concepts
Generally, §§ 103:14 to 103:18
Claim or suit requirement, §§ 103:15, 103:16
Immunity from suit, effect of insured’s, § 103:17
Insolvency or bankruptcy of insured, effect of, § 103:18
Multiple policies, coverage under, § 103:13
Primary versus secondary liability of insured, § 103:12
GENERAL CONCEPTS—Cont’d
Basis and nature of insurer’s liability—Cont’d
Types of liability covered
Generally, § 103:19 to 103:22
Contract versus tort, § 103:19
Negligence, generally, § 103:19
Types of torts covered
Negligence, § 103:20
Strict liability, § 103:21
Vicarious liability, § 103:22
Construction of provisions regarding risk
Generally, § 103:7 to 103:10
Agreement between insureds, § 103:9
Comprehensive, designating policy as, § 103:8
Two or more types of insurance in one policy, § 103:10
Criminal acts
Generally, § 103:40, 103:41
Fines and penalties, § 103:41
Noncriminal statutes, violation of, § 103:41
Deliberate or wrongful conduct of insured
Generally, § 103:23 to 103:41
Negligence, relationship to, § 103:24
Excess policies, § 103:13
Fines and penalties, § 103:41
Indemnity and liability insurance distinguished, § 103:4 to 103:6
Insolvency or bankruptcy of insured, effect of, § 103:18
Intentional act exclusion
Generally, § 103:25 to 103:36
Act, result, or both, intent as, § 103:28
Assault and battery, § 103:26
Capacity to form intent, § 103:29
Expected or intended clause, § 103:25
Intent of one insured as excluding other insured, § 103:30, 103:31
Necessity, § 103:32

GENERAL CONCEPTS—Cont’d
Intentional act exclusion—Cont’d
Negligent hiring, supervision, and similar claims as independent direct negligence, § 103:31
Objective versus subjective standard for determining intent, § 103:27
Proof of incapacity to form intent, § 103:36
Proof of intent
Generally, § 103:33 to 103:36
Criminal conviction as proof of intent, § 103:35
Incapacity to form intent, proof of, § 103:36
Nature of act as proof of intent, § 103:34
Self-defense and similar motives, § 103:32
Willful, wanton, dishonest, and similar acts
Generally, § 103:37 to 103:39
Acts of one insured as excluding other insured, § 103:39
Sources of exclusion, § 103:38

GENERAL CONSUMER PROTECTION ACTS
Statutes and regulations, § 204:53 to 204:55

GENERAL CONTRACT ACTIONS
Limitation of actions, § 234:28

GENERAL JURISDICTION
Generally, § 227:7

GENERAL LIABILITY INSURANCE
Generally, § 172:1 et seq.
Agreement to await outcome of test case, § 172:58
Appeal, § 172:60
Apportioned claims, § 172:66
Aviation liability policy, recovery from, § 172:71
Bodily injury, requirement of, § 172:31
Burden of proof, § 254:52
Causation, § 172:12
INDEX

GENERAL LIABILITY
INSURANCE—Cont’d
Civil rights infringements, § 172:24
Claim against insured as trigger of notice obligation, § 191:19 to 191:23
Collection, manner of, § 172:65
Combining or stacking of coverages, § 169:110, 169:111
Computation of loss
Generally, § 172:22 et seq.
Civil rights infringements, § 172:24
Defend, relationship to duty to, § 172:2
Earnings, loss of, § 172:25
Environmental cleanup, costs of, § 172:27
Equitable claims, § 172:24
Conditions of policy, § 245:71, 245:72
Consequential damages
Generally, § 172:28 et seq.
Bodily injury, requirement of, § 172:31
Consortium, loss of, § 172:30
Emotional distress, § 172:31
Mental distress, § 172:31
Parent, § 172:29
Spouse, § 172:29
Use of property, loss of, § 172:32
Construction-related accidents, suit as trigger of notice of occurrence or claim, § 191:26
Construction-related claims, claim against insured as trigger of notice obligation, § 191:22
Contractor’s liability insurance, recovery from, § 172:72
Deductible provision
Generally, § 172:62 et seq.
Apportioned claims, § 172:66
Collection, manner of, § 172:65
Multiple insurers, § 172:66
Payment, manner of, § 172:65
Per claim requirement, § 172:62, 172:63
Distribution when proceeds inadequate, § 172:67 to 172:70

GENERAL LIABILITY
INSURANCE—Cont’d
Distributor’s property damage liability insurance, § 172:75
Environmental contamination or pollution, § 191:15, 191:21, 191:27
Errors and omissions policies, § 172:73
Ignorance of existence or character of loss, occurrence or accident, § 192:12, 192:16
Ignorance of substance of policy provisions, § 192:52, 192:53, 192:63
Inadequate proceeds, distribution when, § 172:67 to 172:70
Interest and costs
Generally, § 172:45 et seq.
Agreement to await outcome of test case, § 172:58
Appeal, § 172:60
Construction and interpretation, § 172:45
Date of judgment against insured, § 172:54
Defense, cost of, § 172:49, 172:50
Denial of liability, date of, § 172:56
Excess of judgment over policy limit, § 172:47, 172:48
Injunction, cost of compliance with, § 172:51
Limitations, § 172:46 to 172:48, 172:57
Loan, receipt of, § 172:59
Multiple defendants not insured, § 172:61
Payment into court, § 172:57
Payment of judgment by insured, § 172:53
Pre-judgment interest, generally, § 172:55
Rate of interest, § 172:52
Receipt of loan without interest by insured to pay in settlement, § 172:59

Index-299
GENERAL LIABILITY INSURANCE—Cont’d
Interest and costs—Cont’d
Settlement, receipt of loan without interest by insured to pay in settlement, § 172:59
Tender of policy limits, § 172:57
Test case, agreement to await outcome of, § 172:58
Time for which interest runs, § 172:53 to 172:56
Interest on money, § 172:34
Joinder of plaintiffs, § 172:11
Joint liability of insured with others, § 172:5
Judgment
Interest and costs, § 172:47, 172:48, 172:54
Priority of, § 172:67
Limitation of actions
Contractual limitation periods, § 235:58
Triggers
Date of judgment against insured, § 236:17
Defendant’s activities, § 236:106, 236:111, 236:112
Limitations
Computation of loss, § 172:22, 172:46 to 172:48
Insured’s liability, generally, § 172:22
Interest and costs, § 172:46 to 172:48, 172:57
Per accident or per occurrence, § 172:12 et seq.
Limits of insurer’s liability
Generally, § 172:3 et seq.
Causation, § 172:12
Directors, § 172:21
Employees, § 172:21
Employment relationship, § 172:7
Injury, requirement of, § 172:10
Joinder of plaintiffs, § 172:11
Joint liability of insured with others, § 172:5

GENERAL LIABILITY INSURANCE—Cont’d
Limits of insurer’s liability—Cont’d
Limits per accident or per occurrence, generally, § 172:12 et seq.
Maximum liability per person, § 172:8 to 172:11
Medical care, § 172:18
Minors, negligent care and supervision of minors, § 172:16
Multiple claimants, generally, § 172:4
Multiple insurers, settlement by insured with tortfeasor or one of multiple insurers, § 172:6
Multiple sales or units of same product, § 172:19
Nature, forces of, § 172:20
Negligent care and supervision of minors, § 172:16
Officers, § 172:21
Parent, claims of injured person and, § 172:9
Professional services, § 172:17, 172:18
Sales, multiple sales or units of same product, § 172:19
Separate interests harmed, number of, § 172:13
Settlement by insured with tortfeasor or one of multiple insurers, § 172:6
Spouse, claims of injured person and, § 172:9
Supervision, negligent care and supervision of minors, § 172:16
Third persons, joint liability of insured with others, § 172:5
Tortfeasor, settlement by insured with tortfeasor or one of multiple insurers, § 172:6
Victims, number of, § 172:13
Liquor liability insurance, § 172:74
Loan, receipt of, § 172:59
Malpractice liability insurance, recovery from, § 172:78
Manufacturing occurrences, § 191:17

Index-300
INDEX

GENERAL LIABILITY
INSURANCE—Cont’d
Maximum liability per person, § 172:8 to 172:11
Medical care, § 172:18
Medical, professional liability, § 191:13
Mental distress, § 172:31
Mental or physical incapacity, § 192:72
Minors, negligent care and supervision of, § 172:16
Multiple claimants
  Distribution when proceeds inadequate, § 172:67 to 172:70
  Inadequate proceeds, distribution when, § 172:67 to 172:70
Multiple defendants not insured, § 172:61
Multiple insurers, § 172:6, 172:66
Multiple sales or units of same product, § 172:19
Nature, forces of, § 172:20
Negligent care and supervision of minors, § 172:16
Non-owned property, property damage, § 172:26
Notice and proof of loss
  Another, notice of one occurrence or claim as notice of, § 189:16
  Conditions precedent or contract stipulations, § 190:26
  Employer as agent, notice to whom, § 187:78
  Excuses, generally, § 192:97, 192:105
Failure of one party to give notice as affecting rights of other parties, § 187:68
Fear of legal action and other repercussions, § 192:105
Insurance agent or broker, § 187:77, 187:79
Loss to be covered under another policy, § 192:97
Mistake or inadvertence, § 192:101

GENERAL LIABILITY
INSURANCE—Cont’d
Notice and proof of loss—Cont’d
Oral versus written notice, § 188:11
Other parties, notice on behalf of one party as satisfying requirement for, § 187:63
Other policies, notice under one policy or provision as notice under other policy or provision, § 187:56
Pleadings, sufficiency of information provided by, § 189:15
Satisfying insured’s obligation, § 187:18, 187:19
Sufficiency of information, § 189:13 to 189:16
Third parties, noncompliance of injured third parties, § 193:18
To whom, § 187:77 to 187:79
Officers, § 172:21
Parent, § 172:9, 172:29
Payment into court, § 172:57
Payments, § 172:53, 172:65
Penalties, § 172:42
Per claim requirement, § 172:62, 172:63
Physician’s liability insurance, recovery from, § 172:78
Pre-judgment interest, generally, § 172:55
Priority of judgment, § 172:67
Products liability, § 172:76, 191:16 to 191:18
Professional services, § 172:17, 172:18
Property damage, § 172:26, 172:27
Property damage liability insurance, § 172:75
Pro rata distribution, § 172:68
Public policy rule, § 172:41
Punitive damages
  Generally, § 172:33 et seq.
  Derivative nature of liability, § 172:36, 172:37
GENERAL LIABILITY INSURANCE—Cont’d
Punitive damages—Cont’d
Employment relationship, § 172:37
Excess insurance, § 172:39
Exclusions, § 172:42, 172:44
Fines and penalties, § 172:42
Governing law, § 172:40
Interest on money, § 172:34
Penalties, § 172:42
Public policy rule, § 172:41
Sanctions of court, § 172:41
Rate of interest, § 172:52
Reasonable belief in nonliability, § 192:86, 192:89, 192:93
Receipt of loan, § 172:59
Sales, multiple, § 172:19
Sanctions of court, § 172:41
Separate interests harmed, number of, § 172:13
Settlement, § 172:6, 172:59, 172:69
Spouse, § 172:9, 172:29
Statutory immunity or limitation of insured’s liability, § 172:22
Suit as trigger of notice of occurrence or claim, § 191:24 to 191:28
Supervision of minors, § 172:16
Tender of policy limits, § 172:57
Test case, agreement to await outcome of, § 172:58
Third persons, joint liability of insured with, § 172:5
Time for which interest runs, § 172:53 to 172:56
Tortfeasor, § 172:6, 172:70

Trigger
Generally, § 191:12 et seq.
Claim against insured as trigger of notice obligation, § 191:19 to 191:23
Construction-related accidents, suit as trigger of notice of occurrence or claim, § 191:26
Construction-related claims, claim against insured as trigger of notice obligation, § 191:22

GENERAL LIABILITY INSURANCE—Cont’d
Trigger—Cont’d
Environmental contamination or pollution, § 191:15, 191:21, 191:27
Manufacturing occurrences, § 191:17
Medical, professional liability, § 191:13
Products liability, § 191:16 to 191:18
Professional liability coverage, § 191:12 to 191:14, 191:20, 191:25
Suit as trigger of notice of occurrence or claim, § 191:24 to 191:28
Use of property, loss of, § 172:32
Value of policy, § 172:73
Victims, number of, § 172:13

GENERAL MANAGER
Agents and brokers, § 48:58

GENERAL MERCHANDISE
Generally, § 177:39
Broad evidence test, § 177:41
Evidence, § 177:41
Market value test, § 177:39
Property loss, generally, § 177:39 to 177:42
Replacement test, § 177:40
Salvage value as factor, § 177:42
Value, § 177:39, 177:42

GENERAL PUBLIC
Contractors’ bonds, § 163:82, 163:83
Repair or replace, option to, § 176:55

GENERAL RELEASE
Subrogation, § 224:107, 224:108

GENERAL RULE
Marine insurance, § 183:68

GENERAL STATUTE OF LIMITATION
Limitation of actions, § 235:99

GENERIC DESCRIPTION
Automobiles, § 20:18
INDEX

GEOGRAPHIC AREA
Automobile insurance, § 119:78 to 119:83
Property insurance, § 154:9

GEOGRAPHIC LIMITATIONS
Agents and brokers, § 39:29
Medical insurance, § 180:20
Mutual companies, § 39:29

GIFT OF POLICY
Generally, § 38:1 et seq.
Acceptance of gift, § 38:12
Agent or trustee, § 38:24
Assignment, § 38:18, 38:19
Beneficiaries
Generally, § 38:2
Change of beneficiary, § 38:4
Burden of proof, § 38:5
Causa mortis versus inter vivos gift, § 38:3
Change of beneficiary, § 38:4, 38:28
Constructive delivery, § 38:16
Delivery of policy, § 38:14 to 38:17
Dividends, § 38:27
Divorce or separation, § 38:21
Estoppel and waiver, § 38:8
Evidence, § 38:5 to 38:7
Husband and wife, § 38:20, 38:21
Insurable interest, § 42:76
Intention to part with title, § 38:10
Inter vivos versus causa mortis gift, § 38:3
Notice to insurer, § 38:13
Parent and child, § 38:22
Questions of law or fact, § 38:7
Redelivery of policy, § 38:17
Relatives, § 38:20 to 38:23
Trustee, § 38:24
Unconditional delivery, § 38:15
Voluntary character of gifts, § 38:11
Waiver, § 38:8
Witnesses, § 252:12

GLANDULAR DISORDERS
Good health of insured, § 88:34 et seq.

GLANDULAR DISTURBANCES
Disability provisions, § 147:104

GLASS
See also Property Insurance (this index)
Automobile property insurance, § 156:37
Buildings and similar structures, § 177:31

GLAUCOMA
Disability provisions, § 147:60

GLIDER
Accident and life insurance, § 142:112

GOITERS
Good health of insured, § 88:39

GOLF CARTS
Automobile insurance, § 116:16

GOOD FAITH
Generally, § 198:4 et seq., 198:5
Adequacy of coverage, § 198:22
Agents, § 198:17
Arbitration, § 212:27
Arbitration, appraisal, or submission agreements, § 210:78
Assignments despite lack of insurable interest in life of insured, § 36:86 to 36:92
Automobile liability insurance, § 170:29, 170:36, 170:54
Bad faith, generally, § 198:5
Burden of proof, § 198:38, 198:42
Claims handling process, generally, § 198:4 et seq.
Common law, § 204:12, 204:24
Communications as disclaimers, § 198:35
Complaints, petitions, and declarations, § 244:33
Contracts
Generally, § 198:9, 242:151
Limitation period, actions not on the contract, breach of good faith
Generally, § 235:103 et seq.
Defend, breach of duty to, § 235:105
GOOD FAITH—Cont’d
Contracts—Cont’d
Limitation period, actions not on the contract, breach of good faith—Cont’d
Investigate, breach of duty to, § 235:107
Settle, breach of duty to, § 235:106
Unfair or deceptive business practices claims, § 235:104
Wrongful conduct in selling or canceling policy, § 235:108
Contribution, § 218:43
Costs of investigation, § 198:30
Declaratory judgments, § 232:66
Defenses, §§ 202:9, 202:18
Defined, § 198:5, 204:3
Delayed payment or nonpayment, § 207:33
Disclaiming coverage
Generally, § 198:31 et seq.
Adequately disclaimed coverage, generally, § 198:50 et seq.
Breach of obligation, § 198:37
Burden of proof, §§ 198:38, 198:42
Communications as disclaimers, § 198:35
Contents of disclaimer, §§ 198:48, 198:49
Excess insurance, trigger of notice as to disclaimer, § 198:44
Inadequate disclaimer, §§ 198:56 to 198:58
Knowledge of grounds to disclaim as trigger of insurer’s obligation to notify insured, § 198:45
Nonwaiver agreement, § 198:32
Notice, §§ 198:34, 198:36, 198:45
Prejudice, § 198:55, 198:58
Statutes, §§ 198:33, 198:40, 198:46
Sufficiency of contents of disclaimer, § 198:49
Timeliness of disclaimer, § 198:47
Timing
Generally, §§ 198:39 et seq.
Burden of proof, § 198:42
GOOD FAITH—Cont’d
Disclaiming coverage—Cont’d
Timing—Cont’d
Excess insurance, trigger of notice as to disclaimer, § 198:44
Knowledge of grounds to disclaim as trigger of insurer’s obligation to notify insured, § 198:45
Statutes, §§ 198:40, 198:46
Timeliness of disclaimer, § 198:47
Trigger, §§ 198:43 to 198:47
Untimely disclaimer, §§ 198:56 to 198:58
Waiver and estoppel, §§ 198:51 to 198:55
Discovery, §§ 251:27, 251:32
Dividends, § 80:52
Documentary evidence of insurers’ good faith, § 253:133
Enhanced duty, §§ 198:12 to 198:15
Excess insurance, §§ 198:20, 198:44
Expert witnesses, §§ 252:25, 252:73 to 252:76
Extent of duty, generally, §§ 198:16 et seq.
Extracompensatory damages, §§ 198:8, 204:4, 204:21, 204:37, 207:73
Fidelity insurance, § 161:60
Fiduciary concept distinguished, § 198:14
Fraud, § 197:27
Fulfillment, breach of duty to investigate, § 198:28
Good health of insured, § 87:25
Inadequate disclaimer, §§ 198:56 to 198:58
Independent tort, § 198:10
Instructions to jury, § 246:91
Interpleader, § 232:83
Investigate, duty to, §§ 198:27 to 198:30
Jurisdiction, §§ 228:56, 229:56
Jury trial, § 246:54
Knowledge of grounds to disclaim as trigger of insurer’s obligation to
GOOD FAITH—Cont’d
notify insured, § 198:45
Liberal construction in favor of insured, § 22:20
Limitation of actions
Generally, § 234:49
Action against insurer for bad faith, trigger points
Generally, § 236:95
Defendant’s activities
Generally, § 236:84, 236:101 to 236:103
Benefits, action for, § 236:151 to 236:154
Bad faith, generally, § 234:49
Tolling of limitation period,
§ 237:83
Triggers or trigger points, defendant’s activities,
§ 236:84, 236:95, 236:101 to 236:103, 236:151 to 236:154
Mortgages and deeds of trust, good faith and due care required of insuring mortgagee,
§ 65:7
Nonwaiver agreement, § 198:32
Notice, § 198:34, 198:36, 198:45, 208:4
Penalties, fees and similar consequences, § 204:59
Prejudice, § 198:55, 198:58
Premium computation, § 198:21
Primary and excess insurers,
§ 198:20
Prior judgment, § 239:59
Property insurance, bad faith of official, § 152:25
Public policy, § 198:10
Purchase of insurance, § 198:21
Reasonableness, § 204:120
Reciprocal duty between insured and insurer, § 198:16
Reinstatement and revival, health or insurability of insured,
§ 33:90 to 33:93
Relevance of determination, § 198:8
Self-insurer’s duty, § 198:19
Settlement and compromise,
§ 203:14, 203:24, 203:44

GOOD FAITH—Cont’d
Statutes, § 198:11, 198:33, 198:40, 198:46, 204:47, 204:116
Sufficiency of contents of disclaimer,
§ 198:49
Third parties, § 198:18, 198:19
Third-party claims, § 205:4, 205:63, 206:5, 206:30
Timeliness of disclaimer, § 198:47
Torts, § 198:10
Trigger
Disclaiming coverage, § 198:43 to 198:47
Investigate, § 198:29
Un timely disclaimer, § 198:56 to 198:58
Venue, § 230:24
Waiver and estoppel, § 198:51 to 198:56
Weight given to insurer’s and insured’s interests, § 198:24

GOOD HEALTH OF INSURED
Abortion, § 88:82
Absence from employment, § 6:63
Addiction, § 88:5 et seq.
Agents and brokers
Estoppel and waiver, § 87:27, 87:28, 87:34
Aggravation of original compensable injury,
§ 136:63 to 136:66
Aids, § 88:93, 136:56
Alcohol use, § 88:5 et seq.
Anemia, § 88:25
Appendicitis, § 88:48
Applications
Absolute or relative to health at time of application, good health of insured as,
§ 15:9
Delivery of policy during, § 15:3
Previous conditions, § 87:15
Seriousness of disorder, § 87:52
Arteriosclerosis, § 88:26
Arthritis, § 88:59

Index-305
GOOD HEALTH OF INSURED
—Cont’d
Assaults
  Generally, § 136:5 to 136:7
  Co-workers, by, § 136:6
  Sexual assaults, § 136:7
Asthma, § 88:71
Avoidance of policy, § 87:56, 87:57
Back disorders, § 88:60
Back injuries, § 136:28
Beneficiaries, § 86:26
Biliousness, § 88:50
Blood disorders, § 88:24 to 88:37
Blood pressure, § 88:27, 88:28
Bone disorders, § 88:60
Brain diseases and injuries, § 88:62
Bronchitis, § 88:72
Burden of proof
  Generally, § 254:25
  Delivery of policy during good health of insured, § 15:11
  Representations, warranties, conditions, and concealment,
  § 87:5
Bursitis, § 88:59
Cancellation and rescission, breach of condition as to health, § 31:73
Cancer, § 88:87 to 88:91, 136:57
Cardiovascular Disorders (this index)
Causal connection between illness and death, § 15:7
Chest pains, § 88:29
Classification of diseases for purposes of compensability
  Generally, § 136:14 to 136:26
  Course of employment requirement, arising out of and in,
  § 136:15
  Injury or accident requirement,
  § 136:14
  Non-occupational diseases,
  § 136:23 to 136:25
  Occupational and industrial diseases, § 136:16 to 136:22
Colds, § 88:73
Colitis, § 88:44
Communicable diseases, § 88:92 to 88:97

GOOD HEALTH OF INSURED
—Cont’d
Constipation, § 88:45
Construction and interpretation
  Generally, § 87:39
  Alcohol use, § 88:11, 88:12
Constructive or actual delivery,
  § 15:10
Consultation, § 87:45, 87:54, 87:55, 87:56 to 87:60
Contagious diseases, § 88:92 to 88:97
Deafness, § 88:70
Death
  Alcohol use, § 87:9, 88:19
  Causal connection between illness and death, § 15:7
  Relative’s death, § 87:4
Definitions, § 87:61 et seq.
Delivery of policy during good health of insured
  Generally, § 15:1 et seq.
  Application, condition in, § 15:3
  Burden of proof, § 15:11
  Causal connection between illness and death, § 15:7
  Conditions, generally, § 15:7 to 15:11
  Conditions precedent, § 15:4
  Constructive or actual delivery,
  § 15:10
  Definition of good health, § 15:2
  Knowledge, § 15:8, 15:13
  Question of law or fact, § 15:11
  Time of application, good health as absolute or relative to health
  at, § 15:9
  Validity of condition, § 15:1
  Waiver and estoppel, § 15:12 to 15:14
  Warranty or representation, condition as, § 15:5
Diabetes, § 88:34
Digestive system, § 88:43 et seq.
Dislocations, § 88:61
Drugs or narcotics, § 88:20 to 88:22
Eating or drinking spoiled or contaminated food of water, § 136:8
Emphysema, § 88:74

Index-306
GOOD HEALTH OF INSURED
—Cont’d
Epilepsy, § 88:63
Erysipelas, § 88:98
Estoppel and waiver
Generally, § 87:27 to 87:34
Alcohol use, § 88:10
Delivery of policy during good
health of insured, § 15:12 to
15:14
Evidence
Generally, § 87:6 to 87:11, 88:2
Alcohol use, § 88:5
Medical care or treatment, § 87:37,
87:38
Previous conditions, § 87:14
Trivial conditions, § 88:3
Eye and vision disorders, § 88:69,
136:41
Falls, § 136:9
Family health history, § 87:4, 88:84
Female diseases and disorders,
§ 88:79
Fits, seizures, epilepsy, and the like,
§ 88:63
Fraud
Generally, § 87:22, 87:23, 87:35,
87:46 et seq.
Absence from employment, § 88:4
Fright, shock and like stimuli,
§ 136:50
Gallbladder disorders, § 88:49, 88:50
Generalized and systematic injuries,
§ 136:45 to 136:58
Glandular disorders, § 88:34 et seq.
Goiters, § 88:39
Good faith, § 87:25
Grippe, § 88:94
Habits of insured, generally, § 88:5 et
seq.
Harassment, § 136:49
Hearing defects and disorders,
§ 88:70, 136:40
Heart disease. See Cardiovascular
Disorders (this index)
Hemophilia, § 88:25
Hemorrhages, § 88:35
Hemorrhoids, § 88:34
Hernias, § 88:51
GOOD HEALTH OF INSURED
—Cont’d
Hernias and like disorders, § 136:29
Hiv virus, § 88:93
Hodgkin’s disease, § 88:90
Hospitalization, § 87:48, 87:58 to
87:60
Identification of persons consulted,
§ 87:56, 87:57
Incontestability clause
Generally, § 87:3
Delivery of policy, good health on,
§ 240:69
Misrepresentations as-health,
§ 240:68 to 240:70
Indigestion, § 88:46
Infectious disease, § 88:92 to 88:97
Influenza, § 88:94
Instructions to jury, § 246:92
Intent
Generally, § 87:16 et seq., 87:46
et seq.
Alcohol use, § 88:8
Cancer or tumors, § 88:88
Internal organs and systems, § 136:31
to 136:44
Intestinal disorders, § 88:43 to 88:47
Investigations, § 87:10, 87:33, 87:44,
88:31
Kidney and urinary tract system,
§ 88:54 to 88:58
Latent diseases or conditions,
§ 87:17, 87:20, 88:32
Leukemia, § 88:91
Limitation of Actions (this index)
Liver disorders, § 88:52
Lung disorders. See Respiratory
Disorders (this index)
Malaria, § 88:95
Medical agents, knowledge of,
§ 87:28
Medical care or treatment, § 87:35 et
seq.
Medical Examination (this index)
Medical information, gathering of,
§ 87:29
Medicine, and state of medical
knowledge, observations on role
of, § 136:2
GOOD HEALTH OF INSURED
—Cont’d
Medicines, § 87:22
Menstruation, § 88:79
Miscarriage, § 88:82
Multiple chemical sensitivity, § 136:58
Multiple sclerosis, § 88:65
Musculoskeletal system, § 88:59 to 88:61, 136:27 to 136:30
Narcotics, § 88:20 to 88:22
Neurologic and sensory systems, § 88:62 et seq.
Notice or knowledge
Agents and brokers, knowledge of, § 49:14, 49:32, 87:27, 87:28
Delivery of policy during good health of insured, § 15:8, 15:13
Fraud, § 87:46
Opinion or belief, § 87:63
Nutritional disorders, § 88:34 et seq.
Obesity, § 88:99
Opinion or belief
Heart diseases, § 88:32
Honest belief, § 87:19 to 87:21, 88:88
Knowledge of condition, § 87:63
Overexertion, § 136:10
Paralysis and weakness, § 88:66
Patent and proprietary medicines, § 87:22
Pellagra, § 88:40
Phlebitis, § 88:36
Physicians
Nondisclosure, § 87:49
Privileged information, § 87:38
Pleurisy, § 88:75
Pneumonia, § 88:76
Preexisting infirmity, disease, or disorders, § 136:60, 136:61
Pregnancy, § 88:80 to 88:82
Premiums, prepayment of, § 12:2
Prescription drugs, § 88:22
Presumptions, § 254:186
Previous conditions, § 87:12 to 87:15
Proprietary medicines, § 87:22
Prostatitis, § 88:41

GOOD HEALTH OF INSURED
—Cont’d
Psychological conditions, § 88:83 to 88:86
Questions of law or fact
Generally, § 87:11, 87:24 to 87:26
Alcohol use, § 88:17 to 88:19
Cancer or tumors, § 88:89
Delivery of policy during good health of insured, § 15:11
Kidney and urinary tract system, § 88:58
Psychological conditions, § 88:86
Representations, warranties, conditions, and concealment, § 87:11, 87:24 to 87:26
Quinsy, § 88:42
Radiation, § 136:11
Rectal bleeding, § 88:34
Reinstatement and Revival (this index)
Relative’s death, § 87:4
Reliance, § 87:44
Repetitive motion injuries, § 136:30
Representations, warranties, conditions, and concealment
Generally, § 15:5, 87:1 et seq., 88:1 et seq.
Cancellation and rescission, breach of condition as to health, § 31:73
Life insurance, § 245:79
Reinstatement and revival, warranty of health or insurability of insured, § 33:79, 33:80
Reproductive system, § 88:79 to 88:96
Respiratory Disorders (this index)
Respiratory system, § 88:71 to 88:78
Rheumatism, § 88:59
Ruptures and like disorders, § 136:29
Scleroderma, § 88:98
Seizures, epilepsy, fits and the like, § 88:63
Senility, § 88:67
Sensory systems, § 88:62 et seq.
Seriousness of disorder, § 87:51, 87:52, 87:66, 87:68
GOOD HEALTH OF INSURED
—Cont’d
Sexual and reproductive system, § 88:79 to 88:82, 88:96
Skin conditions or disorders, § 88:98, 136:43
Sleeping sickness, § 88:97
Smoking, § 88:23
Spitting blood, § 88:35
Sprains, § 88:61
Stomach disorders, § 88:43 to 88:47, 136:44
Stress, § 136:34, 136:48
Strictures, § 88:53
Strokes, § 136:42
Subsequent injuries or diseases, § 136:63 to 136:66
Substitution of another person for insured in medical examination, § 87:23
Suicide (this index)
Sunstroke and the like, § 88:68
Surgical operations, § 87:60
Synonymous terms, § 87:61
Temporary conditions, § 87:62, 88:28
Time
Alcohol use, § 87:8
Application, good health as absolute or relative to health at time of, § 15:9
Tobacco use, § 88:23
Tonsils, § 88:42
Traumatic injuries, § 88:61
Trivial conditions, § 88:3
Tuberculosis, § 88:77
Tumors, § 88:87 to 88:91
Ulcers, § 88:47
Urinary tract system, § 88:54 to 88:58
Vaccination or inoculation, § 136:12
Vaccinations, § 88:92
Validity of condition of delivery of policy during good health of insured, § 15:1
Varicose veins, § 88:37
Vascular disorders, § 88:26
Venereal diseases, § 88:96
Vision defects and disorders, § 88:69
GOOD HEALTH OF INSURED
—Cont’d
Waiver and estoppel, delivery of policy during good health of insured, § 15:12 to 15:14
Weakness, § 88:66
Weather conditions, § 136:13
Weight, § 88:99
Witnesses, § 252:70 to 252:72
Wounds and similar conditions, § 88:100
X-rays, § 87:55
GOOD STANDING
Premiums and assessments, forfeiture for nonpayment, § 76:11 to 76:16
Presumption of continuation of, § 254:162
GOODS, WARES, AND MERCHANDISE
After acquired property, description of, § 20:37
Delivery, description of goods sold but not delivered, § 20:36
Description of subject matter, generally, § 20:34 to 20:47
Endorsement, description of goods to be added by, § 20:38
Fidelity insurance, § 161:85
Household Goods and Furniture (this index)
Insurable interest
Future goods and rights, § 41:15
Sale of goods to arrive, § 42:71
Transportation and storage of goods, § 42:13 to 42:22
Marine insurance, § 183:68, 183:206, 221:56 to 221:60, 221:90
Premiums, payment in goods, § 73:4
Reformation, location of covered activity, property or merchandise, § 27:44, 27:45
Shifting and successive goods, description of, § 20:37
Ships, Vessels, Cargo, Stores, and the Like (this index)
Stock in Trade or Merchandise (this index)
GOODS, WARES, AND MERCHANDISE—Cont’d
Trust, on commission, in storage, or by bailee, description of goods held in, § 20:39 to 20:43

GOVERNING LAW
Generally, § 24:1 et seq.
Absence of state decision, § 24:50
Acceptance or rejection
Application, where accepted, § 24:6
Beneficiary or insured, where policy accepted by, § 24:10
Agents and brokers, § 24:11
Agent, where contract negotiated by, § 24:11
Applications
Acceptance, § 24:6
Negligent delay in acting on application, § 24:32
Assignment (this index)
Authority of insurer to do business, § 24:33
Automobile insurance, § 109:63, 109:64, 114:47, 115:100
Beneficiaries
Generally, § 58:5 to 58:7
Acceptance of policy, § 24:10
Residence, § 24:16
Cancellation or surrender of policy, § 24:31
Combining or stacking of coverages, § 169:94
Conflict of laws
Directed verdicts, § 247:34, 247:35
Limitation of actions, § 236:6
Venue, § 230:18
Constitutional limitations upon forum, § 24:37 to 24:43
Contractor bonds, § 186:59
Contractors’ bonds, § 163:7, 163:8
Contracts, generally, § 19:3
Cooperation, § 199:123
Costs of action, § 233:8
Countersignature, § 24:7

GOVERNING LAW—Cont’d
Delay in acting on application, § 24:32
Delivery of contract, § 24:8
Dicta of state court, § 24:48
Direct actions, § 104:50 to 104:56
Directed verdict, § 247:29
Due process, § 24:39
Estoppel and waiver, § 24:21 to 24:23
Exchange of parties, § 24:24
Exemption from claims of creditors, § 66:16
Federal courts, § 24:44 to 24:52
Federal questions, § 24:51
Full faith and credit clause, § 24:38
General liability insurance, § 172:40
Governmental interest analysis, § 24:20
Intent of parties
Generally, § 24:19
Stipulation and waiver, § 24:21 to 24:23
Interest on money, § 178:29
Joinder of parties, § 243:18
Liability insurance, § 24:42
Life insurance, § 24:27
Limitation of actions, § 24:33
Limitations and restrictions, § 24:37 to 24:43
Loans, § 80:6
Marine insurance, § 24:26
Negligent delay in acting on application, § 24:32
Negotiation, § 24:11
No action clause in liability policy, § 24:42
Parties
Real party in interest, § 24:35
Substitution or exchange of parties, § 24:24
Performance, place of, § 24:13
Premiums and Assessments (this index)
Presumptions
Generally, § 24:36
Validity, presumption against, § 24:2

Index-310
GOVERNING LAW—Cont’d
Public policy of forum, § 24:40
Questions of law or fact, § 24:51
Real party in interest, § 24:35
Reciprocal insurance contracts, § 24:25
Reinstatement of policy, § 24:30
Renewal of policy, § 24:29
Representations, warranties, conditions, and concealment, § 81:4
Residence, § 24:16, 24:17
Statutory regulation, § 186:51
Stipulation and waiver of intent of parties, § 24:21 to 24:23
Subrogation, § 222:10, 225:313
Substantive rights, § 24:28 to 24:33
Substitution or exchange of parties, § 24:24
Surrender of policy, § 24:31
Uninsured and underinsured motorist coverage, § 122:25, 122:26
Validity, § 24:2
Waiver of intent of parties, § 24:21 to 24:23
Workers’ Compensation (this index)

GOVERNMENT AND GOVERNMENTAL BODIES—Cont’d
Municipal Corporations and Other Political Subdivisions (this index)
Performance and payment bonds, § 242:136
Premiums and Assessments (this index)
Privileged information, § 250:42
Property insurance, § 155:21 to 155:24
Public Officers and Employees (this index)
Public Property (this index)
Subrogation (this index)
Title Insurance (this index)

GOVERNMENT INSURANCE
Generally, § 10:11 et seq.
Estoppel and waiver, § 239:105
Former insurance programs, § 10:20
Hail insurance fund, § 10:14
Life insurance
Fund, § 10:15
National service life insurance, § 10:18
Servicemember’s group life insurance, § 10:19
Limitation of actions, § 234:34
Local insurance funds, § 10:12 to 10:16
Military service insurance programs, § 10:17 to 10:20
Municipal insurance fund, § 10:16
National service life insurance, § 10:18
Notice, § 186:39
Recoupment, § 226:54
Servicemember’s group life insurance, § 10:19
State and local insurance funds, § 10:12 to 10:16
Subrogation, § 223:66
War risk insurance, § 1:66, 10:17 to 10:20

Index-311
GOVERNMENT INSURANCE
—Cont’d
Workers’ compensation fund, § 10:12

GRACE PERIOD
See Premiums and Assessments
(this index)

GRAIN
Notice and proof of loss, § 189:73
Property insurance, § 148:42

GRAMMATICAL CONSTRUCTION
Generally, § 22:5

GRANDCHILDREN
Beneficiaries, § 59:28

GRATUITOUS INSURANCE AGENTS
Generally, § 46:42

GRIPE
Good health of insured, § 88:94

GROSS INCOME
Business interruption insurance, § 185:2
Income taxes, inclusion of insurance proceeds in gross income, § 63:9 et seq.

GROSS NEGLIGENCE
Fire insurance, § 149:67

GROUP INSURANCE
Ability to work, requirements related to, § 8:53
Absence from employment, § 6:63
Active employment, generally, § 8:48
Additional loans, § 8:52
Adhesion contracts, § 8:6
Administrating plan, § 7:44
Administrative authority, § 7:15
Administrative remedies, § 7:58
Age as affecting eligibility, § 8:45
Agency of specific parties, § 8:13 to § 8:18
Applications, attachment to policy, § 8:5
Arbitration, § 7:60
Assignment, § 8:35 to § 8:38

GROUP INSURANCE—Cont’d
Attachment of application to policy, § 8:5
Attorney’s fees, § 7:65
Bad faith, § 7:43
Banking, § 7:35
Beneficiaries, § 8:30 to § 8:38
Burden of proving eligibility, § 254:16
Causes of action, § 7:61
Certificates as evidence, § 253:120
Change of beneficiary, § 8:33
Church plans, § 7:29
Cobra
Coverage, § 7:55
Rights, § 7:54
Collateral, § 8:38
Commencement of coverage, § 8:3
Common law, § 7:10, 7:11, 7:12
Consent to substitution, modification, and termination of policy, § 8:57, 8:60
Consequential damages, § 7:63
Construction of individual policies, § 8:6
Contract laws, § 7:41
Contracts
Adhesion contracts, § 8:6
Formation of contracts, § 8:1 to § 8:3
Contra proferentem, § 7:11
Contribution, § 7:12
Costs, § 7:65
Coverage, § 7:17
Credit insurance, § 7:2
Creditors
Agency of specific parties, § 8:17
Groups based on creditor relationship, § 8:51 to § 8:54
Credits, § 8:24 to § 8:29
Declaratory relief, § 7:62
Default of loans, § 8:52
Defendant, § 7:68
Definition, § 7:1
Denial, rights upon benefit, § 7:47
Disability plans
Generally, § 7:27
GROUP INSURANCE—Cont’d
Disability plans—Cont’d
Termination of employment, § 8:72
Disability, waiver of premiums during, § 8:26
Discharge from employment, termination of policy upon, § 8:62 to 8:71
Dividends, § 8:24 to 8:29
Divorce, § 8:69
Election or choice
Conversion to individual coverage, § 8:73
Participation, § 8:2
Eligibility requirements
Generally, § 8:39 to 8:54
Burden of proof, § 254:91
Eligible beneficiaries, § 7:52, 7:53
Emotional distress, § 7:33, 7:43, 7:63
Employee agents, § 8:13
Employee organization, § 7:25
Employer, § 7:22, 7:23, 7:24
Employer group or association, § 7:24
Enforcement, § 7:46
Enrollment, § 8:11
Equitable estoppel, § 7:12
Equitable remedies, § 7:62
ERISA (this index)
Established or maintained requirement, § 7:19, 7:20, 7:21
Estoppel and waiver
Eligibility requirements, § 8:42
Premiums, § 8:26, 8:28
Termination of employment, § 8:71
Excuses for nonpayment of premiums, § 8:28
Exhaustion as prerequisite to suit, § 7:58
Explanation of benefits, § 8:11
Fair employment laws, § 7:32
Federal regulation apart from erisa, § 7:6
Fiduciary, § 7:50
Foreign plans, § 7:28
Full-time employment, § 8:50
GROUP INSURANCE—Cont’d
Government plans, § 7:26
Grace period, § 8:25
Income taxes, § 63:7, 63:8
Incontestability clause, eligibility subject to, § 8:40
Indemnity, § 7:12
Individual policies, principles governing, § 8:4 to 8:7
Insurable interest, need for, § 8:4
Interim coverage, § 8:3
Judicial review, § 7:59
Jurisdiction, § 7:66
Jury trial, § 7:69
Labor disputes, § 8:67
Lapse for nonpayment of premiums, § 8:27
Layoffs, § 6:63
Leaves of absence, § 6:63
Length of employment, § 8:49
Liens, § 8:38
Life insurance, § 243:69
Limitation of actions
Generally, § 7:70
Conversion to individual coverage, § 8:76
Group health insurance, § 235:45, 235:66, 235:67
Notice or knowledge of limitation period, lack of, § 235:86
Limitations and restrictions
Assignments, § 8:36
Employer, restrictions on right to name, § 8:32
Loans, § 8:52
Master policy, termination of, § 8:59 to 8:61
Misrepresentations as to eligibility, § 8:41
Mistakes and misrepresentations as to eligibility, § 8:41
Mortgages, § 242:66
Multiple employer welfare arrangements (meWa), § 7:21, 7:36
Nonpayment of premiums, § 8:27, 8:28
Notice or knowledge
Proof of premiums, lapse for nonpayment, § 8:27
GROUP INSURANCE—Cont’d
Notice or knowledge—Cont’d
Substitution, modification, and
termination of policy, § 8:56,
8:61, 8:63, 8:74, 8:75
Terms of coverage, knowledge of,
§ 8:19 to 8:23
Officers and stockholders as
employer, § 7:23
Opinion letters, § 7:15
Parties, agency of specific parties,
§ 8:13 to 8:18
Pension, difference between pension
and welfare benefits, § 7:14
Period of coverage, § 7:57
Physical injury, § 7:42, 7:43
Plaintiff, § 7:67
Plan descriptions, § 7:45, 7:46
Preemption framework, § 7:30
Prejudgment interest, § 7:65
Premiums, § 7:56, 8:24 to 8:29
Prohibition against treating self-
 funded plans as insurers, § 7:34
Proof of participation, § 255:4
Punitive damages, § 7:43, 7:64
Qualified domestic relations orders
(qdro), § 7:37
Questions of law or fact as to eligibil-
ity, § 8:43
Reenrollment
Beneficiary, designation of, § 8:34
Contract, formation of, § 8:2
Refinancing, § 8:52
Rehiring, effect of, § 8:70
Renewal premiums, § 8:24
Replacement of policies, § 8:34, 8:58
Rights and obligations, generally,
§ 8:1 et seq.
Savings clause, § 7:35, 7:39
Scope of judicial review, § 7:59
Securities, § 7:35
Servicemember’s group life insur-
ance, § 10:19
Size of group, § 8:46
State laws, § 7:31, 7:32, 7:33, 7:38
State regulation, § 7:7
Stock and stockholders, dividends,
§ 8:24 to 8:29

GROUP INSURANCE—Cont’d
Substitution, modification, and
termination of policy
Generally, § 8:55 to 8:76
Consent, § 8:57, 8:60
Conversion-individual coverage,
§ 8:73 to 8:77
Discharge from employment,
termination of policy upon,
§ 8:62 to 8:72
Master policy, termination of,
§ 8:59 to 8:61
Notice, § 8:56, 8:61, 8:63, 8:74,
8:75
Replacement of insurers or poli-
cies, § 8:58
Time of termination of employ-
ment, § 8:68
Summary plan descriptions, § 7:45,
7:46
Terminating events, § 7:57
Terms of coverage, § 8:19 to 8:23,
8:77
Time
Grace period, § 8:25
Termination of employment,
§ 8:68
Tort laws, § 7:42, 7:43
Transfer of insurance, § 8:35 to 8:38
Unfunded excess benefit plans,
§ 7:29
Validity of contracts, § 8:1
Welfare benefits, difference between
pension and welfare benefits,
§ 7:14
Withdrawal, § 8:2
Workers’ compensation, § 7:27
Written agreement, § 7:18
GUARANTY
See Performance Bonds, Guarant-
ties, Suretyship, and Like
Arrangements (this index)
GUARANTY ASSOCIATION
Commercial liability insurance,
§ 201:81
GUARDIANS
Beneficiaries, § 59:25, 60:13, 60:14

Index-314
GUARDIANS—Cont’d
Challenge, § 242:185
Limitation of actions, § 236:121
Notice, § 187:39
Proceeds, payment of, § 61:10
Public official and appointed fiduciary bonds, § 166:44, 166:63

GUARDRAILS AND SAFETY DEVICES
Automobile property insurance, § 156:60
Contractors’ payment bonds, § 165:121, 165:122

GUARDS
See Watchmen or Guards (this index)

GUESTS
See also Automobile Insurance (this index)
Accident and life insurance, § 142:123, 142:124
Medical payments, § 158:18, 158:19

GUARDIANSHIP—Cont’d
Challenge, § 242:185
Limitation of actions, § 236:121
Notice, § 187:39
Proceeds, payment of, § 61:10
Public official and appointed fiduciary bonds, § 166:44, 166:63

HAIL INSURANCE
See also Property Insurance (this index)
Automobile property insurance, § 156:73
Notice, § 186:39
Representations, warranties and conditions, § 100:32

HAIL INSURANCE FUND
Government insurance, § 10:14

HANDICAPPED PERSONS
See Disability and Disabled Persons (this index)

HANDLING PROCESS
See Claims Handling Process (this index)

HANDS, LOSS OF USE PROVISION
Disability insurance, § 146:68

HANG GLIDER
Accident and life insurance, § 142:112

HARASSMENT
Good health of insured, § 136:49

HARMLESS ERROR
Existence or absence of insurance, reference to, § 246:45
Instructions to jury, § 246:76
New trial, § 248:14

HAULING VEHICLE
Automobile insurance, § 111:36

HAZARDS
Accident insurance, § 139:50 to 139:52
Agents and brokers, knowledge of, § 49:40
Judicial notice of nature of, § 254:270
Presumptions as to, § 254:200
Property policies, § 245:115
Representations, Warranties, Conditions, and Concealment (this index)
Risks (this index)

INDEX
HEALTH
Documentary evidence, health agency records, § 253:185
Fraudulent representations as to, § 255:80
Good Health of Insured (this index)
Health Insurance (this index)
Judicial notice of nature of hazard to, § 254:270
Proof of
Generally, § 255:71 et seq.
Admissions, § 255:75
Employment activity, relevance of, § 255:77
Expert testimony, § 255:72
Fraud, § 255:80
Hearsay evidence, § 255:73
Insured’s statements, § 255:74
Lay testimony, § 255:72
Temporal relativity, § 255:76
Property insurance, § 155:2

HEALTH AND ACCIDENT INSURANCE
Limitation of actions, § 234:36
Medical insurance, relationship to, § 144:1
Presumptions and burden of proof, § 254:43 et seq.

HEALTH AND DISABILITY INSURANCE
Common law, § 204:13
Mental or physical incapacity, § 192:77
Notice, § 190:90
Prejudice, § 193:75
Presumptions and burden of proof, § 254:43 et seq.

HEALTH CARE
Demonstrative evidence, admissibility of records as, § 253:238 et seq.
Reimbursement, § 226:42
Statutes, § 242:195, 242:196

HEALTH CARE PROVIDER
Health insurance, § 242:112, 242:113
Subrogation, § 223:62

HEALTH CARE WORKER
Physician-patient privilege, § 250:34

HEALTH CONDITIONS
Good Health of Insured (this index)
Incontestability Clause (this index)

HEALTH INSURANCE
See also Medical Insurance (this index)
Accident, § 245:29, 245:30
Accidental means, § 245:29, 245:30
Actions against insurers, § 242:199
Agreement, partial subrogation agreement, § 242:111
Antitrust legislation, § 4:16
Attorney-client relationship, communications between insureds and first-party insurers, § 250:28
Beneficiaries
Generally, § 58:31, 58:32, 245:35, 245:36
Group insured as third-party beneficiary, § 242:108
Incidental beneficiary, § 242:109
Bills, payment of outstanding bills, § 242:110
Cancellation and rescission, § 30:26
Concealment, § 245:127
Contractors’ payment bonds, § 165:80
Costs of action, § 233:26
Credit life or health insurance, § 1:43, 39:64
Death, § 245:31 to 245:33
Dependent of insured, § 245:37
Disability, fact of, § 245:34
Equitable remedies
Injunctions, § 232:132 to 232:135
Specific performance, § 232:164, 232:168
Erisa, § 242:184
Fraud, § 242:172 to 242:174, 245:127
Health care provider, § 242:112, 242:113
Incidental beneficiary, § 242:109
Income taxes, § 63:6, 63:8, 63:24 to 63:27
HEALTH INSURANCE—Cont’d
Insured, generally, § 242:108 to 242:111
Joiner of parties, § 243:70
Jurisdiction, § 228:41
Limitation of actions
  Blanket health insurance, § 234:42
  Life, health, and disability coverages, § 234:39 to 234:42
Triggers
  Defendant’s activities, § 236:122
  Health and medical policies, deadline for proof of loss, § 236:67
Limitation of Actions (this index)
  Loss occurring as result of accident or accidental means, § 245:29, 245:30
  Medical payments, § 158:4
  Misrepresentations, § 245:127
No-fault insurance, § 171:74
Notice, § 186:30
Other insured, claims by one insurer that other insurer provides coverage, § 242:184
Partial subrogation agreement, § 242:111
Parties, generally, § 242:108 et seq.
  Passenger, cause of death, § 245:33
Payment of outstanding bills, § 242:110
Pleadings, generally, § 245:29 et seq.
  Recovery, generally, § 226:136
  Reimbursement, § 226:28
  Renewal, § 29:11, 29:38
Sufficiency, loss occurring as result of accident or accidental means, § 245:30
Third-party beneficiary, § 242:108
Venue, § 230:42
HEALTH MAINTENANCE ORGANIZATIONS (HMO)
Generally, § 144:9
HEARD, RIGHT TO BE
See Arbitrators, Appraisers, and Proceedings Before Them (this index)
HEARING DEFECTS AND DISORDERS
Disability provisions, § 147:64, 147:65
Good health of insured, § 88:70, 136:40
HEARINGS
  Arbitration awards, § 213:70
  Arbitrators, appraisers, and proceedings before them, § 211:49 to 211:53, 211:55, 211:61
  Venue, § 230:85
HEARSAY EXCLUSION AND EXCEPTIONS
Generally, § 249:15 et seq.
  Agent statements concerning policy, § 249:22
  Appraisals, § 249:25
  Appreciable time lapse, § 249:35
  Business records, § 253:113
  Communications, generally, § 249:28
  Computer records and printouts, § 253:115
  Conditions, statements as to compliance with policy conditions, § 249:27
  Death, declarant’s, § 249:19
  Declarant’s death, § 249:19
  Defalcation, declarations concerning, § 249:42
  Defined, § 249:15
  Direct knowledge, § 249:31
  Disease, statements re, § 255:73
  Documentary evidence, § 253:113 et seq.
  Documents, res gestae theories, § 249:38
  Embezzlement, declarations concerning, § 249:42
  Estimates, repair estimates, § 249:25
  Exceptions to rule, generally, § 249:29 et seq.
  Expert witnesses, § 252:38, 252:39

Index-317
HEARSAY EXCLUSION AND EXCEPTIONS—Cont’d
Health, statements re, § 255:73
Identity of declarant, § 249:37
Illness, statements re, § 255:73
Impeachment, use of statements for, § 249:32
Intent, § 249:30
Judge, statements of judge in prior proceeding, § 249:21
Knowledge, direct, § 249:31
Letters, § 249:23
Mental condition, § 249:30
Miscellaneous communications, § 249:28
Narration of past events, § 249:40
Obtaining insurance, declarations at time of, § 249:41
Orders
Preclusive orders, § 249:43 to 249:46
Propriety of order restricting evidence, § 249:44
Protective orders, § 249:43 to 249:46
Past events, narration of, § 249:40
Preclusive orders, § 249:43 to 249:46
Prior proceeding, § 249:21
Private reports of insurer, § 249:24
Propriety of order restricting evidence, § 249:44
Protective orders, § 249:43 to 249:46
Public records, § 253:114
Receiving policy, declarations at time of, § 249:41
Repair estimates, § 249:25
Reports of insurer, § 249:24
Res gestae theories
Generally, § 249:33 et seq.
Appreciable time lapse, § 249:35
Defalcation, declarations concerning, § 249:42
Documents, § 249:38
Embezzlement, declarations concerning, § 249:42
Identity of declarant, § 249:37
Narration of past events, § 249:40
Obtaining insurance, declarations at time of, § 249:41
HEARSAY EXCLUSION AND EXCEPTIONS—Cont’d
Res gestae theories—Cont’d
Receiving policy, declarations at time of, § 249:41
Spontaneous utterances, § 249:39 to 249:42
Temporal element, § 249:34, 249:35
Restrictions, § 249:44
Rule, § 249:17, 249:18
Self-serving declarations, § 249:26
Spontaneous utterances, § 249:39 to 249:42
Statements against interest, § 249:18
Temporal element, § 249:34, 249:35
Trial references and evidence as violative of order, § 249:45
Truth, statements offered to prove, § 249:20
HEART DISEASE
See Cardiovascular Disorders (this index)
HEAT EXHAUSTION
Accident and life insurance, § 141:59
HEATING EQUIPMENT AND DEVICES
Fire insurance, § 149:27 to 149:29
Use and occupancy, § 95:33
HEAT PROSTRATION
Accident and life insurance, § 143:108, 143:109
HEIGHT OF BUILDINGS
Description of property, § 90:11
HEIRS
See also Decedents’ Estates (this index)
Agents, § 242:209
Liability insurance, § 242:25
Life insurance, § 242:105 to 242:107
Loan transactions, § 242:125
Property insurance, § 242:55
HEIR’S REFUNDING BOND
Generally, § 166:103
INDEX

HEMOPHILIA
Good health of insured, § 88:25

HEMORRHOIDS
Good health of insured, § 88:34

HEMORRHAGES
Accident and life insurance,
§ 141:38, 141:60
Good health of insured, § 88:35

HERNIAS
Generally, § 136:29
Accident and life insurance,
§ 141:40, 141:61, 143:92
Disability provisions, § 147:84
Good health of insured, § 88:51
Medical insurance, § 144:71

HIDDEN DECAY
Property insurance, § 153:81

HIGH-DOSE CHEMOTHERAPY
See Medical Insurance (this index)

HIGH RISK APPLICANTS
Generally, § 2:35

HIGHWAYS, STREETS, AND ROADS
Accident and Life Insurance (this index)
Automobile property insurance,
§ 156:52 to 156:56
Liability insurance, § 201:40
Workers’ Compensation (this index)

HIJACKING
Property insurance, § 151:18, 155:36

HILL
Automobile property insurance,
§ 156:24

HIP REPLACEMENT
Disability insurance, § 147:85

HISTORY OF INSURANCE
Representations, warranties, conditions, and concealment, § 89:1 et seq.

HIT AND RUN VEHICLES
See Uninsured and Underinsured Motorist Coverage (this index)

HIV VIRUS
See also AIDS (this index)
Good health of insured, § 88:93
Medical insurance, § 181:21

HOBBIES
Property insurance, § 148:14

HODGKIN’S DISEASE
Disability provisions, § 147:95
Good health of insured, § 88:90

HOISTING
Property insurance, § 154:103

HOLDUP
Property insurance, § 151:32

HOLIDAY INN CASE
Property insurance, § 152:20

HOLIDAYS
Limitation of actions, § 236:165
Premiums and assessments, § 72:15

HOME
See Dwelling Houses (this index)

HOMEOWNERS’ INSURANCE
Generally, § 128:1 to 128:37
Business pursuit exclusion
Generally, § 128:14 to 128:32
Activity as employee
Generally, § 128:17 to 128:19
Altercations, § 128:19
Discrimination, § 128:19
Elected officials, § 128:18
Harassment, § 128:19
Law enforcement, § 128:18
Part-time employment, § 128:17
Seasonal employment, § 128:17
Altercations, § 128:19
Ambiguity, § 128:14
Child care, § 128:21
Definitions of business pursuits,
§ 128:15
Discrimination, § 128:19

Index-319
HOMEOWNERS' INSURANCE
—Cont’d

Business pursuit exclusion—Cont’d

Exception from business pursuits exclusion of activities
ordinarily incident to non-business pursuits

Generally, § 128:25 to 128:31

Exception from business pursuits exclusion of activities
ordinarily incident to non-business pursuits

Assaults, § 128:27
Child care, § 128:26
Construction, repair, and similar activity, § 128:31
Discrimination, § 128:30
Farming and collateral activity, § 128:28
Farming and similar activity, § 128:20
Foster care, § 128:22
Harassment, § 128:19
Horse raising and similar activity, § 128:20
Investing and related activity, § 128:23
Law enforcement, § 128:18
Ownership or management, § 128:16
Part-time employment, § 128:17
Ranching and similar activity, § 128:20
Seasonal employment, § 128:17
Tests, § 128:15
Child care, business pursuit exclusion, § 128:21
Compensatory actions
Judgment holder
Complaints, § 24:4
Delayed payment or nonpayment.
Denial of payment, below
Demand
Appraisal, demand for, above
Defense and indemnification, above
Foster care, § 128:22
Horse raising and similar activity, § 128:20

HOMEOWNERS' INSURANCE
—Cont’d

Indemnification. Defense and indemnification, above
Injuries-residents of household, relatives, family and the like, exclusion for liability for
Generally, § 128:2 to 128:11
Status, factors determining, § 128:7 to 128:11
Who is resident of household, § 128:6 to 128:9
Injuries to residents of household, relatives, family and the like, exclusion for liability for
Counterclaim against relative, § 128:4
Nature of relationship, effect of, § 128:8
Temporary residence or absence, § 128:10, 128:11
Validity, § 128:3
Who is relative or family member, § 128:12
Judgment holder
Compensatory actions, above
Judgment holder. Compensatory actions, above
Location, device, or activity, risks associated with, § 1:56
Notice
Agents, brokers, and insurers, actions against, above
Claims. Notice of claims, below
Seasonal employment, business pursuit exclusion, § 128:17

HOMESTEADS

Execution and execution sales, § 66:53
Fractional interests, § 91:81
Insurable interest, § 42:47
Representations, warranties, and conditions, § 91:80, 91:81

HOMICIDE

See also Murder (this index)
Beneficiaries, § 61:34, 62:1 et seq.
Criminal records as evidence of killing of insured, § 253:215
INDEX

HOMICIDE—Cont’d
Involvement in death of insured, burden of proving, § 254:127
Proof of, § 255:27

HONOR OF CHECKS
Premiums and assessments, § 73:8, 73:16

HORSE RAISING
Homeowners’ insurance, § 128:20

HOSPITALS
Associations, § 39:65
Disability insurance, § 146:42
Good health of insured, § 87:48, 87:58 to 87:60
Health Insurance (this index)
Liens, § 66:6
Medical Insurance (this index)
Notice, § 187:31
Physician-patient privilege, § 250:33
Venue, § 230:42

HOTELS
Accident and life insurance, § 142:30
Contractors’ payment bonds, § 165:91
Property insurance, § 148:32
Use and occupancy, § 94:79

HOUSECLEANER
Disability provisions, § 147:146

HOUSEHOLD GOODS AND FURNITURE
Broad evidence test, § 177:38, 177:39
Contractors’ payment bonds, § 165:91
Description, § 20:35
Evidence, § 177:38, 177:39
Insurable interest, § 42:5
Market value test, § 177:35
Property loss, generally, § 177:35 to 177:38
Replacement test, § 177:38
Value, § 177:35
Witnesses, § 252:61

HOUSE OR HOME
See Dwelling Houses (this index)

HOUSEWIFE
Disability provisions, § 147:155

HUMIDITY
Property insurance, § 153:83, 153:84

HUNTING OR FISHING
Accident insurance, § 139:58

HURRICANE
Property insurance, § 153:7

HUSBAND AND WIFE
Generally, § 40:8
Accident and life insurance, § 143:31
Actions against insurers, § 242:199
Agent, spouse as, § 44:7
Assignment (this index)
Automobile Insurance (this index)
Bad faith, § 242:161
Beneficiaries
Generally, § 59:33
Contracts between spouses, § 58:21
Putative spouse, § 59:6
Spouse of beneficiary, § 242:195

Beneficiaries
Divorce or Separation (this index)
Community Property (this index)
Contribution, § 218:44
Divorce or Separation (this index)
Estate Taxes (this index)
Fire insurance, § 149:49, 149:50
Fraud
Health insurance, spouse individually, § 242:174
Life insurance, § 242:169, 242:170
General liability insurance, § 172:9, 172:29
Gift of policy, § 38:20, 38:21
Insurable interest
Generally, § 42:1 to 42:6
Divorce or separation, § 64:17
Life insurance, § 43:1, 43:2, 43:24
Life insurance
Generally, § 242:96
Accident and life insurance, § 143:31
Beneficiary, spouse as, § 242:96

Index-321
HUSBAND AND WIFE—Cont’d
Life insurance—Cont’d
Fraud, § 242:169, 242:170
Insurable interest, § 43:1, 43:2, 43:24
Marriage, presumption of continuation of, § 254:160
Medical insurance, state regulations, § 144:25
Negligence in handling claim, § 242:161
No-fault coverage, § 242:17
Proceeds based on marital relationship, right to, generally, § 64:1 et seq.
Property coverages, § 243:38
Property insurance, § 242:42 to 242:45
Putative Spouses (this index)
Reformation of policy, § 242:188
Release, § 216:17
Representations, warranties, conditions, and concealment, § 81:104, 86:48, 91:77 to 91:81, 92:75
Sales (this index)
Witnesses
Dead man statutes, § 252:14
Property value, damage, cost of repair, § 252:64
Qualifications, § 252:18
Workers’ compensation, § 173:26

HYBRID CONTRACT
Contractors’ bonds, § 163:21

HYPERBARIC OXYGEN THERAPY
Medical insurance, § 181:36

HYPERSENSITIVITY REACTIONS
Accident and life insurance, § 141:88, 141:89

HYPOTHECATED INTEREST
Marine insurance, § 183:158

HYPOTHETICAL QUESTIONS
Expert witnesses, § 252:34 to 252:37
Witnesses, opinion evidence, § 252:50

ICC
See Interstate Commerce Commission (ICC) (this index)

ICE

IDENTIFICATION
See Description or Identification (this index)

IGNORANCE
Autopsy and exhumation, § 196:87, 196:102
Cooperation, § 199:60, 199:120 to 199:123
Defense, § 202:60
Election of remedies, § 232:38
Limitation of Actions (this index)
Notice or Knowledge (this index)
Release, § 216:55
Settlement and compromise of claim, § 215:67
Third-party claims, § 205:33

IGNORANCE OF EXISTENCE OF POLICY OR INSURER IDENTITY
Generally, § 192:30 et seq.
Automobile liability insurance, § 192:34
Caused by misplacement, misfiling, and like, § 192:36
Excess liability insurance, § 192:37
Fidelity insurance, § 192:33
Financial institution blanket bonds, § 192:33
Imputation of knowledge, § 192:32
Knowledge, imputation of knowledge, § 192:32
Labor and materials bonds, § 192:39
Liability insurance, § 192:34 to 192:37
Life, health, and disability insurance, § 192:38
Limitation of actions, § 237:64, 237:65
Misfiling, § 192:36
Misplacement, § 192:36

Index-322
IGNORANCE OF EXISTENCE OF POLICY OR INSURER
IDENTITY—Cont’d
Notice and proof of loss, generally, § 192:30 et seq.
Property insurance, § 192:40
Recoupment, § 226:65, 226:68

IGNORANCE OF EXISTENCE OR CHARACTER OF LOSS,
OCURRENCE OR ACCIDENT
Generally, § 192:6 et seq.
Automobile liability insurance, § 192:7, 192:11, 192:14, 192:15
Death, details surrounding, life, health, and disability insurance, § 192:18
Fidelity insurance, ignorance of details of occurrence, § 192:17
General liability insurance, § 192:12, 192:16
Identity of insured, § 192:15
Imputation of knowledge, § 192:10 to 192:12
Life, health, and disability insurance, § 192:8, 192:18, 192:19, 192:27 to 192:29
Livestock, property insurance, § 192:21
Notice and proof of loss, generally, § 192:6 et seq.
Proof, excusing, generally, § 192:23 et seq.
Proof of loss, generally, § 192:6 et seq.
Property insurance, § 192:9, 192:20, 192:21, 192:23 to 192:26
Uninsured, underinsured motorist insurance, § 192:22

IGNORANCE OF POLICY
Cooperation, § 199:59

IGNORANCE OF SUBSTANCE OF POLICY PROVISIONS
Generally, § 192:41 et seq.
Acceptable excuses, not, § 192:53
Additional insureds, § 192:45 to 192:47

IGNORANCE OF SUBSTANCE OF POLICY PROVISIONS—Cont’d
Automobile liability insurance, § 192:54
Beneficiary, § 192:48
Covered loss, ignorance of fact
Generally, § 192:50 et seq.
Acceptable excuses, not, § 192:53
Automobile insurance
Generally, § 192:60 to 192:63
General liability insurance, § 192:63
Non-owned vehicle, § 192:61
Persons, § 192:62
Vehicles, § 192:60, 192:61
Vehicles or persons being within coverage, generally, § 192:60 to 192:63
Automobile liability insurance, § 192:54
Excess insurance, § 192:64, 192:65
Fidelity coverage, § 192:57
General liability insurance, § 192:63
General liability policy coverage, § 192:52, 192:53
Life, health, or disability coverage, § 192:58
No-fault coverage, § 192:56
Non-owned vehicle, § 192:61
Policy limits, excess insurance, § 192:65
Prior claims, tortfeasor’s coverage, § 192:67
Property insurance, § 192:59
Reasonable excuses, not, § 192:53
Tortfeasor’s coverage, § 192:66, 192:67
Uninsured and underinsured motorist coverage, § 192:55, 192:66, 192:67
Excess insurance, § 192:64, 192:65
Fidelity coverage, § 192:57
General liability insurance, § 192:52, 192:53, 192:63
Injured victim, § 192:49

Index-323
IGNORANCE OF SUBSTANCE OF POLICY PROVISIONS —Cont’d
Life, health, or disability coverage, § 192:58
No-fault coverage, § 192:56
Non-owned vehicle, § 192:61
Notice and proof of loss, excuses, generally, § 192:41 et seq.
Omnibus insureds, § 192:47
Policy limits, excess insurance, § 192:65
Possession of policy, lack of
Generally, § 192:44 et seq.
Additional insureds, § 192:45 to 192:47
Beneficiary, § 192:48
Injured victim, § 192:49
Omnibus insureds, § 192:47
Uninsured and underinsured motorist policy, § 192:46
Victim, injured, § 192:49
Prior claims, tortfeasor’s coverage, § 192:67
Proof of loss requirement, ignorance of, § 192:43
Property insurance, § 192:59
Reasonable excuses, not, § 192:53
Requirement of notice, ignorance of, § 192:42
Tortfeasor’s coverage, § 192:66, 192:67
Uninsured/underinsured motorist coverage, § 192:46, 192:55, 192:66, 192:67
Victim, injured, § 192:49

ILLEGAL ACTIVITY
See Crimes and Offenses (this index)

ILLEGITIMATE CHILDREN
Beneficiaries, § 59:31

ILLITERACY OF INSURED

ILLNESS
Good Health of Insured (this index)
INDEX

IMPLEADER—Cont’d
Joinder of additional defendant to enforce right of subrogation, § 243:10
Liability insurer as additional defendant, § 243:8

IMPLICATION
See also Agency (this index)
Beneficiaries, implied right to change, § 60:9
Parol contracts, § 13:20
Trusts and trustees, creation by implied promise, § 67:22

IMPLIED ACCEPTANCE
Marine insurance, § 183:89 to 183:91

IMPLIED COVERAGE
Limitation of actions, § 236:16

IMPLIED FINDINGS
Verdicts, § 247:47

IMPLIED INTENT
Fraud, § 197:12

IMPLIED REVOCATION
Arbitration, appraisal, or submission agreements, § 210:61

IMPLIED WAIVER
Generally, § 194:22 to 194:24

IMPLIED WARRANTIES
Generally, § 81:12
Burial service, dignified, § 167:62

IMPRISONMENT
Workers’ compensation, § 173:84

IMPROVEMENTS
Adjustment of losses, § 178:71
Description of subject matter, § 20:27
Insurable interest, § 42:44 to 42:71
Limitation of actions, § 234:37
Property insurance, § 148:33

IMPUTATION OF KNOWLEDGE
Agents and Brokers (this index)
Ignorance of existence of policy or insurer identity, § 192:32

IMPUTATION OF KNOWLEDGE—Cont’d
Ignorance of existence or character of loss, occurrence or accident, § 192:10 to 192:12

INCARCERATION
Examination under oath, § 196:19
Limitation of actions, § 237:70

INCHMAREE CLAUSE
See Marine Insurance (this index)

INCIDENTAL ACTS AND MATTERS
Accident and life insurance,
§ 142:13, 143:24, 143:25, 143:27, 143:28
Automobile property insurance,
§ 157:5
Contractors’ payment bonds,
§ 165:144
Health insurance, § 242:109
Marine insurance, § 183:138, 183:139
Property insurance, § 148:29
Unfair or deceptive trade practices acts, § 242:168

INCIDENTAL AGREEMENTS
Agents and brokers, § 50:2

INCIDENTAL DAMAGES
Marine insurance, § 221:29

INCOME
Disability Insurance (this index)
Fidelity insurance, § 185:55
Guarantees of income, § 1:62
Income Taxes (this index)
Life insurance, § 179:14
Monetary rights, § 177:58
Proof of, § 255:35
Property insurance, § 148:14
Representations, warranties, conditions, and concealment, § 86:1, 86:41 et seq.
Uninsured and underinsured motorist coverage, § 171:2

Index-325
INCOME TAXES
Accident insurance, § 63:8, 63:24 to 63:27
Affiliated insurers, § 63:5
Annuities, § 63:20 to 63:23
Capital gains and losses, treatment of, generally, § 63:11
Captive insurers, § 63:5
Classification of proceeds as ordinary income or capital gain, § 63:14
Contractors’ payment bonds, § 165:82
Conversion of property insurance, § 63:12
Definition of gross income, § 63:9
Employer and employee
Accident and health plans, contributions to, § 63:8, 63:25
Life insurance proceeds, § 63:19
Premiums, payment of, § 63:7, 63:8
Endowment contracts, § 63:20 to 63:23
Exemptions and exclusions, § 63:20, 63:24, 63:25
Expenses, § 63:4 to 63:6
Gross income, inclusion of insurance proceeds in, § 63:9 et seq.
Group insurance, § 63:7, 63:8
Health insurance, § 63:6, 63:8, 63:24 to 63:27
Life insurance, § 63:8, 63:15 et seq.
Medical expenses, § 63:6
Penalties, § 63:23
Premiums as taxable or deductible, § 63:3 et seq.
Proceeds, generally, § 63:3 et seq.
Property and related insurance, § 63:11 to 63:14
Self-insurance, § 63:5
Transfer of life insurance policy for valuable consideration, § 63:18

INCOMPETENT AND INSANE PERSONS
See also Competency (this index)
Assignment, § 34:27
Autopsy and exhumation, § 196:90

INCOMPETENT AND INSANE PERSONS—Cont’d
Beneficiaries
Attack on change of beneficiary, § 60:69 to 60:71
Change of beneficiaries, § 60:13, 60:14
Death of insured, cause of, § 62:12
Guardians, § 59:25, 60:13, 60:14
Payment of insurance, provision for, § 58:32
Cancellation and rescission, surrender of policy, § 32:99, 32:100
Contractual capacity of insured, § 40:2
Expert witnesses, § 252:23
Fire insurance, § 149:47
Good health of insured, § 88:83 to 88:86
Parties, generally, § 241:11
Premiums and assessments, nonpayment of, § 75:30, 77:75 to 77:79
Proof of loss, § 192:79
Suicide (this index)

INCOMPLETENESS
See Completion or Completeness (this index)

IN CONNECTION WITH
Accident and life insurance, § 140:30

INCONTESTABILITY CLAUSE
Generally, § 240:1 et seq.
Absence of clause, § 240:4
Acceptance of premium refund, § 240:41
Accident and life insurance, § 140:89, 142:107, 143:43
Additional insured, § 240:76
Adjustment clause, § 240:75
Administrator, appointing, § 240:43
Age of insured, § 86:14, 240:73 to 240:75
Alteration of policy, § 240:77
Amount claimed, § 240:47
Answer filed after termination of contestable period, § 240:94
Answers, § 240:92
INCONTESTABILITY CLAUSE
—Cont’d
Application date, § 240:31
Application for occupation, misrepresentations as to, § 240:71
Appointment of administrator, § 240:43
Aviation, § 240:54
Avoidance of incontestability, generally, § 240:89 et seq.
Beneficiaries
Acceptance of premium refund, § 240:41
Entitled to benefit of clause, § 240:9
Murder by, § 240:83
Cancellation and rescission, § 31:95 to 31:97, 31:134, 240:22
Completion of action, § 240:97
Conditions
Age as condition of eligibility, § 240:74
Coverage, generally, § 240:46
Consent of insured upon engaging in certain occupations, § 240:72
Construction and interpretation, § 240:8
Contestable period
Generally, § 240:28 et seq.
Application date, § 240:31
Beneficiary’s acceptance of premium refund, § 240:41
Commencing date
Generally, § 240:30 et seq.
Application date, § 240:31
Delivery date, § 240:32
Issuance date, § 240:34, 240:35
Policy date, § 240:36
Policy issuance date, § 240:35
Premium receipt date, § 240:33
Supplemental coverage date, § 240:37
Computation, generally, § 240:28 et seq.
Date of original policy, period run from, § 240:26
Date of reinstatement, period run from, § 240:25
INCONTESTABILITY CLAUSE
—Cont’d
Contestable period—Cont’d
Death of insured, § 240:42 to 240:44
Delay in appointing administrator, § 240:43
Deliberate delay in filing claim until after contestability period expires, § 240:39
Delivery date, § 240:32
Disability of insured, § 240:40
Discovery of grounds for rescission or contest, fraud preventing, § 240:38
Equitable remedies, § 240:44
First day of period, § 240:29
Fraud, § 240:38
Issuance date, § 240:34, 240:35
Last day of period, § 240:29
Policy date, § 240:36
Policy issuance date, § 240:35
Premium receipt date, § 240:33
Reinstatement of policy, § 240:24 to 240:26
Supplemental coverage date, § 240:37
Correctness of amount claimed, § 240:47
Criminal acts, § 240:51, 240:52
Date of original policy, period run from, § 240:26
Date of policy, validity from, § 240:7
Date of reinstatement, period run from, § 240:25
Death of insured, § 240:42 to 240:44
Delay, § 240:39, 240:43
Deliberate delay in filing claim until after contestability period expires, § 240:39
Delivery date, § 240:32
Delivery of policy, § 240:69
Denial or repudiation of liability, § 240:90
Disability of insured, § 240:40
Discovery of grounds for rescission or contest, fraud preventing, § 240:38
Double indemnity, § 240:48
INCONTESTABILITY CLAUSE
—Cont’d
Eligibility, age as condition of, § 240:74
Equitable remedies, § 240:44
Evidence, failure to comply with proof of loss requirements, § 240:81
Examination, impersonation at, § 240:66
Exception, fraud as, § 240:63, 240:64
Exclusion of condition causing insured’s loss, § 240:58, 240:60
Exclusions from substantive coverage Generally, § 240:49 et seq.
Aviation, § 240:54
Criminal acts, § 240:51, 240:52
Execution for crime, § 240:52
Illegal acts, § 240:51, 240:52
Immoral acts, § 240:51, 240:52
Intemperate acts, § 240:51, 240:52
Intoxication, § 240:53
Statutes, § 240:50
War risk, § 240:54
Execution, § 240:52, 240:79
Federal courts, § 240:95
Federal law, § 240:13
Filing answer, § 240:94
Filing claim, § 240:39
First day of period, § 240:29
Formation of contract, circumstances at, § 240:21
Fraud and deceit Generally, § 240:65
Age of insured, § 240:73 to 240:75
Contracts, statutes addressing, § 240:20
Discovery, § 240:38
Exception, § 240:63, 240:64
Health, § 240:68 to 240:70
Relationship between named insured and additional insured, § 240:76
Good health of insured Generally, § 87:3
Delivery of policy, good health on, § 240:69

GOOD HEALTH OF INSURED—Cont’d
Misrepresentations as to health, § 240:68 to 240:70
Group insurance, § 8:40
Health
Good health of insured, § 87:3, 240:69
Misrepresentations as to, § 240:68 to 240:70
Illegal acts, § 240:51, 240:52
Immoral acts, § 240:51, 240:52
Impersonation at examination, § 240:66
Indemnity, § 240:48
Insurable interest, § 240:82
Intemperate acts, § 240:51, 240:52
Intoxication, § 240:53
Issuance date, § 240:34, 240:35
Issuance of policy in violation of insured’s duty as president of issuing company, § 240:85
Joinder of issue, § 240:93, 240:94
Last day of period, § 240:29
Limitation of actions, relationship to, § 240:19
Medical treatment, § 240:70
Modification of incontestable period, § 240:11
Murder by beneficiary, § 240:83
Noncancellation, § 240:22
Noncoverage, § 240:46
Nonpayment of premium, § 240:84
Occupation, misrepresentations as to, § 240:71, 240:72
Payments, § 240:84
Policy clause, conflict with, § 240:18
Policy date, § 240:36
Policy issuance date, § 240:35
Preexisting health conditions Generally, § 240:55 et seq.
Exclusion, § 240:58
Exclusion of condition causing insured’s loss, § 240:60
Explicitly named and described, § 240:59, 240:60
Time when condition commenced, disputing, § 240:61
INDEX

INCONTESTABILITY CLAUSE
—Cont’d
Premiums
Beneficiary’s acceptance of premium refund, § 240:41
Nonpayment of premium, § 240:84
Receipt date, § 240:33
Tender of premiums, § 240:91
President of issuing company, issuance of policy in violation of insured’s duty as, § 240:85
Prohibition of actions and claims of insurer, generally, § 240:45 et seq.
Receipt date, § 240:33
Reformation, § 27:87
Reform policy, suit to, § 240:87
Refund, § 240:41
Reinstatement of policy, § 240:24 to 240:26
Relationship between named insured and additional insured, misrepresentations as to, § 240:76
Release, execution of, § 240:79
Removal of action to federal courts, § 240:95
Representations, warranties, conditions, and concealment, § 240:46, 240:74, 240:78
Repudiation of liability, § 240:90
Rescission, § 240:38, 240:86
Retroactivity, § 240:17
Service of process, § 240:96
Setoff right, § 240:80
State law, § 240:13
Statutes
Generally, § 240:14 et seq.
Exclusions from substantive coverage, § 240:50
Policy clause, conflict with, § 240:18
Retroactivity, § 240:17
Validity, § 240:14
Strangers as entitled to benefit of clause, § 240:10
Substituted policies, § 240:27
Supplemental coverage date, § 240:37

INCONTESTABILITY CLAUSE
—Cont’d
Tender of premiums, § 240:91
Termination of contract, § 240:86
Termination of period, § 240:94
Triggering age adjustment clause, § 240:75
Validity, § 240:6, 240:7, 240:14, 240:88
Warranty, breach of, § 240:78
War risk, § 240:54

INCORPORATION BY REFERENCE
Agents and brokers, incorporating agent’s misrepresentation into contract, § 85:51 to 85:55
Applications, § 18:2
Custom and usage, § 22:51
Fidelity insurance, § 162:41
Warranties, § 83:9 to 83:11

INCREASED INSURANCE
Limitation of actions, § 234:53

INCREASED PREMIUMS
See Premiums and Assessments (this index)

INCREASED RECOVERY
Liberal construction in favor of insured, § 22:29

INCREASE OF RISK
Agents and brokers, § 52:15 et seq., 54:7
Mortgages and deeds of trust, § 65:28, 65:66
Representations, warranties, conditions, and concealment, § 81:79, 81:92 et seq., 94:1 et seq.
Use and occupancy, § 94:1 et seq., 94:63, 94:105

INDEMNITY AND INDEMNITY INSURANCE
Generally, § 1:7
Assignment, § 34:25

INDEFINITENESS
See Certainty and Definiteness (this index)

INDEX-329
INDEMNITY AND INDEMNITY INSURANCE—Cont’d
Commercial General Liability Policies (this index)
Contractors’ bonds, § 163:18, 163:19, 163:52
Contribution and Apportionment (this index)
Costs of action, § 233:27 to 233:29
Declaratory judgments, § 232:71
Defense, § 202:73
Demand or Request (this index)
Estoppel and waiver, § 89:23
Evidence, § 89:18, 89:19
Fidelity insurance, § 160:7, 160:12
Fraud, § 89:18 to 89:20, 89:22
Garage keepers policies. Service Stations and Garages (this index)
Homeowners’ Insurance (this index)
Impleader, § 243:7
Incontestability clause, § 240:48
Intent of insured, § 89:21
Interindemnity insurance, § 1:31
Landlord and Tenant (this index)
Marine insurance, § 183:40
Negligent or intentional acts, § 201:25
Payment, § 232:16
Prior loss and indemnity, § 89:17 to 89:24
Property insurance, § 175:5, 175:6
Questions of law or fact, § 89:24
Release, § 216:43
Representations, warranties, conditions, and concealment, § 89:17 to 89:24
Service Stations and Garages (this index)
State Indemnification Fund (this index)
Subrogation, § 222:99, 224:2, 224:80, 225:6
Tender (this index)
Title insurance, § 159:8, 159:9
Uninsured and Underinsured Motorist Coverage (this index)

INDEPENDENT ADJUSTERS
Generally, § 48:65
Attorney-client relationship, § 250:22

INDEPENDENT CONTRACTORS
Automobile property insurance, § 157:46
Fidelity insurance, § 160:28
Non-owned vehicle, § 118:46
Workers’ compensation, § 134:23 to 134:26, 173:41

INDEPENDENT COUNSEL
Conflict of interest, § 202:34 to 202:37
Third-party claims, § 205:48, 205:50
Waiver or estoppel as to claims on noncoverage, § 202:66

INDEPENDENT INVESTIGATORS
Other activities and entities, § 208:10

INDEPENDENT MEDICAL EXAMINATION
Medical Examination (this index)

INDEPENDENT OBSERVATIONS
Physician-patient privilege, § 250:37 to 250:40

INDEPENDENT TORT
Good-faith, § 198:10

INDIGENTS
Workers’ compensation, § 134:39

INDIGESTION
Good health of insured, § 88:46

INDIRECT REFERENCE
Jury trial, § 246:40

INDISPENSABLE PARTIES
Joinder of parties, § 243:3
Jurisdiction of federal proceedings, § 229:30

INDORSEMENTS
See Riders and Endorsements (this index)

INDUCEMENT OR INFLUENCE
See also Undue Influence (this index)

Index-330
INDEX

INDUCEMENT OR INFLUENCE —Cont’d
Agents and brokers, inducing breach of contract or duty, § 56:23
Iron safe clauses, inducing insured to incur cost or other prejudice, § 97:42
Representations, warranties, conditions, and concealment, § 56:23

INDUSTRIAL INSURANCE
Generally, § 1:42
Beneficiaries, § 58:28, 58:29, 60:80

INDUSTRIAL SITES
See Manufacturers and Manufacturing (this index)

INFANTS
See Children (this index)

INFERENCES
See Presumptions and Burden of Proof (this index)

INFLUENCE
See Inducement or Influence (this index)

INFLUENZA
Good health of insured, § 88:94

INFRINGEMENT
Commercial liability insurance, § 201:55, 201:57

INHALATION
See Accident and Life Insurance (this index)

IN HANDS OF CARRIER
Property insurance, § 154:77

INHERENT VICE
Property insurance, § 153:77, 153:78, 154:41

INHERITANCE
See Decedents’ Estates (this index)

IN HIGHWAY
Accident and life insurance, § 142:73

INJUNCTION BONDS
Generally, § 166:104

INJUNCTIONS
See also Equitable Relief (this index)
Declaratory judgments, § 232:59, 232:60
General liability insurance, § 172:51
Jurisdiction of federal proceedings, § 229:45, 229:91 to 229:94
Limitation of actions, § 237:69
Medical insurance, § 181:6
Statutes, § 242:197

INLAND MARINE INSURANCE
Generally, § 1:30, 154:4, 154:5
Actual cash value. Appraisal, demand for, below
Depreciation. Appraisal, demand for, above
Mitigation of damages, § 183:152

IN MOTOR VEHICLE
Accident and life insurance, § 142:40

INNOCENCE
See also Fire Insurance (this index)
Accident and life insurance, § 140:11
Cooperation, § 199:42
Misrepresentations, § 82:34 to 82:39
Presumption of, § 254:168
Recoupment, § 226:57, 226:115
Settlement and compromise of claim, § 215:64
Uninsured/underinsured motorist coverage, § 214:25

IN-PATIENT FACILITIES
Medical insurance, § 145:17

IN PERSONAM PROCEEDINGS
Interpleader, § 232:77

IN PROPERTY
Fidelity insurance, § 161:11

IN REM PROCEEDINGS
Interpleader, § 232:77
State proceedings, § 228:1, 228:2

INSANE PERSONS
See Incompetent and Insane Persons (this index)
INSANITY
See Competency (this index)

INSECTS
Property insurance, § 153:85

INSIDE MOTOR VEHICLE
Accident and life insurance, § 142:40

INSOLVENCY
Generally, § 5:5 et seq.
Abstention, § 5:7
Agency contract, breach of, § 6:4
Agents and brokers, § 55:9, 57:37, 57:44, 57:65, 57:72
Alien or foreign, distribution of local assets of, § 6:5, 6:16
Assessment of financial condition of insurer, § 5:6
Assignment (this index)
Attorneys’ fees and costs of administration, § 6:12
Bank deposit guaranty, § 166:18
Bankruptcy
Bad faith, § 242:155
Bailments, § 242:84
Class actions, § 232:35
Jurisdiction of federal proceedings, § 229:62, 229:63
Negligence in handling claim, § 242:155
Property insurance, § 242:36, 242:52
Subrogation, § 223:109, 224:156, 225:317
Burden of proof, § 254:121
Cancellation and rescission, § 31:124, 31:125
Collateral sources, guarantee associations, § 6:32
Contractors’ performance bonds, § 164:102
Contractual liability
Generally, § 6:1 to 6:4
Agency contract, breach of, § 6:4
Breach, generally, § 6:1
Renewal, § 46:56
Cooperation, § 199:93, 199:131
Costs of action, § 6:12, 6:31, 233:74
Deposits, statutory, § 6:17 to 6:26

INSOLVENCY—Cont’d
Direct actions, § 105:11 to 105:13
Excess insurers, § 6:35 to 6:39
Exemption from claims of creditors, § 66:37 to 66:39, 66:44, 66:45
Exhaustion of other sources and duty of cooperation, guarantee associations, § 6:29
Fidelity bonds and insurance, § 242:128
Foreign or alien insurers, distribution of local assets of, § 6:5, 6:16
Governmental claims, § 6:10
Interstate unit, distribution of assets as, § 6:14
Jurisdiction of federal proceedings, § 229:62, 229:63, 229:102, 229:103
Limitation of actions, § 6:5, 236:122, 237:105
Limitations
Excess insurers, § 6:39
Guarantee associations, § 6:32, 6:33
Liquidation and Dissolution (this index)
Loans, § 80:43
Local assets of foreign or alien insurers, distribution of, § 6:5, 6:16
Misappropriation of funds, § 242:208
Nationalized alien insurer, distribution of local assets of, § 6:16
Notice and proof of loss, estoppel and waiver, § 195:84
Other insurance clauses, § 219:12
Penalties, guarantees associations, § 6:31
Preference or priority of claims, generally, § 6:8
Premiums and Assessments (this index)
Presentation of claims, generally, § 6:5 to 6:12
Priority of claims, generally, § 6:8
Receivership (this index)
Rehabilitation, Conservation, and Reorganization (this index)
Reinsurance (this index)
Rejection of claims, § 6:7

Index-332
INDEX

INSOLVENCY—Cont’d
Renewal, § 46:50 to 46:53, 57:44
Rights of policyholders, creditors, and other claimants upon insurer’s insolvency, generally, § 6:1 et seq.
Sales, § 92:77 to 92:80
Setoffs and counterclaims
Agents and brokers, § 57:72
Presentation of claims, § 6:6
Rehabilitation, conservation, and reorganization, § 5:26
Subrogation
Generally, § 6:30
Bankruptcy, § 223:109, 224:156, 225:317
Payments, § 223:110
Statutes, § 222:47
Surplus, distribution of, § 6:26
Third-party claims, § 205:94
Time
Limitations for presentation of claims, § 6:5
Statutory deposits, time of accrual or assertion, § 6:22
Torts, guarantees associations, § 6:31
Trustee in bankruptcy
Generally, § 40:24
Trustee in bankruptcy
Assignment (this index)
Uninsured and underinsured motorist coverage, § 123:45
Venue, § 230:36
Workers’ compensation, § 173:5

INSPECTION
See also Examination (this index)
Deeds, delivery for inspection, § 92:20
Discovery, § 251:9 to 251:12, 251:15
Equitable remedies, § 232:173
Estoppel and waiver, § 238:44
Examination of insured property, § 196:50
Iron safe clauses, § 97:43
Records, generally, § 2:25
Valued policies or statutes, § 175:107
Workers’ compensation and employees’ liability insurance, § 69:27

INSTALLATIONS
Contractors’ payment bonds, § 165:69
Property insurance, § 155:56

INSTALMENTS
See also Premiums and Assessments (this index)
Disability insurance, § 182:38
Exemption from claims of creditors, § 66:27

INSTRUCTIONAL POSITIONS
Accident and life insurance, § 143:25

INSTRUCTIONS-JURY
Death, § 246:80 to 246:82
Form of instructions, § 246:67 to 246:69

INSTRUCTIONS OR DIRECTIONS
Assignment, directions as to payment, § 34:33
Cancellation and rescission, instructions to agent by insurer regarding notice, § 32:8
Contractors’ performance bonds, § 164:104
Fidelity insurance, § 161:63 to 161:65
No-fault insurance, § 125:76
Riders and endorsements, instruction books, § 18:24
Subrogation, § 224:158
Waiver and estoppel, § 194:28, 224:158

INSTRUCTIONS TO JURY
Generally, § 246:59 et seq.
Absence of request, § 246:74
Accident, § 246:78
Age, § 246:87
Agency, § 246:88
Appeals, § 248:64
Arson, § 246:79
Bad faith, § 246:91
Burden of proof, § 246:100
Causation, § 246:77
Charge, generally, § 246:60 et seq.
INSTRUCTIONS TO JURY—Cont’d
Collateral matters, § 246:63
Conditions, § 246:99
Construction of charges as a whole, § 246:71
Cooperation, duty to, § 246:90
Correction of error through instruction, § 246:75
Costs for repair or replacement, § 246:102
Damages, § 246:101, 246:102
Definition of words, § 246:70
Delivery, good health at, § 246:92
Disability, § 246:83, 246:84
Disappearance of insured, death, § 246:81
Disease, § 246:85
Evidence, § 246:66, 246:95, 246:103
Existence or absence of insurance, informing jury of, § 246:104
Fraud, § 246:94, 246:95
Fraudulent proof of loss, § 246:95
Good health at delivery, § 246:92
Harmless error, § 246:76
Inability to perform occupation, § 246:84
Insurable interest, § 246:93
Invited error, § 246:73
Irrelevant matter, § 246:65
Issue, matters not in, § 246:64, 246:65
Loss issues, generally, § 246:77 et seq.
Matters not in issue, § 246:64, 246:65
Misrepresentation, § 246:94, 246:95
Modification, § 246:96
New trial, § 248:28
Notice, § 246:97
Occupation, inability to perform, § 246:84
Pleadings, form of instructions based on, § 246:69
Policy issues, generally, § 246:87 et seq.
Policy provisions, form of instructions based on, § 246:68
Questions of fact, § 246:61
Questions of law, § 246:62

INSTRUCTIONS TO JURY—Cont’d
Repair or replacement costs, § 246:102
Replacement costs, § 246:102
Request for charge, § 246:72, 246:73
Suicide, § 246:82
Trial issues, generally, § 246:100 et seq.
Violation of law, § 246:89
Waiver, § 246:98
Warranties and conditions, § 246:99
Windstorm, § 246:86

INSULT
Jury trial, argument to jury, § 246:28

INSURABLE INTEREST
Generally, § 41:1 et seq.
Advances, § 42:15
Agents, § 42:11
Bailors and bailees, § 42:21
Beneficiaries
Generally, § 42:73
Life insurance, § 41:22, 41:23
Bottomry and respondentia bonds and interests, § 42:37 to 42:39
Burden of proof, § 254:92
Business relationships, generally, § 42:8 to 42:12
Carriers, § 42:13 to 42:19
Charterers, § 42:18
Children (this index)
Clothing, § 42:5
Community property, § 42:6
Consignors and consignees, § 42:22
Creditors (this index)
Defenses, § 41:5, 41:6, 245:83
Definition, § 41:1
Demurrer, § 244:85
Divorce or separation, § 64:17
Entireties, estates by, § 42:44
Equity actions, § 41:6
Estoppel and waiver, § 41:7
Evidence, § 41:10
Family relationship
Life insurance, § 41:21, 43:1 to 43:11

Index-334
INDEX

INSURABLE INTEREST—Cont’d
Family relationship—Cont’d
Property sources and extent of insurable interest, § 42:1 to 42:7
Foster care relationship, § 43:4, 43:6
Freight, § 42:13
Goods, Wares, and Merchandise (this index)
Group insurance, § 8:4
Guarantee insurance and profit-sharing bonds, § 41:29
Household goods and furniture, § 42:5
Husband and Wife (this index)
Incontestability clause, § 240:82
Instructions to jury, § 246:93
Landlord and Tenant (this index)
Liability insurance, § 41:28
Life Insurance (this index)
Mechanics’ and materialmen’s liens, § 42:5
Mortgages and deeds of trust, § 65:12
Parent and child. See Children (this index)
Partnership, § 42:8, 42:9
Performance Bonds, Guaranties, Suretyship, and Like Arrangements (this index)
Pipeline companies, § 42:19
Premiums, return of, § 79:30, 79:31
Proceeds paid to one lacking insurable interest, § 41:9
Profits, § 42:12
Profit-sharing bonds, § 41:29
Proof of, generally, § 255:104 et seq.
Property insurance, § 41:11 to 41:19, 245:48, 245:49
Property, sources and extent of insurable interest in, generally, § 42:1 et seq.
Public property, § 10:13
Questions of law or fact, § 41:10
Royalties, § 42:12
Stock and Stockholders (this index)
Threshold issues respecting types of insurance, § 41:11 to 41:29
Title and Ownership (this index)

INSURABLE INTEREST—Cont’d
Void or voidable contract, insurable interest based on, § 41:4
Warehouser, § 42:20
Wharfingers, § 42:20

INSURANCE AGENCY AGREEMENTS

Agents and Brokers (this index)

INSURANCE ASSOCIATION
Declaratory judgment, attorney in fact, § 242:178

INSURANCE COMPANY
Generally, § 39:1 et seq., 175:1 et seq.
Jury trial, § 246:57

INSURANCE INDUSTRY CUSTOM
Pleadings, generally, § 245:2

INSURED
Generally, § 40:1 et seq.

INSURER
Insurance Company (this index)

INSURRECTION
Limitation of actions, § 237:68
Property insurance, § 152:13

INTANGIBLE PROPERTY RIGHTS
Property insurance, § 148:47

INTEGRATION CLAUSES
Applications, § 81:32
Best Evidence Rule (this index)
Presumption of integration, § 253:66

INTEMPERATE ACTS
Incontestability clause, § 240:51, 240:52

INTENTIONAL ACTS
Assault and battery, § 201:19
Bodily injury expected or intended, § 201:20, 201:21
Burden of proof, § 254:47
Cancellation and rescission, notice, § 32:31 to 32:40
Commercial liability insurance, § 201:57, 201:66
Cooperation, § 199:43
INTENTIONAL ACTS—Cont’d
Criminal acts, § 201:25
Criminal judgment, § 201:23
Exclusion as to intentional acts, § 201:18
Indemnity, § 201:25
Intentional tort, § 201:24
Judgment, § 201:23, 201:24
Negligent or intentional acts, § 201:24
Prior judgment, § 239:63 to 239:66
Property damage either expected or intended from standpoint of insured, § 201:22
Public policy, § 201:25
Third-party claims, § 205:13, 205:51
Threshold requirements
Generally, § 201:17 et seq.
Assault and battery, § 201:19
Bodily injury expected or intended, § 201:20, 201:21
Criminal judgment, § 201:23
Exclusion as to intentional acts, § 201:18
Judgment as to intentional tort, § 201:24
Property damage either expected or intended from standpoint of insured, § 201:22
Public policy against indemnity for intentional or criminal acts, § 201:25

INTENT OF PARTIES—Cont’d
Delayed payment or nonpayment, § 207:35
Divorce or separation, premium payments as evidence of intent, § 64:14
Examination under oath, § 196:8, 196:9, 196:15
False swearing as to, § 255:82
Fidelity Bonds and Insurance (this index)
Fire insurance, § 149:59, 149:71
Fraud and Deceit (this index)
Gift of policy, intention to part with title, § 38:10
Good Health of Insured (this index)
Governing Law (this index)
Hearsay exclusion and exceptions, § 249:30
Indemnity and indemnity insurance, § 89:21
Iron safe clauses, § 97:30
Jury Trials (this index)
Labor and material bonds, § 189:35
Liens and encumbrances, § 93:25, 93:26
Marine risks, representations, warranties, and conditions as to, § 99:6
Medical payments, § 158:9
Modification of contract, § 25:15
Mortgages and deeds of trust, intent with which insured was procured as affecting existence of lien, § 65:84
Natural consequences of actions, presumption of intent as to, § 254:172
Other insurance clauses, § 219:49, 219:52
Presumptions as to, § 254:171
Production of documents and records, § 196:36
Property Insurance (this index)
Reformation (this index)
Reinstatement and revival, intent to deceive as to health or insurability of insured, § 33:86
INDEX

INTENT OF PARTIES—Cont’d
Renewal, § 29:13
Representations, Warranties,
Conditions, and Concealment
(this index)
Subrogation, § 222:87, 224:88,
224:89, 225:104 to 225:106
Third-party beneficiaries, § 241:25
Title and ownership, § 91:3
Title insurance, § 159:17
Wills, intent to require election under,
§ 67:12, 67:13

INTER-COMPANY
COMMUNICATIONS
Attorney-client relationship, § 250:29

INTERESTED PARTIES
Declaratory judgments, § 243:84

INTEREST OF JUSTICE
See Venue (this index)

INTEREST ON ALIQUOT SHARE
Contribution and apportionment,
§ 217:14

INTEREST ON MONEY—Cont’d
Commencement of suit, time from
which runs, § 178:35
Compound interest, § 80:32 to 80:38
Computation of interest, generally,
§ 80:29 to 80:32
Conflicting policy and loan agree-
ment rate provisions, § 80:25,
80:34
Consequential damages, § 178:23
Consideration for promise to pay
compound interest, § 80:35
Construction contract guaranties,
§ 184:37 to 184:40
Contract guaranties, § 184:48
Contribution and apportionment,
§ 217:13
Default on policy loan, compound
interest after, § 80:37
Delayed payment or nonpayment,
§ 207:78
Denial of liability by insurer, time
from which runs, § 178:37
Disability insurance, § 182:37 to
182:40
Evidence, date of proof of loss,
§ 178:38 to 178:41
Fidelity Bonds and Insurance (this
index)
General Liability Insurance (this
index)
Governing law, § 178:29
Insufficient proofs, effect of filing,
§ 178:40
Jurisdiction, § 228:59, 229:54
Life Insurance (this index)
Liquidated claims, § 178:27
Loans on policy, generally, § 80:23
to 80:28
Marine insurance, § 183:131,
183:158
Multiple proofs, effect of filing,
§ 178:39
No-fault coverage, § 171:48, 214:47
Partial liquidation, § 178:30
Premiums and Assessments (this
index)
Public officials’ bonds, § 184:52,
184:53
INTEREST ON MONEY—Cont’d
Rate of interest, generally, § 80:30, 178:33
Recoupment, § 226:120, 226:121
Settlement and compromise of claim, § 215:54
Statutory regulation, § 178:28
Sufficiency of evidence, § 178:40
Third-party claims, § 205:87, 205:106, 206:56
Time from which runs
Generally, § 178:34 et seq.
Appraisal, § 178:36
Arbitration, § 178:36
Commencement of suit, § 178:35
Denial of liability, § 178:37
Evidence, date of proof of loss, § 178:38 to 178:41
Insufficient proofs, effect of filing, § 178:40
Multiple proofs, effect of filing, § 178:39
Waiver of evidence, § 178:41
Title insurance, § 185:93
Uninsured and underinsured motorist coverage, § 171:10, 171:11, 171:20
Unliquidated claims, § 178:27
Usury (this index)
Valued policies, § 178:31
Waiver of compound interest, § 80:38
Waiver of evidence, § 178:41

INTERFERENCE
See also Marine Insurance (this index)
Agents and brokers, interference with contract, § 57:10
Agents and Brokers (this index)
Beneficiary designation, § 232:196
Contractors’ performance bonds, § 164:103
Property insurance, § 151:100

INTERIM AWARD
Arbitration awards, § 213:20

INTERIM COURT ORDERS
Defense, § 200:48

INTERIM COVERAGE
Group insurance, § 8:3

INTERINDEMNITY INSURANCE
Generally, § 1:31

INTERINSURANCE
See Reciprocal Insurance Exchanges and Interinsurance (this index)

INTERLOCUTORY ORDER
Arbitration and appraisal, § 209:34

INTERMEDIATE VIEW
Expert witnesses, § 252:42

INTERMITTENT INCAPACITY
Mental or physical incapacity, § 192:78

INTERMITTENT INSANITY
Mental or physical incapacity, § 192:80

INTERNAL MANAGEMENT
Jurisdiction, § 228:65, 228:66

INTERNATIONAL COMMERCIAL ARBITRATION
Generally, § 209:23

INTERNATIONAL CONVENTIONS ON RECOGNITION AND ENFORCEMENT OF AWARDS
Arbitration and appraisal, § 209:22, 209:23

INTERNATIONAL DISPUTES
Jurisdiction and venue, § 227:12

INTERNET
Jurisdiction and venue, § 227:6, 227:8

INTERPLEADER AND INTERPLEADER PROCEEDING
Generally, § 232:74 et seq.
Bad faith, § 232:83
Complaints, petitions, and declarations, § 244:38

Index-338
INDEX

INTERPLEADER AND INTERPLEADER PROCEEDING—Cont’d
Construction contract guaranties, § 184:14
Costs of action, § 233:65 to 233:68
Delayed payment or nonpayment, § 207:16
Demurrer, § 244:83
Equitable remedies, § 232:131
Federal interpleader, § 232:75
Garnishment, § 232:86
Jurisdiction of federal proceedings
  Generally, § 229:59 to 229:61
  Abstention, § 229:104, 229:105
  Diversity of citizenship, § 229:38
  Federal question jurisdiction, § 229:10
Jury, right to, § 232:76
Law, proceedings as in, § 232:76
Merit, § 232:81, 232:82
Meritless, consequences of finding all claims meritless, § 232:80
Murder, named beneficiary charged with, § 232:85
Penalties, fees and similar consequences, § 204:95
In personam proceedings, § 232:77
In rem proceedings, § 232:77
Sanctions, § 233:103
Third-party claims, § 205:39, 232:84
Venue, § 230:99
Withdrawing, § 232:82

INTERPRETATION AND CONSTRUCTION
See Construction and Interpretation (this index)

INTERROGATORIES
Generally, § 251:8
Admissions (this index)
Automobile Insurance (this index)
Homeowners’ Insurance (this index)
Sanctions, § 251:56

INTERRUPTION OF BUSINESS INSURANCE
See Business Interruption Insurance (this index)

INTERRUPTION OF LIMITATION PERIOD
See Limitation of Actions (this index)

INTERSTATE COMMERCE COMMISSION (ICC)
Reimbursement, § 226:10
Subrogation, § 224:16

INTERSTATE TRANSACTIONS
Workers’ compensation and employ- ers’ liability insurance, § 69:30

INTERSTATE UNITS
Insolvency, distribution of assets as interstate unit, § 6:14

INTERVENING STATUTES
Renewal, § 29:43

INTERVENTION
Generally, § 243:11 et seq.
Automobile property insurance, § 157:45
Contractors’ payment bonds, § 165:164
Co-owner, intervention by, § 243:14
Dismissal, § 247:10
Employee, intervention by, § 243:13
Fire insurance, § 149:35
Fraud, § 239:135
Insurer, intervention by, § 243:12
Limitation of actions, § 237:12, 237:13
Ownership, § 243:14
Repair or replace, option to, § 176:46
Third persons, intervention by, § 243:15
Torts, § 243:130

INTERVIEW
Estoppel and waiver, § 238:43

Index-339
INTER VIVOS GIFTS
Gift of policy, inter vivos versus causa mortis gift, § 38:3

INTESTATE SUCCESSION LAWS
Beneficiaries, § 61:36

INTESTINAL DISORDERS
Good health of insured, § 88:43 to 88:47
Medical insurance, § 181:28

INTIMIDATION
Agents and brokers, § 56:22
Property insurance, § 151:47

INTOXICATION AND INToxicating LIQUORS
See also Accident and Life Insurance (this index)
Alcoholism
Generally, § 136:55
Accident and life insurance, § 140:78, 141:50
Medical insurance, § 144:61, 144:62
Automobile property insurance, § 156:80
Burden of proving intoxication, § 254:48
Commercial general liability policies, § 129:34
Commercial liability insurance, § 201:75
Good health of insured, § 88:5 et seq., 136:55
Incontestability clause, § 240:53
Liability insurance, liquor, § 172:74
Life, health, and disability insurance, § 207:51
Liquor liability insurance, § 172:74
Medical insurance, § 144:47, 207:51
Mental or physical incapacity, § 192:78
Occupation of insured, liquor sales, § 86:23
Property loss, generally, § 177:69
Public official and appointed fiduciary bonds, § 166:94, 166:95
Risks covered under policies, § 132:56

INTOXICATION AND INToxicating LIQUORS—Cont’d
Use and occupancy, manufacture or sale of alcoholic beverages, § 94:25

IN TRANSIT
See also Property Insurance (this index)
Property insurance, § 155:6

INTUBATION
Accident and life insurance, § 141:92

INVASION
Liability insurance, § 201:44
Property insurance, § 152:12

IN VEHICLE
Medical payments, § 158:36 to 158:38
Property insurance, § 148:40, 154:75

INVENTORY
Contractors’ payment bonds, § 165:98
Property insurance, § 151:43, 189:76

INVESTIGATIONS
Agents and brokers, waiver of notice and proof of loss, § 53:17
Arbitration awards, § 213:59
Assignment, § 34:28
Beneficiaries, investigation of death of insured, § 62:7
Cancellation and rescission, investigation of insurability or claim, § 31:116
Cooperation, § 199:15, 199:32, 199:148
Delayed payment or nonpayment, § 207:24, 207:25
Equitable remedies, § 232:133, 232:134
Estoppel and Waiver (this index)
Fidelity insurance, § 161:104, 185:51
Good-faith, § 198:27 to 198:30
Good health of insured, § 87:10, 87:33, 87:44, 88:31
INDEX

INVESTIGATIONS—Cont’d
Independent investigators, § 208:10
Jurisdiction, § 228:32
Jury trial, § 246:48
Liability insurance, § 191:11
Limitation of actions, § 235:107, 237:54
Medical insurance, § 181:4
Mitigation of damages, § 178:14
Notice, § 190:37, 192:2
Payments of expenses of investigation, § 208:24 to 208:27
Premiums and assessments, § 78:57 to 78:61
Privileged information, § 250:45
Reasonableness, § 204:125
Recoupment, § 226:53, 226:105
Representations, Warranties, Conditions, and Concealment
(this index)
Third-Party Claims (this index)
Waiver and estoppel, § 194:69

INVESTMENTS
Generally, § 2:30
Disability provisions, § 147:22
Stock companies, § 39:11

INVITED ERROR
Instructions to jury, § 246:73

INVITEES
Medical payments, § 158:22

IN VITRO FERTILIZATION
Medical insurance, § 181:38

INVOICES
Iron safe clauses, § 97:54, 97:72, 97:73

INVOLUNTARINESS
See Voluntariness (this index)

INVOLVED PARTIES
Subrogation, § 225:60

INVOLVEMENT IN ACTION
Jury trial, § 246:58

IN WAR
Accident and life insurance, § 143:54 to 143:56

IRON SAFE CLAUSES
Absence of records, § 97:57, 97:74
Acceptance or rejection
Premium acceptance, § 97:38
Reports, acceptance of, § 97:38
Adjustment of loss, § 97:44
Bank statements, § 97:56
Bookkeeping, generally, § 97:41,
97:45 et seq.
Burden of proof, § 254:111
Canceled checks, § 97:56
Cash and credit sales, § 97:55
Checks, § 97:56
Completeness of entries, § 97:61,
97:66, 97:77
Conditions precedent or subsequent,
§ 97:10
Construction and interpretation,
§ 97:5 to 97:7, 97:81
Continuing policy, § 97:38, 97:39
Cost, inducing insured to incur cost,
§ 97:42
Credit sales, § 97:55
Custom and usage, § 97:7
Defects and irregularities, § 97:51,
97:52, 97:57 to 97:64, 97:74 to
97:78
Definition of inventory, § 97:65
Demand, production of books and
records upon, § 97:22
Deposit slips, § 97:56
Description of inventory, § 97:78
Divisibility of contracts, § 97:26,
97:28
Due care or diligence, § 97:31, 97:32
Election to avoid, § 97:27, 97:28
Estoppel and waiver, § 97:33 et seq.
Evidence, § 186:21
Examination
Adjustment of loss, § 97:44
Books, § 97:43
Fraud, § 97:12, 97:13, 97:52, 97:71
Ignorance, § 97:32
Inducing insured to incur cost or
other prejudice, § 97:42
Inspection of books, § 97:43
Insurance agents, advice of, § 97:40
Intent, § 97:30
IRON SAFE CLAUSES—Cont’d
Inventory records, § 97:41, 97:55, 97:65 et seq.
Invoices, § 97:54, 97:72, 97:73
Itemization, § 97:62, 97:75
Locking of receptacle, § 97:84
Nonwaiver agreement, § 97:34
Notice or knowledge
   Estoppel and waiver, § 97:32
   Ignorance, § 97:32
Objections as to inventory or method of bookkeeping, § 97:41
Omissions, § 97:59, 97:60
Place or location, § 97:64, 97:78
Prejudice, inducing insured to incur, § 97:42
Premium acceptance, § 97:38
Production of books and records, § 97:22, 97:23, 97:29
Property insurance, § 245:76, 245:116
Questions of law or fact, § 97:24, 97:36, 97:53, 97:85
Records and recordkeeping, generally, § 97:45 et seq.
Reports, acceptance of, § 97:38
Representations, warranties, and conditions, generally, § 97:1 et seq.
Safekeeping of records, generally, § 97:79 to 97:85
Sales
   Generally, § 97:55
   Cash and credit sales, § 97:55
Strict compliance, § 97:18
Substantial compliance, § 97:19, 97:20
Substitute records, production of, § 97:22, 97:23, 97:29
Time
   Generally, § 97:14 to 97:16, 97:21
   Inventory, § 97:69
   Omitted periods of time, § 97:59
   Safekeeping of records, § 97:82
   Validity of clauses, § 97:4

IRRELEVANT MATTER
Instructions to jury, § 246:65
Pleadings, § 244:17

ISOLATED ACTS
Foreign insurers, § 3:8

ITEMIZATION
Arbitration awards, § 213:9
Iron safe clauses, § 97:62, 97:75
Limitation of actions, § 236:73
Notice and proof of loss, § 189:97
Subrogation, § 225:99, 225:100

JAW DISORDERS
Medical insurance, § 144:66, 144:67

JETTISON
Marine insurance, § 183:63, 221:24 to 221:29

JEWELERS’ BLOCK INSURANCE
See also Property Insurance (this index)
Location, device, or activity, risks associated with, § 1:57

JEWELRY
Property insurance, § 148:43
Property loss, generally, § 177:68

JEWELRY-FUR FLOATER POLICIES
Property insurance, § 154:64 to 154:67

JOINDER OF CAUSES OF ACTION
Generally, § 232:25 to 232:28
Defenses, § 232:28

JOINDER OF CLAIMS AND COUNTERCLAIMS
Dismissal, § 247:18
Jurisdiction, § 228:60, 229:47

JOINDER OF ISSUE
Incontestability clause, § 240:93, 240:94

JOINDER OF PARTIES
Generally, § 243:3 to 243:5
Abandonment of claim, § 243:18
Abandonment of share of recovery, § 243:19
JOINDER OF PARTIES—Cont’d

Agents and brokers, § 243:144

Agreements

Post-loss duty or agreement, breach of, § 243:106 to 243:108

Settlement agreement, breach of, § 243:108

All claimants, necessity of, § 243:34

Arbitration, appraisal, or submission agreements, § 210:79

Assignment, health insurance, § 243:70

Attorneys, necessity of, § 243:107

Beneficiaries

Cancellation of policy, § 243:151

Life beneficiary, disability insurance, § 243:71

Trust beneficiaries, § 243:146

Blanket bond covering property of others, § 243:78

Bonds

Blanket bond covering property of others, § 243:78

Death of principal as factor, fidelity bond, § 243:75

Fidelity bond, § 243:74, 243:75

Performance and payment bonds, § 243:76, 243:77

Cancellation of policy, § 243:149 to 243:151

Charter, restore, § 243:152

Children, disability insurance, § 243:73

Coinsurers, § 243:36, 243:148

Commissioner of insurance, § 243:112

Contract to procure insurance, action for breach of, § 243:154

Corporate misconduct, § 243:114, 243:115

Creditors, § 243:62 to 243:66, 243:145

Cure, § 243:22

Death of principal as factor, fidelity bond, § 243:75

Declaratory Judgments (this index)

Defend, breach of duty to, § 243:107

Demurrer, § 244:87

JOINDER OF PARTIES—Cont’d

Derivative action, § 243:115

Disability insurance, § 243:71 to 243:73

Dismissal as cure, § 243:22

Due process violation, § 243:17

Estate, necessity of, § 243:35

Fidelity bond, § 243:74, 243:75

Garnishment, § 243:109

General liability insurance, § 172:11

Governing law, § 243:18

Health insurance, § 243:70

Impleader, § 243:10

Improper joinder of parties, § 243:23, 243:24

Indispensable parties, § 243:3

Judgment creditor, role of, § 243:71

Jurisdiction, § 227:19, 228:60, 229:67, 229:75

Jury trial, § 246:36

Lender, disability insurance, § 243:72

Liability Insurance (this index)

Life beneficiary, disability insurance, § 243:71

Life Insurance (this index)

Livestock exchange insurance, § 243:82

Mandamus proceeding to restore charter, § 243:152

Marine insurance, § 243:79, 243:80

Misjoinder

Generally, § 243:21 et seq.

Defendants, improper joinder of parties, § 243:24

Demurrer, § 244:87

Dismissal as cure, § 243:22

Improper joinder of parties, § 243:23, 243:24

Jurisdiction and venue, § 227:19

Plaintiffs, improper joinder of parties, § 243:23

Waiver, § 243:25

Multiple policies, marine insurance, § 243:80

Necessary parties, § 243:3

Nonjoinder

Generally, § 243:16 et seq.

Abandonment of claim, § 243:18
JOINDER OF PARTIES—Cont’d
Nonjoinder—Cont’d
Abandonment of share of recovery, § 243:19
Due process violation, § 243:17
Jurisdiction and venue, § 227:19
Waiver, § 243:20
Payment to improper payee, action to recover, § 243:153
Performance and payment bonds, § 243:76, 243:77
Permissive joinder, § 243:4
Personal representative, § 243:73, 243:149
Post-loss duty or agreement, breach of, § 243:106 to 243:108
Property Insurance (this index)
Receivership action, § 243:116
Reciprocal insurance, § 243:83
Reformation of policy, § 243:98 to 243:105
Reformation (this index)
Reimbursement, § 243:113, 243:146 to 243:148
Reinsurer, cancellation of policy, § 243:150
Required joinder, § 243:4
Restore, mandamus proceeding to restore charter, § 243:152
Settle, duty to, § 243:106
Settlement agreement, breach of, § 243:108
Statute, violation of, § 243:112
Subrogation, § 224:156, 224:182
Third-party claims, § 205:38, 205:40
Third persons, § 243:78
Title insurance, § 243:81
Tortfeasor, necessity of, § 243:35
Torts (this index)
Trust beneficiaries, § 243:146
Unearned premiums, § 243:110, 243:111
Uninsured/underinsured motorist coverage, § 243:34 to 243:36

JOINDER OF PARTIES—Cont’d
Unwilling plaintiff, joinder of, § 243:5
Waiver, § 243:20, 243:25

JOINT AND SEVERAL LIABILITY
Coinsurance, § 227:19

JOINT DEFENSE PRIVILEGE
Attorney-client relationship, § 250:13

JOINT LIABILITY
General liability insurance, § 172:5
Venue, § 230:48

JOINTLY OWNED PROPERTY
See Coownership and Joint Tenancy (this index)

JOINT POLICIES
Adjustment of losses, § 178:73
Assignment, § 35:23
Landlord and tenant, § 68:38
Life insurance, § 68:28
Representations, warranties, conditions, and concealment, § 81:105

JOINTS
Disability provisions, § 147:82

JOINT TORTFEASORS
Contribution and apportionment, § 241:59
Release, § 216:25
Subrogation, § 223:70, 225:27, 225:28, 225:33

JOINT TRIALS
Venue, § 230:49

JOINT UNDERWRITERS
Limitation of actions, § 237:19

JOINT VENTURES
Automobile insurance, § 115:115
Contractors’ payment bonds, § 165:17
Fidelity insurance, § 160:44

JOYRIDE
Automobile property insurance, § 157:17
INDEX

JUDGE
Disqualification of judge, § 246:16
Hearsay exclusion and exceptions, § 249:21
Venue, § 230:94, 230:95

JUDGMENT HOLDER
Automobile Insurance (this index)
Bad faith, § 242:153
Commercial General Liability Policies (this index)
Homeowners’ Insurance (this index)
Joinder of parties, § 243:106
Limitation of actions
Generally, § 234:63
Direct action by insured’s judgment creditor, § 236:163
Negligence in handling claim, § 242:153

JUDGMENT NOTWITHSTANDING THE VERDICT (JNOV)
Generally, § 248:10 to 248:12
Evidence to support verdict, sufficiency of, § 248:11
Special findings and verdict, conflict between, § 248:12

JUDGMENTS
Generally, § 247:53 et seq.
Adjustment of losses, § 178:50
Arbitration awards, § 213:42, 213:43
Assignment, divorce decrees, § 37:35
Attack on judgment or verdict
Generally, § 248:1 et seq.
Motions for review or modification of judgment, § 248:3
Attack on judgment or verdict
Judgment Notwithstanding the Verdict (JNOV) (this index)
New Trial (this index)
Reopening Case (this index)
Attorneys’ fees, § 207:93
Automobile Liability Insurance (this index)
Commercial liability insurance, § 201:59
Common law, § 204:32
Contribution, § 218:30

JUDGMENTS—Cont’d
Cooperation, § 199:52, 199:92
Costs of Action (this index)
Creditors, generally, § 66:7, 66:8
Cure, § 244:105
Declaratory Judgments (this index)
Delayed payment or nonpayment, § 207:23, 207:71, 208:27
Dismissal, § 247:13, 247:14
Distribution of recovery, § 247:57
Enforcement, § 247:56
Equitable remedies, § 232:191
Fidelity bonds and insurance, § 160:58, 161:60, 185:52, 191:91
Final judgment or order, § 248:39, 248:40
Future payments, § 247:54
Governing Law (this index)
Insurable interest of judgment creditors, § 42:25
Judgment Notwithstanding the Verdict (JNOV) (this index)
Judgment on appeal, § 248:51, 248:52
Jurisdiction of federal proceedings, § 229:6, 229:16
Liability insurer, § 226:134
Liens and encumbrances, § 93:33
Life, health, and disability insurance, § 191:85
Limitation of Actions (this index)
Marine insurance, § 183:45, 183:197
Modification, § 248:3
Motion, § 248:3
Negligent or intentional acts, § 201:23, 201:24
New Trial (this index)
Payments, future, § 247:54
Property insurance, § 191:84
Recoupment, § 226:101
Reformation (this index)
Reimbursement, § 226:40
Reopening Case (this index)
JUDGMENTS—Cont’d
Satisfaction of judgment pending appeal, § 226:134
Service of process, § 231:19
Setting Aside (this index)
State proceedings, § 228:6
Subrogation (this index)
Third-party claims, §§ 205:71 to 205:74, 205:92 to 205:95, 206:4, 206:19, 206:20, 206:30, 206:50, 206:51
Venue, § 230:45
JUDICIAL APPROVAL
Settlement and compromise of claim, § 215:41
JUDICIAL CONSTRUCTION
Generally, § 22:40
JUDICIAL DEMAND
Automobile liability insurance, § 170:48
JUDICIAL IMMUNITY
Arbitrators, appraisers, and proceedings before them, § 211:15
JUDICIAL NOTICE
Generally, §§ 254:274 et seq.
Administrative bodies, acts and records of, § 254:266
Approval of policy, § 254:261
Authority of public officers, § 254:267
Automobiles, value of, § 254:283
Business practices
   Generally, § 254:278
   Insurers’, § 254:259
Defined, § 249:9
Definition, § 249:9
Definitions and meanings of words, judicial notice of, § 254:279
Disability, § 254:268
Disease, nature of, § 254:269
Hazard increase, § 254:262
Health hazards, § 254:270
Insurers’ business practices, § 254:259
Issuance of policy, § 254:261
JUDICIAL NOTICE—Cont’d
Judicial proceedings and facts therein
   Generally, § 254:274 et seq.
   Related proceedings, § 254:275
   Same proceeding, § 254:274
   Unrelated proceedings, § 254:276
Laws, § 254:264
Legislative history, § 254:265
Medical histories, § 254:271
Medicine, nature of, § 254:269
Mortality tables and data, § 254:273
Nature of insurance, § 254:258
Nature, rules of, § 254:280
Personal services, value of, § 254:284
Pleadings, § 244:15
Poisons, § 254:272
Policy forms, § 254:260
Purposes of insurance, § 254:258
Regulations, § 254:264
Relationship between insurer and insured, § 254:258
Safety hazards, § 254:270
Science, rules of, § 254:280
Status of public officers, § 254:267
Statutory provisions, § 254:257
Time, matters of, § 254:282
Value
   Automobiles, § 254:283
   Personal services, § 254:284
Vehicle
   Nature and use of, § 254:285
   Value, §§ 254:283, 254:285
Vessel, nature and use of, § 254:285
Weather, § 254:281
JUDICIAL RECORDS
See Documentary Evidence (this index)
JUDICIAL REMOVAL AND SUBSTITUTION
Arbitrators, appraisers, and proceedings before them, § 211:41
JUDICIAL RESCISSION
See Cancellation and Rescission (this index)
INDEX

JUDICIAL REVIEW
See also Appeal and Review (this index)
Absence of evidence, § 248:57
Absence of special findings, § 248:63
Actual controversy, § 248:41
Admission as erroneous, § 248:54
Agents and brokers, licenses, § 47:22 to 47:24
Amount in controversy, § 248:43
Apparent conflict, § 248:60, 248:62
Appeal bond, § 248:45
Arbitration and appraisal, § 209:33, 209:34
Arbitration, appraisal, or submission agreements, § 210:34
Arbitration awards, § 213:72
Attorneys’ fees, § 207:89, 207:96
Automobile liability insurance, § 170:51
Avoidable error, objection at trial, § 248:38
Bonds, filing appeal bond, § 248:45
Burden of proof, § 2:14
Cancellation and rescission, § 32:32
Collateral review, § 2:19
Commissioner of insurance, § 2:14
Costs of action, § 233:87 to 233:89
Decision contrary to evidence, § 248:58
Declaratory judgments, § 242:180
Defense, § 200:45, 200:46
Delayed payment or nonpayment, § 207:17
Directed verdict, § 248:49
Erroneous basis for correct decision, § 248:35
Errors in instructions to jury, § 248:64
Evidence
Generally, § 248:53 et seq.
Absence of evidence, § 248:57
Admission as erroneous, § 248:54
Conflicting evidence, § 248:56
Decision contrary to evidence, § 248:58

JUDICIAL REVIEW—Cont’d
Evidence—Cont’d
Exclusion as erroneous, § 248:53
Standard of proof, § 2:14
Sufficiency, § 248:55 to 248:58
Exceptions and exclusions
Directed verdict, § 248:49
Erroneous exclusion of evidence, § 248:53
Objection at trial, § 248:37
Requirement, § 2:17
Exhaustion of remedies, § 2:16
Filing appeal bond, § 248:45
Final judgment or order, § 248:39, 248:40
Findings
Generally, § 248:59 et seq.
Absence of special findings, § 248:63
Apparent conflict, § 248:60, 248:62
Conflict between general verdict and special findings, § 248:59
Conflict between special findings, § 248:61, 248:62
Former appeal as law of case, § 248:50
Form, standard, and scope of review, § 2:18
General liability insurance, § 172:60
Instructions to jury, errors in, § 248:64
Interest on money, § 178:32
Judgment on appeal, § 248:51, 248:52
Judgments, motions for review or modification of, § 248:3
Jurisdiction, § 227:18, 228:61, 248:42 to 248:44
Law of case, former appeal as, § 248:50
Liability insurer, § 226:134
Limitation of actions, § 237:99
Medical insurance, § 181:6
Merits, generally, § 248:53 et seq.
Motion for review or modification of judgment, § 248:3
New issue, § 248:65
New theory, § 248:65

Index-347
JUDICIAL REVIEW—Cont’d

Objections
Generally, § 248:36 to 248:38
Instructions to jury, errors in, § 248:64
New issue, § 248:65
New theory, § 248:65
Orders, final judgment or, § 248:39, 248:40
Parties, § 2:15, 248:33
Penalties, fees and similar consequences, § 204:96, 204:97
Premiums, effect of appeal on collection of, § 2:34
Presumption in favor of verdict or judgment, § 248:48, 248:49
Prior judgment, § 239:29
Record on appeal, § 248:47
Reformation, § 28:11
Remand, § 248:52
Ruling on, generally, § 248:46 et seq.
Satisfaction of judgment pending appeal, § 226:134
Special findings
Absence of special findings, § 248:63
Conflict between general verdict and special findings, § 248:59
Conflict between special findings, § 248:61, 248:62
Standard of proof, § 2:14
State proceedings, § 228:8
Third-party claims, § 205:43, 205:44, 205:83
Time, § 248:34
United states supreme court, § 248:44
Venue, § 230:85
Verdict, § 248:59

JUDICIAL SALES
Insurable interest, § 42:67
Mortgages and deeds of trust, § 65:73
Representations, warranties, and conditions, § 91:46, 91:47, 92:81 to 92:85

JUDICIAL SELECTION OF TEST
Actual cash value, § 175:24

JURISDICTION
Generally, § 227:1 et seq.
Abstention. See Federal Courts (this index)
Acceptance, § 228:14
Accounting, § 228:67
Adjustment of claim, § 228:32
Administrative agency, § 228:10, 228:11
Admiralty jurisdiction and marine insurance. See Federal Courts (this index)
Advertising and the like, § 228:25
Alignment of parties. See Federal Courts (this index)
Amount in Controversy (this index)
Appeals, § 248:42 to 248:44
Appellate jurisdictional amount, § 228:61
Arbitration and appraisal, § 209:21
Arbitration, appraisal, or submission agreements, § 210:26, 210:43
Attorneys’ fees, § 228:59
Automobile insurance, § 228:34 to 228:36
Burden of proof, § 254:141
Claim service providers, § 228:31
Cleanup, § 228:68
Commercial liability insurance, § 228:38
Concurrent jurisdiction, § 227:16
Consent, § 228:63
Constitutional law, § 228:20, 228:21
Contacts confer jurisdiction, § 228:36
Contracting for insurance, § 228:29, 228:30
Contracts with claim service providers, § 228:31
Costs of action, § 233:53
Current issues, generally, § 227:5 et seq.
Definitions, § 227:13
Delimiting actions conferring jurisdiction, § 228:21
Disciplinary matters, § 228:47
Diversity of citizenship. See Federal Courts (this index)
Doing business, § 228:28
JURISDICTION—Cont’d
Duty of court to exercise jurisdiction, § 227:17
Environmental damage or cleanup, § 228:37, 228:68
Equitable remedies, § 232:116
Erroneous decision by court, § 227:18
Estoppel and waiver
   Generally, § 238:82
   Mutual benefit societies, § 228:51
   Objection, § 228:12, 228:13, 228:16
Exceeding jurisdictional maximum, § 228:62
Exceptions, § 228:48 to 228:50, 228:53
Exclusive jurisdiction, § 227:16
Exhaustion of remedies, § 228:46 to 228:50
Expulsion and disciplinary matters, § 228:47, 228:49
Federal Courts (this index)
Federal question jurisdiction. See Federal Courts (this index)
Finality of action by association tribunal, § 228:52 to 228:54
Foreign insurers, consent-jurisdiction, § 3:26 to 3:34
Forum acceptance or selection clauses, § 228:14
Forum selection, generally, § 227:9 to 227:11
Forum shopping concept, § 227:10
General commercial liability insurance, § 228:38
General jurisdiction distinguished, § 227:7
Good faith, § 228:56
Governing Law (this index)
Health insurance, § 228:41
Inferior tribunals, § 228:9
Interest on money, § 228:59
Internal management, § 228:65, 228:66
International disputes, § 227:12
Internet, § 227:6, 227:8
Investigation or adjustment of claim, § 228:32
JURISDICTION—Cont’d
Irregularity of determination, finality of action by association tribunal, § 228:54
Joinder of claims and parties, § 228:60
Limitation of actions, § 237:25, 237:26, 237:32
Marine insurance
   Generally, § 228:40
Marine insurance
   Federal Courts (this index)
   Medical and health insurance, § 228:41
Minimum contacts, § 228:22, 228:23, 228:25 to 228:28
Multiple actions on same obligation, § 227:20
Mutual benefit society, § 228:66
Necessary parties, § 227:19
Necessity, § 227:14, 227:15
Nonjoinder or misjoinder of necessary parties, § 227:19
Nonmonetary claim, § 228:58
Nonresident plaintiffs, personal jurisdiction, § 228:18, 228:19
100-mile radius rule, § 228:22
Parties, § 228:60
Payments, § 228:29, 228:31, 228:32, 228:50
Penalties, § 228:59
Personal jurisdiction, § 227:8, 228:17 to 228:19
Preservation of objection, § 228:15
Prior judgment, § 239:43
Process and Service of Process and Papers (this index)
Products liability insurance, § 228:39
Property coverages, § 243:43
Property damage, § 228:37, 228:68
Propriety of refusal of jurisdiction. See Federal Courts (this index)
Public official and appointed fiduciary bonds, § 166:43, 166:44, 166:54
Qualification to do business in state, § 228:28
Reinstatement, § 228:49
Reissuance, § 228:43
JURISDICTION—Cont’d
Relocation to forum, § 228:42, 228:43
Removal of action to federal court.
   See Federal Courts (this index)
Renewal, § 228:43
Selection, § 228:14, 228:63
State court jurisdiction as concurrent or exclusive, § 227:16
State proceedings
   Generally, § 228:1 et seq.
   Accounting, § 228:67
   Adjustment of claim, § 228:32
   Administrative agency, § 228:10, 228:11
   Advertising and the like, § 228:25
   Appellate jurisdiction, § 228:8
   Appellate jurisdictional amount, § 228:61
   Attorneys’ fees, § 228:59
   Automobile insurance, § 228:34 to 228:36
   Claim arising in foreign state, § 228:19
   Constitutional law, § 228:20, 228:21
   Contacts confer jurisdiction, § 228:36
   Contracting for insurance, § 228:29, 228:30
   Contracts with claim service providers, § 228:31
   Declaratory judgments, § 228:6
   Delimiting actions conferring jurisdiction, § 228:21
   Environmental damage or cleanup, § 228:37, 228:68
   Estoppel and waiver
      Mutual benefit societies, § 228:51
      Objection, § 228:12, 228:13, 228:16
   Exceeding jurisdictional maximum, § 228:62
   Exceptions, § 228:48 to 228:50, 228:53
   Exhaustion of remedies, § 228:46, 228:47, 228:48 to 228:50

JURISDICTION—Cont’d
State proceedings—Cont’d
   Expulsion and disciplinary matters, § 228:47, 228:49
   Finality of action by association tribunal, § 228:52 to 228:54
   Foreign defendants
      Generally, § 228:20 et seq.
      Adjustment of claim, § 228:32
      Advertising and the like, § 228:25
      Automobile insurance, § 228:34 to 228:36
      Constitutional law, § 228:20, 228:21
      Contacts confer jurisdiction, § 228:36
      Contracting for insurance, § 228:29, 228:30
      Contracts with claim service providers, § 228:31
      Corporate parent or subsidiary, contacts of, § 228:27
      Corporations, generally, § 228:20 et seq.
      Delimiting actions conferring jurisdiction, § 228:21
      Environmental damage to property, § 228:37
      Events present or occurring in state, providing coverage for, generally, § 228:33 et seq.
      Extending to forum, automobile insurance when coverage, § 228:35
      General commercial liability insurance, § 228:38
      Investigation or adjustment of claim, § 228:32
      Maintaining business presence in state, § 228:25, 228:26
      Marine insurance, § 228:40
      Medical and health insurance, § 228:41
      Minimum contacts, § 228:22, 228:23, 228:25 to 228:28
      100-mile radius rule, § 228:22
JURISDICTION—Cont’d
State proceedings—Cont’d
Foreign defendants—Cont’d
Payment of claims, § 228:31, 228:32
Payment, refusal, § 228:29
Place of contracting for insurance, § 228:30
Products liability insurance, § 228:39
Products present or occurring in state, providing coverage for, generally, § 228:33 et seq.
Property present or occurring in state, providing coverage for, generally, § 228:33 et seq.
Qualification to do business in state, § 228:28
Relocation to forum, § 228:42, 228:43
Renewal or reissuance of policy after relocation of insured into state, § 228:43
Statutes, § 228:20, 228:21, 228:24
Subrogation claim, § 228:44
Transacting business, § 228:23
Unauthorized insurers, § 228:24
Foreign state, claim arising in, § 228:19
Forum acceptance or selection clauses, § 228:14
Forum non conveniens
Generally, § 228:63 et seq.
Accounting, § 228:67
Determination, factors, § 228:64
Environmental damage or cleanup, § 228:68
Forum selection and consent to suit clauses, § 228:63
Internal management, § 228:65, 228:66
Mutual benefit society, § 228:66
Forum selection and consent to suit clauses, § 228:63
General commercial liability insurance, § 228:38

JURISDICTION—Cont’d
State proceedings—Cont’d
Good faith, § 228:56
Inferior tribunals, § 228:9
Interest on money, § 228:59
Internal management, § 228:65, 228:66
Investigation or adjustment of claim, § 228:32
Irregularity of determination, finality of action by association tribunal, § 228:54
Joinder of claims and parties, § 228:60
Judgments, § 228:6
Jurisdictional amount
Generally, § 228:55 et seq.
Additional elements, § 228:59
Appellate jurisdictional amount, § 228:61
Attorneys’ fees, § 228:59
Determination, basis for, § 228:57 to 228:59
Exceeding jurisdictional maximum, § 228:62
Good faith, § 228:56
Interest, § 228:59
Joinder of claims and parties, § 228:60
Nonmonetary claim, § 228:58
Penalties, § 228:59
Marine insurance, § 228:40
Medical and health insurance, § 228:41
Minimum contacts, § 228:22, 228:23, 228:25 to 228:28
Mutual benefit societies
Generally, § 228:45 et seq.
Denial of liability and refusal to pay, § 228:50
Exceptions, § 228:48 to 228:50, 228:53
Exhaustion of remedies,
§ 228:46, 228:47, 228:48 to 228:50
Expulsion and disciplinary matters, § 228:47, 228:49
JURISDICTION—Cont’d
State proceedings—Cont’d
Mutual benefit societies—Cont’d
Finality of action by association tribunal, § 228:52 to 228:54
Irregularity of determination, finality of action by association tribunal, § 228:54
Payments, § 228:50
Reinstatement, § 228:49
Unlawful expulsion, § 228:49
Waiver and estoppel, § 228:51
Mutual benefit society, § 228:66
Nonmonetary claim, § 228:58
Nonresident plaintiffs, personal jurisdiction, § 228:18, 228:19
Objection
Generally, § 228:12 et seq.
Estoppel and waiver, § 228:12, 228:13, 228:16
Forum acceptance or selection clauses, § 228:14
Preservation of objection, § 228:15
Submission-jurisdiction, § 228:12 to 228:14
100-mile radius rule, § 228:22
Payments, § 228:29, 228:31, 228:32, 228:50
Penalties, § 228:59
Personal jurisdiction, § 228:4, 228:17 to 228:19
Preservation of objection, § 228:15
Products liability insurance, § 228:39
Qualification to do business in state, § 228:28
Quasi in rem jurisdiction, § 228:5
Reinstatement, § 228:49
Reissuance, § 228:43
Relocation to forum, § 228:42, 228:43
In rem jurisdiction, § 228:1, 228:2
Renewal, § 228:43
Statutes, § 228:20, 228:21, 228:24
Subject matter jurisdiction, § 228:3

JURISDICTION—Cont’d
State proceedings—Cont’d
Submission-jurisdiction, § 228:12 to 228:14
Subrogation claim, § 228:44
Transacting business, § 228:23
Unauthorized insurers, § 228:24
Unlawful expulsion, § 228:49
Workers’ compensation board, § 228:11
Statutes
see also federal courts (this index)
State proceedings, § 228:20, 228:21, 228:24
Submission-jurisdiction, § 228:12 to 228:14
Subrogation claim, § 228:44
Supplemental (ancillary and pendent) jurisdiction. See Federal Courts (this index)
Technology, § 227:5 to 227:8
Territorial Jurisdiction and Limitations (this index)
Transacting business, § 228:23
Unauthorized insurers, § 228:24
Unlawful expulsion, § 228:49
Venue (this index)
Workers’ compensation board, § 228:11

JURISDICTIONAL AMOUNT
Generally, § 233:60
See also Federal Courts (this index)

JURY TRIALS
Generally, § 246:8 et seq.
Admission of liability, § 246:35
Amount of loss, § 246:30
Appeal to emotions, § 246:26
Arbitration, appraisal, or submission agreements, § 210:31
Argument to jury
Generally, § 246:17 et seq.
Amount of loss, § 246:30
Appeal to emotions, § 246:26
Credibility of witness, attack on, § 246:25
Cure of improper argument, § 246:19, 246:20
INDEX

JURY TRIALS—Cont’d
Argument to jury—Cont’d
Evidence, matter not in, § 246:29
Inference from evidence, § 246:24
Insult, § 246:28
Law, application to facts, § 246:22
Reference to financial condition, § 246:27
Statement on case, § 246:18
Verdict, cure by, § 246:20
Waiver of objection to argument, § 246:21
Witness, § 246:23, 246:25
Assignment of claim, § 246:46
Attorney, § 246:39, 246:49
Cancellation and rescission, § 31:84
Credibility of witness, attack on, § 246:25
Cross-examination, § 246:41
Cure, § 246:19, 246:20, 246:50, 246:51
Declaratory judgments, § 232:49
Defense counsel, § 246:39
Defense, volunteered by, § 246:44
Disclosure made in conjunction with admission of liability, § 246:35
Discretion of court, § 246:53
Disqualification of juror, § 246:57, 246:58
Experience with claims in insurance companies, § 246:57
Form of question, § 246:56
Good-faith requirement, § 246:54
Improper, § 246:55
Involvement in action by juror or relative of, § 246:58
Exception-general rule, § 246:34 to 246:36
Experience with claims in insurance companies, § 246:57
Form of question, § 246:56
Good-faith requirement, § 246:54
Harmless error, § 246:45
Identifying insurer’s counsel, § 246:49
Impeachment of witness, § 246:42
Indirect reference, § 246:40
Intentional reference
Generally, § 246:37 et seq.
Already raised before jury, § 246:38
Cross-examination, § 246:41
Impeachment of witness, § 246:42
Indirect reference, § 246:40
Provocation by defense counsel, § 246:39
Investigation, reference to, § 246:48
Involvement in action by juror or relative of, § 246:58
Joinder of insurer, § 246:36
Objection, necessity of, § 246:51
Out-of-court statement or negotiation, reference to, § 246:47

Index-353
JURY TRIALS—Cont’d
   Existence or absence of insurance,
   reference to—Cont’d
   Provocation by defense counsel,
   § 246:39
   Rule, § 246:33
   Volunteered, § 246:43 to 246:45
   Experience with claims in insurance
   companies, § 246:57
   Fact, issues of, § 246:9
   Financial condition, § 246:27
   Form of question, § 246:56
   Good-faith requirement, § 246:54
   Harmless error, § 246:45
   Identifying insurer’s counsel,
   § 246:49
   Impeachment of witness, § 246:42
   Indirect reference, § 246:40
   Inference from evidence, § 246:24
   Instructions to Jury (this index)
   Insult, § 246:28
   Insurance company, § 246:57
   Interpleader, § 232:76
   Investigation, reference to, § 246:48
   Involvement in action by juror or
   relative of, § 246:58
   Joinder of insurer, § 246:36
   Judge, disqualification of, § 246:16
   Law, application to facts, § 246:22
   Law, issues of, § 246:9
   Misconduct of jurors, § 246:15
   Negotiations, § 246:47
   New trial, § 248:26, 248:27
   Objections, § 246:21, 246:51
   Out-of-court statement or negotia-
   tion, reference to, § 246:47
   Provocation by defense counsel,
   § 246:39
   Question of fact, § 246:10, 246:12
   Question of law, § 246:11, 246:12
   Questions of Law or Fact (this
   index)
   Reference to financial condition,
   § 246:27
   Relationship of juror to insurer,
   § 246:14
   Right to, § 246:8
   Verdict, cure by, § 246:20

JUSTICE, DEATH BY HANDS OF
   See Accident and Life Insurance
   (this index)

JUSTICE OF PEACE
   Public official and appointed fidu-
   ciary bonds, § 166:57

JUSTICIABILITY
   Generally, § 227:21 et seq.
   Amounts compensable, § 227:44
   Amounts payable, § 227:44
   Constitutional law, § 227:22
   Declaratory judgments
      Generally, § 227:24 et seq.
      Actions between insured and
      insurer, generally, § 227:34 et
      seq.
      Actions between insurer and third
      party, § 227:43
      Actions between insurers, § 227:42
      Amounts compensable, § 227:44
      Amounts payable, § 227:44
      Defend, duty to
         Generally, § 227:27 et seq.
         Mootness, § 227:30
         Standing, lack of, § 227:32
         Third-party claimant, § 227:32
      Defense costs, payment of
         Generally, § 227:28 et seq.
         Mootness, § 227:30
         Standing, lack of, § 227:32
         Third-party claimant, § 227:32
      Determination of loss or risk fall-
      ing into coverage, generally,
      § 227:33 et seq.
      Discrimination, § 227:45
      Excess insurer, § 227:41
      First-party insurance, § 227:35
      Identity of insured, § 227:36
      Limitations in federal and state
      proceedings, § 227:25
      Mootness, § 227:26
INDEX

JUSTICIABILITY—Cont’d
Declaratory judgments—Cont’d
Noncoverage, grounds for,
§ 227:40
Notice, breach of, § 227:50
Pay, duty to, § 227:27
Pollution sites, § 227:39
Post-loss duties, breach of,
§ 227:50
Regulatory actions, § 227:46
Reimbursement rights, § 227:48
Ripeness, § 227:38
Settlement’s fairness or enforecability, § 227:47
Standing, § 227:26
Subrogation rights, § 227:48
Third-party claimant, § 227:32
Third-party liability cases, § 227:27
Threshold coverage issues, § 227:36
Tort actions, § 227:37
Uninsured motorist coverage,
§ 227:35
United states constitution, § 227:22
Validity of policy, § 227:36, 227:49,
227:50
JUSTIFICATION
See Excuse or Justification (this
index)

JUVENILE PROCEEDINGS
Prior judgment, § 239:61

KEROSENE
Use and occupancy, § 95:27

KIDNEY AND URINARY TRACT
SYSTEM
Accident and life insurance, § 141:44
Disability provisions, § 147:77
Good health of insured, § 88:54 to
88:58

KITING CHECKS
Fidelity insurance, § 161:98

KNEE INJURY
Disability provisions, § 147:89

KNOWLEDGE
See Notice or Knowledge (this
index)

KNOWN LOSS DEFENSE
Presumptions and burden of proof,
§ 254:122

LABOR AND MATERIAL BONDS
See also Subrogation (this index)
Assignment, § 242:143
Costs of action, § 233:75
Limitation of actions, § 235:21
Parties, § 242:141 to 242:143
Statutory bonds, § 242:141
LABOR AND MATERIAL BONDS
—Cont’d
Trigger of events, § 191:8
Venue, § 230:39

LABOR CLAUSE
See Marine Insurance (this index)

LABOR DISPUTES
Group insurance, § 8:67

LABORERS AND MATERIALMEN
Contractors’ Bonds (this index)
Contractors’ Payment Bonds (this index)
Contractors’ Performance Bonds (this index)
Disability provisions, § 147:147

LACHES
See Delay (this index)

LADDERS
Contractors’ payment bonds, § 165:123

LAETRILE TREATMENTS
Medical insurance, § 181:45

LANDLORD AND TENANT
—Cont’d
Negligence in handling claim, § 242:156, 242:157
Premiums, lessee’s agreeing to pay increase in, § 74:21
Property insurance
Generally, § 148:9, 155:37 to 155:39
Rental property insurance. Property insurance, above
Rent Insurance (this index)
Representations, warranties, and conditions, § 91:75, 91:76, 92:66
Sharecroppers, insurable interest of, § 42:54
Sublessees, insurable interest of, § 42:52
Subrogation (this index)
Sufferance or at will tenants, insurable interest of, § 42:53
Use and occupancy
Equipment prohibitions, § 95:7
Identity of occupant, provisions as to, § 94:58 to 94:60
Increase of risk or hazard, § 94:11, 94:12, 94:26, 94:28, 94:39
Vacancy of property, § 94:130, 94:142 to 94:144
Vacancy of property, § 94:130, 94:142 to 94:144
At will tenants, insurable interest of, § 42:53

LANDSLIDE
Property insurance, § 153:68

LAPSE
Beneficiaries, lapse of policy, § 58:22
Cancellation and rescission distinguished, § 30:2
Costs of action, § 233:38
Delayed payment or nonpayment, § 207:38
Disability insurance, § 190:120
Estoppel and waiver, § 238:72
Fraud, § 232:102

Index-356
INDEX

LAPSE—Cont’d
Limitation of actions, § 234:41
Other insurance clauses, § 219:13
Premiums and Assessments (this index)
Reinstatement and Revival (this index)
Witnesses, § 252:83

LARCENY
See Stolen Property (this index)

LATENT AMBIGUITIES
Patent ambiguities distinguished, § 21:12

LATENT DAMAGE
Limitation of actions, § 236:23

LATENT DISEASES OR CONDITIONS
Accident and life insurance, § 141:19 to 141:21
Good health of insured, § 87:17, 87:20, 88:32
Property insurance, § 153:77, 153:78, 154:41

LATE PAYMENT OF PREMIUMS
Cancellation and rescission, acceptance of late payments, § 31:9

LAW ENFORCEMENT AND OTHER PUBLIC OFFICIALS
Accident and life insurance, § 140:34
Notice, § 187:84, 187:86
Risks covered under policies, § 131:56

LAW PRACTICE
See Attorneys (this index)

LAYOFFS
Group insurance, § 6:63

LAY OPINION
Generally, § 252:48 to 252:51
Disability as cause of loss, § 255:31
Health, illness, or disease, proof of, § 255:72
Loss, proving cause of, § 255:19

LEAKAGE
Property insurance, § 155:57, 155:68, 155:76, 155:86

LEARNERS’ PERMITS
Automobile insurance, § 110:43

LEASES
Bailments (this index)
Landlord and Tenant (this index)

LEAVE OF COURT
Defense, § 200:58

LEAVES OF ABSENCE
Group insurance, § 6:63

LEGACIES
See Wills (this index)

LEGAL ADVICE
Attorney-client relationship, § 250:20

LEGAL DETERMINATION
Subrogation, § 223:42, 223:149, 223:150

LEGAL DISABILITY
Disability insurance, § 146:10

LEGAL INCAPACITY
Limitation of actions, § 237:58

LEGALITY OF POLICY
Wrongful or ineligible party, § 242:193

LEGAL MALPRACTICE
Subrogation, § 222:78, 223:82, 225:194

LEGAL OBLIGATION
See Recoupment (this index)

LEGAL SUBROGATION
See Subrogation (this index)

LENGTH OF EMPLOYMENT
Group insurance, § 8:49

LESSORS AND LESSEES
Bailments (this index)
Landlord and Tenant (this index)
LETTERHEADS
Agents and brokers, possession of applications, letterhead, advertising materials, and the like, § 44:47

LETTER OF CREDIT
Arbitrators, appraisers, and proceedings before them, § 211:12

LETTERS
Documentary Evidence (this index)

LEUKEMIA
Good health of insured, § 88:91

LIABILITY INSURANCE
Generally, § 1:34
Accident insurance, § 139:5
Admissions, statements constituting
Generally, § 254:245
Scope of admission, § 254:251
Affirmative coverage, § 201:41, 201:42
Aircraft, § 201:34, 201:50
Alternative, joinder in, § 243:33
Arbitration, § 242:26
Assault and battery, § 201:47
Assignment, § 34:25, 243:27
Attachment, § 232:199
Attorney-Client Relationship (this index)
Attorney representing insured, § 242:23
Automobile Liability Insurance (this index)
Beneficiaries, § 242:24 to 242:26, 242:28
Coinsured, necessity of, § 243:26
Combining or stacking of coverages, § 169:108 to 169:111
Commercial Liability Insurance (this index)
Commercial policies, threshold requirements, generally, § 201:28 et seq.
Construction, § 191:10
Contractors and subcontractors, § 201:32
Contractors’ bonds, § 163:93 to 163:95

LIABILITY INSURANCE—Cont’d
Coplaintiff, § 243:29
Corporation, § 242:27, 242:28
Costs of action, § 233:27 to 233:29
Creditor under arbitration award, § 242:26
Death, § 242:25
Declaratory judgments, § 232:64 to 232:66, 242:20
Deductibles, § 226:133
Defenses
Generally, § 201:29, 226:123 et seq.
Duty to defend, § 201:29, 242:183
Evidence, § 226:129
Excess insurer, reservation of rights against primary insurer, § 226:127
Group or organization, duty to defend when named insured is, § 201:29
Parties, § 242:183
Reimbursement, § 226:123 to 226:125
Reservation of rights, § 226:126 to 226:128
Uncovered claims, generally, § 226:123 et seq.
Directors and Officers (this index)
Due diligence, § 191:11
Employers’ liability insurance, § 1:36, 242:29
Employment, § 201:36
Environmental damage provisions, § 201:41, 201:42 to 201:44
Eviction, § 201:44
Exclusions
Pollution, § 201:42
Streets, sidewalks, roads, and like, § 201:40
False arrest, § 201:47
General Liability Insurance (this index)
Governing law, no action clause in liability policy, § 24:42
Heirs suing for wrongful death, § 242:25
INDEX

LIABILITY INSURANCE—Cont’d
Ignorance of existence of policy or insurer identity, § 192:34 to 192:37
Impleader, § 243:8
Injured party, § 242:24
Insurable interest, § 41:28
Invasion of right to private occupancy, § 201:44
Investigate, duty to, § 191:11
Joiner of parties
Generally, § 243:26 et seq.
Alternative, joinder in, § 243:33
Assignee, necessity of insured’s, § 243:27
Coinsured, necessity of, § 243:26
Injured party, action by, § 243:28 to 243:30
Insured, action by, § 243:26, 243:27
Insured, necessity of, § 243:30
Multiple insurers, § 243:31 to 243:33
Settlement with coplaintiff, effect of, § 243:29
Statutes, § 243:32
Jurisdiction of federal proceedings, § 229:36
Leases, § 201:31
Libel, slander, and defamation, § 201:45, 201:46
Limitation of actions
Contractual limitation periods, § 235:33 to 235:35, 235:58 to 235:61
Defendant’s activities as trigger, § 236:106
Direct action against liability insurers, § 234:62, 234:63
Enforcement of payment pursuant to terms of contract, § 234:22
Malice, § 201:46
Malicious prosecution, § 201:48
Marine insurance, § 183:122, 183:125, 183:178
Medical insurance, § 180:24
Medical Payments (this index)
Motor vehicles, § 201:49
Multiple insurers, § 243:31 to 243:33

LIABILITY INSURANCE—Cont’d
Named insured, § 242:19 to 242:21
Notice and proof of loss
Generally, § 186:13, 186:29
Prejudice or bias
Delay, § 193:70, 193:71
Presumed prejudice-insurer, § 193:43 to 193:45
Officers and Directors of Insurance Companies (this index)
Omnibus insured, § 201:34
Organization, § 201:29
Parties, generally, § 242:19 et seq.
Personal policies, threshold requirements, generally, § 242:28 et seq.
Pollution, § 201:41 to 201:44
Prejudice or bias. Notice and proof of loss, above
Premises, § 201:39
Prior judgment, § 239:34, 239:63 to 239:66, 239:80, 239:83
Professional Liability Insurance (this index)
Promise, § 242:28
Property insurance, § 155:79
Property insured, threshold requirements, generally, § 201:38 to 201:40
Real parties in interest, § 242:21
Reimbursement, § 226:29, 226:131
Roads, § 201:40
Satisfaction of judgment pending appeal, § 226:134
Seepage and pollution endorsement, § 201:41, 201:42
Settlements, § 226:130, 226:131, 243:29
Shippers and carriers, § 201:33
Sidewalks, § 201:40
Statutes, § 226:132, 226:32
Stockholders, § 201:35
Streets, § 201:40
Subrogation, § 223:59, 242:21
Sudden and accidental discharge, pollution, § 201:43
LIABILITY INSURANCE—Cont’d
Third-party beneficiary, § 242:24 to 242:26, 242:28
Third-party claimant in insurer’s declaratory judgment action, § 242:20
Threshold requirements, generally, § 201:28 et seq.
Time
Generally, § 102:22 to 102:28
Accident or occurrence policies, period covered by
Generally, § 102:23 to 102:25
Continuation of injury after initial manifestation, § 102:25
Delay between actual injury and its initial manifestation, § 102:24
Claims-made policies, period covered by, § 102:26
Contractual modifications of rules
Additional coverage, purchase of, § 102:28
Narrowing coverage period, § 102:27
Trigger
Generally, § 191:9 et seq.
Automobile liability insurance, § 191:29 to 191:31
Construction, § 191:10
Defendant’s activities, § 236:106
Due diligence, § 191:11
Investigate, duty to, § 191:11
Uninsured motorist insurance, § 191:32
Trigger
General Liability Insurance (this index)
Uninsured motorist insurance, § 191:32
Vehicles, § 201:34, 201:38, 201:49, 201:50
Wrongful death, § 242:25
Wrongful entry, § 201:44
LIABILITY LIMITING CLAUSE
Combining or stacking of coverages, § 169:40 to 169:42, 169:49

LIBEL AND SLANDER
Generally, § 127:29 to 127:31
Agents and brokers, § 56:19, 56:20, 57:74, 57:75
Liability insurance, § 201:45, 201:46
Physicians, § 131:18, 131:19
LIBERAL CONSTRUCTION
Ambiguity, § 22:15, 22:16
Applications, § 22:26
Contractors’ bonds, § 163:63, 163:64
Defense, § 200:12
Description of insured property, § 22:28
Disability insurance, § 146:27, 146:28, 146:40, 146:41
In favor of insured, generally, § 22:14 to 22:29
Fidelity insurance, § 160:19, 160:20, 161:44
Good faith, effecting insurer’s duty of, § 22:20
Increased recovery, provisions for, § 22:29
Notice, § 186:27
Preparation of policy by insurer, § 22:18
Reasonable construction to effect intent, § 22:17
Simulated ambiguity, § 22:16
Standard policies or clauses, § 22:27
Unfamiliarity of insured with terms employed, § 22:21
LICENSES AND PERMITS
Generally, § 2:22
Agents and Brokers (this index)
Foreign or Alien Insurers (this index)
Limitation of actions, § 234:45
Medical insurance, § 145:13
Physicians, § 131:4
Property insurance, § 155:21 to 155:24
Revocation or Suspension of License (this index)
State insurance boards, commissioners, and similar authorities, § 2:11
Use and Occupancy (this index)
INDEX

LIENS AND ENCUMBRANCES

Generally, § 66:5 et seq.

Acceptance
Defective information, § 93:55
Premiums, § 93:57

After-acquired property, § 93:46
Agents and brokers, § 49:37, 52:4 to 52:6, 57:70, 93:51, 93:52, 93:56
Arbitrators, appraisers, and proceedings before them, § 211:32
Assignment, § 35:33, 37:27 to 37:42, 37:65
Automobile liability insurance, § 170:38
Avoidance of policy, § 93:20, 93:40
Bailments, § 93:36
Burden of proof, § 254:109
Change in nature or amount of encumbrances, § 93:45 to 93:47
Consent to riders and endorsements, § 93:60
Construction and interpretation, § 93:27
Contractors’ bonds, § 163:31
Costs of action, liens for fees, § 233:90 to 233:92
Defective information, acceptance of, § 93:55
Description of encumbrance, § 93:28, 93:29
Discharge, § 93:41
Disclosure, generally, § 93:21 et seq.
Estoppel and waiver, § 93:48 et seq.
Evidence, § 93:24
Foreclosure (this index)
Fraudulent intent, § 93:26
Future liens, § 93:43
Group insurance, § 8:38
Hospital liens, § 66:6
Insurable interest, § 42:26, 42:40 to 42:43
Intent of insured, § 93:25, 93:26
Involuntary encumbrances, § 93:42
Judgment liens, § 93:33
Knowledge of breach, § 93:49 to 93:52
Notice and proof of loss, contractor bonds, § 186:55
Premiers, acceptance of, § 93:57
Premiers and assessments, § 74:40 et seq.
Property insurance, § 148:36
Recording of encumbrances, § 93:50
Refinancing, § 93:45
Reimbursement, § 226:16, 226:23
Representations, warranties, and conditions, § 91:86 et seq., 93:14 et seq.
Riders and endorsements, § 93:60
Satisfaction, § 93:41
Secured Transactions (this index)
Service of process, § 231:13
Subrogation (this index)
Suspension of risk, § 93:18
Tax Liens (this index)
Third persons, § 93:30 to 93:47
Time of creation, § 93:42 to 93:44
Title Insurance (this index)
Vendor’s liens, § 93:34
Void or voidable acts, § 93:17, 93:39, 93:40
Wills, § 93:37

LIENS AND ENCUMBRANCES—Cont’d

Landlord and tenant, § 93:36
Marine insurance, § 183:60, 183:188
Mechanics’ Liens (this index)
Mortgages and Deeds of Trust (this index)
Notice and proof of loss, contractor bonds, § 186:55
Premiers, acceptance of, § 93:57
Premiers and assessments, § 74:40 et seq.
Property insurance, § 148:36
Recording of encumbrances, § 93:50
Refinancing, § 93:45
Reimbursement, § 226:16, 226:23
Representations, warranties, and conditions, § 91:86 et seq., 93:14 et seq.
Riders and endorsements, § 93:60
Satisfaction, § 93:41
Secured Transactions (this index)
Service of process, § 231:13
Subrogation (this index)
Suspension of risk, § 93:18
Tax Liens (this index)
Third persons, § 93:30 to 93:47
Time of creation, § 93:42 to 93:44
Title Insurance (this index)
Vendor’s liens, § 93:34
Void or voidable acts, § 93:17, 93:39, 93:40
Wills, § 93:37

LIFE ESTATES, REMAINDERS, AND REVERSIONS

Generally, § 68:45
Estate taxes, § 63:33, 63:44
Insurable interest, § 42:46, 42:55, 43:29
Representations, warranties, and conditions, § 91:66

LIFE EXPECTANCY

Demonstrative evidence, admissibility of tables as, § 253:261
Judicial notice of mortality tables, § 254:273

Index-361
LIFE, HEALTH, AND DISABILITY INSURANCE
See also Limitation of Actions (this index)
Accident requirement, § 207:60
Admissions, statements constituting
Generally, § 254:244
Scope of admission, § 254:252
Burden of proof, § 254:127
Causation, proof of, § 255:25 et seq.
Cause of death, ignorance of,
§ 192:28
Character evidence, § 255:92
Commencement of disability as trig-
ger, § 191:87
Costs of action, § 233:26
Criminal activity, harm involved,
§ 207:60
Death, § 191:85, 207:50
Decree, judicial decree as trigger,
§ 191:85
Delayed payment or nonpayment
Generally, § 207:47 et seq.,
207:71
Accident requirement, § 207:60
Claimant not within coverage,
§ 207:47
Condition or disorder not covered,
§ 207:54
Criminal activity, harm involved,
§ 207:60
Death within suicide exclusion,
§ 207:50
Disability or continuing disability,
§ 207:57 to 207:59
Exclusion, disability within,
§ 207:59
Intoxication, injury resulting from,
§ 207:51
Medicare exclusion, claimant
within, § 207:49
Out-of-network care exclusion,
§ 207:52
Preexisting condition, § 207:48
Release of insurer by insured of
further liability, § 207:56
Suicide, death within suicide
exclusion, § 207:50
Termination of disability, § 207:58
LIFE, HEALTH, AND DISABILITY INSURANCE—Cont’d
Delayed payment or nonpayment
—Cont’d
Time of loss or expense as outside
period of policy, § 207:55
Workers’ compensation exclusion,
claimant within, § 207:49
Demand for initial and periodic proof
as trigger, § 191:86
Disability or continuing disability,
§ 207:57 to 207:59
Disability, proof of, § 191:86 to
191:89
Exclusion, disability within, § 207:59
Existence or extent of injury or ill-
ess, ignorance of, § 192:29
Governing law, § 24:27
Ignorance of existence of policy or
insurer identity, § 192:38
Ignorance of existence or character of
loss, occurrence or accident,
§ 192:8, 192:18, 192:19, 192:27
to 192:29
Ignorance of substance of policy pro-
visions, § 192:58
Intoxication, injury resulting from,
§ 207:51
Involvement in death of insured,
§ 254:127
Judicial decree as trigger, § 191:85
Medically necessary services and
therapies, § 207:53
Medicare exclusion, claimant within,
§ 207:49
Mental or physical incapacity,
§ 192:74, 192:75
Notice and proof of loss
Generally, § 189:62, 189:77 et
seq.
Accident or accidental causal ele-
ments, sufficiency of informa-
tion, § 189:21, 189:23
Accidents, death from accident,
accidental means, and life,
§ 189:79, 189:80
Cause of disability, § 189:88
Certificate of physician, § 189:90
to 189:92
Index-362
INDEX

LIFE, HEALTH, AND DISABILITY
INSURANCE—Cont’d
Notice and proof of loss—Cont’d
Conditions precedent or contract stipulations, § 190:27
Continuance of disability for requisite duration, § 189:89
Death, § 189:20, 189:21, 189:78 to 189:80, 189:90
Disability, notice of, § 189:22, 189:23
Disability, proof of
Generally, § 189:81 et seq.
Cause of disability, § 189:88
Continuance of disability for requisite duration, § 189:89
Due proof, § 189:84, 189:86, 189:87
Permanent disability, § 189:87
Sufficiency of proof, generally, § 189:82
Total and permanent disability, § 189:83, 189:84
Total disability, § 189:85, 189:86
Due process, § 189:52 to 189:55
Due proof, § 189:84, 189:86, 189:87
Immediate, § 190:78
Noncompliance, § 193:8 to 193:10
Oral versus written notice, § 188:12
Other policies, notice under, § 187:58, 187:59
Permanent disability, § 189:87
Physician, certificate of, § 189:90 to 189:92
Physician’s certificate, § 189:90 to 189:92
Presumptions, death presumed from insured’s unexpected absence, § 189:78
Satisfying insured’s obligation
Generally, § 187:36 et seq.
Agent, unauthorized agent, § 187:43
Assignee, § 187:40
Employer, § 187:41
Guardian, § 187:39

LIFE, HEALTH, AND DISABILITY
INSURANCE—Cont’d
Notice and proof of loss—Cont’d
Satisfying insured’s obligation—Cont’d
By or for insured, generally, § 187:36 et seq.
Personal representative, § 187:38
Physician, § 187:42
Relative, § 187:37
Unauthorized agent, § 187:43
As soon as reasonably possible, § 190:77
Specific place, § 187:125
Statements, physician’s certificate or statement, effect of, § 189:92
Sufficiency of information, § 189:19 to 189:23
Sufficiency of proof, generally, § 189:77
Timeliness, § 190:77 to 190:78
Total and permanent disability, § 189:83 to 189:86
Unexpected absence, death presumed from insured’s unexpected absence, § 189:78
To whom, § 187:100
X-rays, § 189:93
Out-of-network care exclusion, § 207:52
Periodic, demand for initial and periodic proof as trigger, § 191:86
Preexisting condition, § 207:48
Presumptions and burden of proof, § 254:43 et seq.
Proof of causation, § 255:25 et seq.
Release of insurer by insured of further liability, § 207:56
Suicide, death within suicide exclusion, § 207:50
Termination of disability, § 191:89, 207:58
Termination of period for which insurer liable as trigger, § 191:88

Index-363
LIFE, HEALTH, AND DISABILITY
INSURANCE—Cont’d
Time of loss or expense as outside
period of policy, § 207:55
Trigger
Commencement of disability as
trigger, § 191:87
Death, proof of, § 191:85
Decree, judicial decree as trigger,
§ 191:85
Demand for initial and periodic
proof as trigger, § 191:86
Disability, proof of, § 191:86 to 191:89
Judicial decree as trigger, § 191:85
Periodic, demand for initial and
periodic proof as trigger,
§ 191:86
Termination of disability, § 191:89
Termination of period for which
insurer liable as trigger,
§ 191:88
Workers’ compensation exclusion,
claimant within, § 207:49
LIFE INSURANCE
Generally, § 1:39, 138:1 to 138:7,
179:1 et seq.
Accident and Life Insurance (this
index)
Accident insurance, § 138:3, 139:3
Accident or accidental means,
§ 245:29, 245:30
Admissions, § 254:252
Adopted children, insurable interest
of, § 43:6
Age of insured, § 179:13
Alternate beneficiary, § 243:61
Assignment
Generally, § 34:17 to 34:21,
242:103, 243:59
Acceptance, § 36:12
Bankruptcy of insured, § 35:27
Business beneficiary, § 34:18
Cash surrender value, § 34:19
Consent, § 36:75
Endowment insurance, § 34:20
LIFE INSURANCE—Cont’d
Assignment—Cont’d
Executors and administrators,
§ 34:21
Insurable interest, § 36:77 to 36:92
Joiner of parties, § 243:59
Personal representative, § 242:103
Attachment, § 232:200
Aunts and uncles, insurable interests
of, § 43:9
Beneficiaries
Generally, § 245:35, 245:36
Change of beneficiaries, § 60:79,
242:99
Concurrent beneficiaries, § 242:97
Defective designation or
disqualification, § 242:101
Insurable interest, § 41:22, 41:23
Joiner of parties, § 243:55 et seq.
Parties, generally, § 242:94,
242:95
Personal representative, benefici-
iary as, § 242:98
Spouse as beneficiary, § 242:96
Benefit society, § 242:107, 243:68,
245:100
Betrothed persons, insurable interest
of, § 43:25
Brothers and sisters, insurable
interests of, § 43:8
Burden of proof of involvement in
death of insured, § 254:127
Business relationship, § 34:18, 43:12
to 43:19
Cash surrender value, assignment,
§ 34:19
Causes of loss covered
Generally, § 138:4 to 138:6,
255:25 et seq.
Exceptions for preexisting
diseases, § 138:6
Exceptions to specific causes of
death, § 138:5
Challenge, § 242:186
Change of beneficiaries, § 60:79,
242:99
Character evidence, § 255:92
Children, § 43:3 to 43:7, 243:66
Cobeneficiaries, § 243:56
LIFE INSURANCE—Cont’d
Concealment, § 245:127
Concurrent beneficiaries, § 242:97
Conditions of policy, § 245:79, 245:80
Consent to issuance of policy by third party, § 41:25
Court, payment into, § 179:19
Cousins, insurable interests of, § 43:10
Credit life or health insurance, § 1:43, 39:64
Credit, limits keyed to, § 179:11
Creditors
Generally, § 179:11, 243:62 to 243:66
Exemption from claims of creditors, § 66:18
Insurable interest, § 43:20 to 43:23
Death
Cause of, § 245:32, 245:33
Fact of, § 245:31
Debt, limits keyed to, § 179:11
Debtor, § 243:62 et seq.
Deductions, § 179:21 to 179:23
Defective designation or disqualification of beneficiary, § 242:101
Defenses, § 245:99, 245:100, 245:119
Demand for payment, from date of, § 179:16
Denial of claim by insurer, § 179:18
Dependent of insured, § 245:37
Disability, fact of, § 245:34
Disappearance of insured, proof of death
Generally, § 138:8 to 138:14
Circumstances bearing on death, § 138:10
Presumption of death when insured is missing
Generally, § 138:11, 138:12
Rebuttal of presumption, § 138:12
Procedural and evidentiary consequences of claim’s timing, observations on, § 138:9

LIFE INSURANCE—Cont’d
Disappearance of insured, proof of death—Cont’d
Time when death presumed to occur
Generally, § 138:13, 138:14
Rebuttal of presumption as to time, § 138:14
Dividends, § 80:55
Divorce, effect on insurable interest, § 43:2
Duration of policy, § 179:12
Employment, § 43:12 to 43:19, 179:14, 243:69
Endowment insurance
Generally, § 1:41
Assignment, § 34:20
Equitable remedies, § 232:164
Estate, small, § 242:106
Estoppel and waiver, § 238:87
Executors and administrators, assignment, § 34:21
Exemption from claims of creditors, § 66:18
Facility of payment clause, personal representative, § 242:104
Family policies, § 138:7
Family relationships, § 41:21, 43:1 to 43:11
Foreign currency, payment in, § 179:3
Foster children and parents, insurable interests of, § 43:4, 43:6
Fraternal organization as proper defendant, § 242:100
Fraud, § 242:169 to 242:171, 245:127
Friends, insurable interest of, § 43:26
Government Insurance (this index)
Group insurance, § 243:69
Heirs, § 43:27, 242:105 to 242:107
Husband and wife
Generally, § 242:96
Accident and life insurance, § 143:31
Beneficiary, spouse as, § 242:96
Fraud, § 242:169, 242:170
Insurable interest, § 43:1, 43:2, 43:24
LIFE INSURANCE—Cont’d
Income, § 179:14
Income taxes, § 63:8, 63:15 et seq.
Insurable interest
Generally, § 41:20 to 41:27, 43:1 to 43:30
Assignment, § 36:77 to 36:92
Business or employment relationship, § 43:12 to 43:19
Creditors and sureties, § 43:20 to 43:23
Family relationships, § 41:21, 43:1 to 43:11
Interest
Generally, § 179:15 et seq.
Court, payment into, § 179:19
Demand for payment, from date of, § 179:16
Denial of claim by insurer, § 179:18
Rate of interest, § 179:20
Tender, effect of, § 179:17
Involvement in death of insured, § 254:127
Joinder of parties
Generally, § 243:54 et seq.
Alternate beneficiary, § 243:61
Assignee, § 243:59
Beneficiary, action by, generally, § 243:56 et seq.
Benefit society officers, § 243:68
Children, § 243:66
Cobeneficiaries, § 243:56
Defendants, generally, § 243:68, 243:69
Employee providing group insurance, § 243:69
Insured, action by, § 243:54, 243:55
Life beneficiary, disability insurance, § 243:71
Mortgagee, § 243:65
Necessity, generally, § 243:54 et seq.
Next of kin, § 243:67
Nominal beneficiaries, § 243:58
Nominal beneficiary, § 243:55, 243:64
Payor of premiums, § 243:54
LIFE INSURANCE—Cont’d
Joinder of parties—Cont’d
Personal representative, § 243:60
Plaintiffs, generally, § 243:54 et seq.
Substituted beneficiaries, § 243:57
Surviving debtor or personal representative, action by, generally, § 243:62 et seq.
Joint life insurance, § 68:28
Lessor and lessees, insurable interest of, § 43:28
Life tenants, insurable interests of, § 43:29
Limitation of actions
Death of insured, § 237:72
Triggers
Generally, § 236:30 to 236:33
Defendant’s activities, § 236:83, 236:91 to 236:93, 236:99, 236:119 to 236:121
Proof of loss or death, § 236:63 to 236:66
Limitation of liability
Generally, § 179:5 et seq.
Age of insured, § 179:13
Credit, limits keyed to, § 179:11
Debt, limits keyed to, § 179:11
Duration of policy, § 179:12
Employment position, § 179:14
Income, § 179:14
Pending issuance of policy, § 179:5
Pending policy, temporary insurance pending policy issuance, § 179:6
Premium payments, amount and manner of, § 179:12
Statutory regulation, § 179:8, 179:9
Temporary insurance pending policy issuance, § 179:6
Tontine insurance, § 179:7
Wages, § 179:14
Workmen’s compensation, § 179:9
Lives covered, § 138:7

Index-366
INDEX

LIFE INSURANCE—Cont’d
Loans as deductions, § 179:22
Loss occurring as result of accident or accidental means, § 245:29, 245:30
Misrepresentations, § 245:127
Mortgage, § 242:66, 243:65
Nephews and nieces, insurable interests of, § 43:9
Next of kin, § 243:67
Nominal beneficiaries, § 243:58
Nominal beneficiary, § 243:55, 243:64
Notice and proof of loss, § 186:30, 190:97, 193:9
Officers of benefit society, § 243:68
Paramours, insurable interest of, § 43:24
Parties, generally, § 242:94 et seq.
Partnership, § 43:12, 68:34
Passenger, cause of death, § 245:33
Payment, § 179:3, 242:104
Payor of premiums, § 242:95, 243:54
Pending issuance of policy, § 179:5
Pending policy, § 179:6
Personal representative
Generally, § 242:102 to 242:104
Beneficiary as, § 242:98
Joinder of parties, § 243:60 et seq.
Pleadings, generally, § 245:29 et seq.
Premiums and assessments
Generally, § 72:9, 242:95
Joinder of parties, § 243:54
Nonforfeiture provisions, § 77:42
Payments, amount and manner of, § 179:12
Payor of premiums not entitled, § 242:95
Presumptions and burden of proof, § 254:43 et seq.
Prior judgment, § 239:51, 239:92
Proof of causation, § 255:25 et seq.
Public officers and employees, insurable interest of governmental unit, § 43:15
Putative spouses, insurable interest, § 43:24
Qualification of beneficiary, § 242:101

LIFE INSURANCE—Cont’d
Questions of law or fact, suicide as within coverage, § 138:60
Rate of interest, § 179:20
Reinstatement and revival, § 33:31
Religious organization members, insurable interests of, § 43:30
Renewal of policies, suicide, § 138:44
Risks covered by life insurance contracts, generally, § 138:1 to 138:71
Severability of contract, life insurance with disability or other additional features, § 23:9
Small estate, heirs, § 242:106
Statutory regulation, § 179:8, 179:9
Stepbrothers and stepsisters, insurable interests of, § 43:8
Stepparents and stepchildren, insurable interests of, § 43:4, 43:6
Stockholders, insurable interest of, § 43:16, 43:18
Substituted beneficiaries, § 243:57
Sufficiency, loss occurring as result of accident or accidental means, § 245:30
Suicide, death as within coverage
Generally, § 138:15 to 138:71
Accidental or unintentional suicide
Generally, § 138:50 to 138:52
Accidental or unintentional self-destruction, § 138:50 to 138:52
Accident or event, act precipitated by, § 138:53
Certain, death not, § 138:57
Changing mind about suicide, § 138:54
Death not immediate, § 138:55
Defenses, § 245:99
Effect in absence of explicit statute or policy provision
Generally, § 138:23 to 138:24
Historical development, § 138:23
Violation of law, applicability of death in, § 138:24

Index-367
LIFE INSURANCE—Cont’d
Suicide, death as within coverage
—Cont’d
General principles and concepts,
§ 138:15 to 138:22
Incontestable clause, effect on suicide provision, § 138:20 to 138:22
Insured already dying, § 138:56
Meaning of suicide and related terms, § 138:16, 138:17
Mental state of insured
Generally, § 138:45 to 138:49
Delirium, § 138:48
Intoxication, § 138:47
Irresistible impulse, § 138:46
Temporary insanity, § 138:45
Unawareness of significance of act, § 138:49
Other circumstances, § 138:53 to 138:57
Particular circumstances of self-destruction as affecting operation of suicide provisions,
§ 138:45 to 138:57
Policy provisions
Generally, § 138:34 to 138:44
Excluding suicide sane or insane, § 138:37 to 138:39
Excluding suicide without qualification, § 138:34 to 138:36
Insane, effect on suicide while, § 138:35, 138:36
Irresistible impulse insufficient to avoid exclusion, § 138:39
Limiting amount of recovery in case of suicide, § 138:40, 138:41
Relevance of insured’s knowledge and appreciation of physical consequences or nature of act, § 138:38
Time limits on suicide exception, provisions setting
Generally, § 138:42 to 138:44
Renewal of policies, § 138:44

LIFE INSURANCE—Cont’d
Suicide, death as within coverage
—Cont’d
Policy provisions—Cont’d
Time limits on suicide exception, provisions setting
—Cont’d
Substitution of policies, § 138:44
Validity, § 138:37
Proof of suicide
Generally, § 138:58 to 138:71
Admissibility and weight of accident
Generally, § 138:61 to 138:65
Broad latitude in evidence, § 138:61
Intent, § 138:64
Miscellaneous evidence, § 138:65
Opinion evidence, § 138:63
Suicide note, § 138:62
Burden of proof, § 138:58
Degree of proof, § 138:59
Presumption against suicide
Generally, § 138:66 to 138:69
Effect of presumption, § 138:67, 138:68
Rebuttal of presumption, § 138:69
Questions of law or fact, § 138:60
Sufficiency of evidence, § 138:70, 138:71
Provisions of bylaws relating to suicide as defense
Generally, § 138:32, 138:33
Contract, bylaws as part of, § 138:33
Validity, § 138:32
Questions of law or fact, § 138:60
Statutory provisions relating to suicide as a defense
Generally, § 138:25 to 138:31
Statutory provisions relating to
LIFE INSURANCE—Cont’d
Suicide, death as within coverage —Cont’d
   suicide as a defense
Conflict between statute and policy
   Generally, § 138:27, 138:28
   Administrative approval, effect of, § 138:28
Construction of suicide statutes, § 138:26
   Insurers subject to statute, § 138:29
   Policies subject to statute, § 138:30
   Suicides subject to statute, § 138:31
   Validity, § 138:25
Time when suicide occurs, § 138:18
   Unsuccessful suicide, effect on other benefits, § 138:17
   Waiver and estoppel, § 138:19
Sureties, insurable interest of, § 43:20 to 43:23
   Surviving debtor or personal representative, action by, generally,
   § 243:62 et seq.
Temporary insurance pending policy issuance, § 179:6
   Tender, effect of, § 179:17
Third party, consent to issuance of policy by, § 41:25
   Time
      Generally, § 207:55
      When insurable interest must exist, § 41:26
Tontine insurance, § 1:45, 179:7
Unpaid premiums as deductions, § 179:21
Wages, § 179:14
   Waiver and estoppel, § 179:4
Workmen’s compensation, § 179:9

LIFE TENANCY
Adjustment of losses, § 178:74

LIFTING DEVICES
Accident and life insurance, § 142:141

LIGHTING METHODS
Fire insurance, § 149:27 to 149:29
Use and occupancy, § 95:35

LIGHTNING
See also Property Insurance (this index)
   Accident and life insurance, § 143:111
   Fire insurance, § 149:22
   Proof of occurrence of, § 255:21
   Property insurance, § 155:10

LIMITATION OF ACTIONS
Generally, § 208:17, 234:1 et seq., 237:31 to 237:34
   Absence of insured, § 236:31, 236:65
   Absence of plaintiff or defendant, § 237:66
   Acceptance, § 236:136, 236:137
   Accident death benefits, statutes specific to, § 234:40
   Accident and sickness policies, § 235:44
   Accident insurance, § 234:36
   Accounting against contractor’s bond, action for, § 234:64
   Accrual of action
      Generally, § 236:33, 236:43, 236:56
      Fidelity bonds, § 236:59
   Addition of parties, § 237:12, 237:13
   Advance payments, § 237:79, 237:80
   Advice, § 236:157
   Agents and Brokers (this index)
   Alteration of insurer identity, § 237:106
   Amendment of pleadings as cure of premature suit, § 236:174
   Appeal of denial, § 237:99
   Application, negligent handling of, § 234:59
   Appointment of personal representative, § 237:61
   Appraisal, § 236:10, 237:87
   Appreciable damage, § 236:41, 236:42
   Arbitration and Appraisal (this index)
LIMITATION OF ACTIONS —Cont’d
Arbitration, appraisal, or submission agreements, § 210:11, 210:12
Assessments, § 234:35, 234:73, 236:159
Assignment, § 37:82, 235:22, 236:119
Automobile collision insurance, § 235:63
Automobile liability insurance, § 235:59, 236:82, 236:107
Bad checks, policy insuring against, § 236:60
Beneficiaries
Claims by, generally, § 234:22 et seq.
Ignorance of policy or provision by, § 237:65
Illness, death, or incapacity, § 237:60
Other actions of insured or beneficiary, generally, § 237:98 et seq.
Benefits, action for, generally, § 236:79 et seq.
Binders and preliminary contracts, § 235:84
Blanket health insurance, § 234:42
Bonds and undertakings
Accounting against contractor’s bond, action for, § 234:64
Cancellation of contract or bond, § 236:138
Construction bond, § 235:21
Construction contract bonds, § 234:9, 234:10
Contractor’s effort to cure breach as tolling action by obligee under bond, § 237:101
Contractual limitation periods
Generally, § 235:69, 235:70
Construction bond, § 235:21
Contract and bond limitation, conflict between, § 235:49
LIMITATION OF ACTIONS —Cont’d
Bonds and undertakings—Cont’d
Contractual limitation periods
—Cont’d
Fidelity policies and bonds, § 235:51
Performance and payment bonds, § 235:47 to 235:50
Statute and bond, conflict between, § 235:50
Defendant’s actions, § 236:120, 236:142
Enforcement of payment pursuant to terms of contract, § 234:43 to 234:46
Fidelity insurance and bonds, § 234:46, 235:51, 236:57 to 236:59, 236:73, 236:142
Labor and material bonds, § 236:138
Performance and payment bonds, § 235:47 to 235:50
Statute and bond, conflict between, § 235:50
Tolling of limitation period, § 237:101
Triggers, § 236:57 to 236:59, 236:73, 236:120
Burden of proof, § 234:143
Burglary coverage, § 236:40
Burial policy, § 235:55
Bylaws limitation, § 235:87
Cancellation and Rescission (this index)
Casualty insurance defined, § 235:37
Casualty, property policies, § 235:38
Cause of action, as to, § 237:6 to 237:10
Certificate issued to loss payee, § 235:89
Challenging insurer’s right to subrogation, § 235:113
Change or modification, § 235:91, 235:92, 237:106
Checks, § 236:60
Clerical error, § 237:84
Collateral claims, § 234:19, 234:30

Index-370
LIMITATION OF ACTIONS
—Cont’d
Collection from insurer as judgment creditor, § 234:63
Commencement of period—Cont’d
Generally, § 236:1 et seq.
Accrual of action
Discovery of loss, § 236:56
Life insurance policies, § 236:33
Property insurance, § 236:43
Accrual of cause of action
Generally, § 236:74 to 236:77
Contract actions, § 236:76
Discovery of loss, § 236:59
Fidelity bonds, § 236:59
Statutes, § 236:76
Tort actions, § 236:77
Appraisal, § 236:10
Arbitration, § 236:9, 236:10
Assessment of policyholders, action for, § 236:159
Assignee of policy, action by as security, § 236:119
Automobile liability insurance, § 236:82, 236:107
Bad checks, policy insuring against, § 236:60
Bad faith, action against insurer for, § 236:95, 236:101 to 236:103
Bad faith, action for, § 236:84, 236:151 to 236:154
Benefits, action for
Defendant’s activities, generally, § 236:79 et seq.
Policy terms, § 236:89 to 236:93
Time claim due and payable, § 236:98 to 236:100
Bonded term of office, end of, § 236:120
Burglary coverage, § 236:40
Cancellation, § 236:138, 236:143, 236:144
Carry insurance, suit against party required to, § 236:149, 236:150
Completion or substantial completion of work, § 236:126,

LIMITATION OF ACTIONS
—Cont’d
Commencement of period—Cont’d
236:127, 236:140
Conflicting statutory regulation, § 236:6
Continuing refusal as continuous trigger, § 236:152
Continuous period of disability, specified time after end of, § 236:125
Contracts
Accrual of cause of action, § 236:76
Date of loss, § 236:14
Defendant’s activities as trigger, § 236:79 to 236:81, 236:95
Labor and material bonds, § 236:134
Contribution, action for, § 236:108
Deadline for proof of death, life policies, § 236:66
Deadline for proof of loss, § 236:69
Death
Guardian, death of, § 236:121
Promisor, death of, § 236:148
Deceptive trade practices, action against insurer for breach of, § 236:95
Declaratory judgments, § 236:94, 236:161
Defendant’s activities, trigger as
Generally, § 236:78 et seq.
Assessment of policyholders, action for, § 236:159
Assignee of policy, action by as security, § 236:119
Automobile liability insurance, § 236:82, 236:107
Bad faith, § 236:84, 236:95, 236:101 to 236:103
Bad faith, action for, § 236:151 to 236:154
Benefits, action for
Generally, § 236:79 et seq.
Assignee of policy, action by as security, § 236:119
Bad faith, action for, § 236:151 to 236:154

Index-371
LIMITATION OF ACTIONS
—Cont’d
Commencement of period—Cont’d
Defendant’s activities, trigger as
—Cont’d
Benefits, action for—Cont’d
Bonded term of office, end of, § 236:120
Cancellation, wrongful cancellation of policy,
§ 236:143, 236:144
Continuous period of disability, specified time after end of, § 236:125
Date damages sustained, uninsured motorist benefits, § 236:115
Death of guardian, § 236:121
Disability insurance,
§ 236:123 to 236:125
Election of option, insured’s,
§ 236:124
Exhaustion of tortfeasor’s policy, § 236:113
Filing of insured’s suit against uninsured tortfeasor,
§ 236:116
General liability insurance,
§ 236:111, 236:112
Guardian, death of, § 236:121
Health insurance, § 236:122
Insolvency, notice of tortfeasor’s insurer’s insolvency, § 236:122
Judgment establishing tortfeasor’s uninsured status, § 236:118
Judgment establishing uninsured motorist’s liability, § 236:117
Life insurance, § 236:119 to 236:121
Notice of tortfeasor’s insurer’s insolvency, § 236:122
Officer, bonded term of office, end of, § 236:120
Policy terms, § 236:89 to 236:93
LIMITATION OF ACTIONS
—Cont’d
Commencement of period—Cont’d
Defendant’s activities, trigger as
—Cont’d
Date of action against insured, § 236:151
Date of cancellation, § 236:143
Date of death, § 236:144
Date of final judgment against insured, § 236:154
Date of occurrence or loss, § 236:145
Date of refusal to defend, § 236:151
Death of guardian, § 236:121
Death of promisor, § 236:148
Deceptive trade practices, action against insurer for breach of, § 236:95
Declaratory judgments, § 236:94, 236:161
Defend, duty to, § 236:150, 236:151, 236:152
Defend, refusal to, § 236:102
Definiteness of denial of claim, § 236:96
Denial of claim, generally, § 236:82 et seq.
Direct actions, § 236:104, 236:105, 236:163
Disability insurance, § 236:83, 236:92, 236:123 to 236:125
Election of option, insured’s, § 236:124
Exhaustion of tortfeasor’s policy, § 236:113
Failure to obtain insurance coverage, action against broker, § 236:85
Fidelity bonds, § 236:142
Filing of insured’s suit against uninsured tortfeasor, § 236:116
Final rejection, § 236:93
Form of denial of claim, § 236:97

LIMITATION OF ACTIONS
—Cont’d
Commencement of period—Cont’d
Defendant’s activities, trigger as
—Cont’d
Fraud actions by state, § 236:162
General liability insurance, § 236:106, 236:111, 236:112
Guardian, death of, § 236:121
Health insurance, § 236:122
Indemnity, action for, § 236:108
Indemnity policies, § 236:110
Insolvency, notice of tortfeasor’s insurer’s insolvency, § 236:122
Insurance broker, action against, § 236:85, 236:95
Judgments
Establishing tortfeasor’s uninsured status, § 236:118
Establishing uninsured motorist’s liability, § 236:117
Against insured, generally, § 236:101 et seq.
Life insurance, § 236:83, 236:91 to 236:93, 236:99, 236:119 to 236:121
Loss payable clause, property policies, § 236:90
Marine policies, § 236:100
Mispayment of proceeds, insurer’s, § 236:155
National flood insurance act, § 236:86
Negligent advice of broker, § 236:157
No-fault act, § 236:87
No-fault statute, § 236:109
Notice of tortfeasor’s insurer’s insolvency, § 236:122
Officer, bonded term of office, end of, § 236:120
Payment, § 236:108 to 236:110, 236:153
Premiums, recovery of, § 236:158

Index-373
LIMITATION OF ACTIONS
—Cont’d
Commencement of period—Cont’d
Defendant’s activities, trigger as
—Cont’d
Property insurance, § 236:80, 236:89, 236:90, 236:98
Reimbursement of workers’ compensation benefits, action for, § 236:160
Reinsurance contract, action for breach of, § 236:81
Security, assignee of policy, action by as security, § 236:119
Settlement
  Breach of duty to settle, § 236:153, 236:154
  Policy limits, settlement for, § 236:114
  Refusal to settle, § 236:103
Subrogated action against wrongdoer, § 236:88
Termination of benefits, disability insurance, § 236:123
Time claim due and payable, § 236:98 to 236:100
Underinsured motorist insurance
  Generally, § 236:79
  Benefits, action for, § 236:113 to 236:118
  Claim, § 236:82
Waiting period, termination of, § 236:98 to 236:100
Wrongful cancellation of policy, § 236:143, 236:144
Defend, duty to, § 236:150, 236:151, 236:152
Defend, refusal to, § 236:102
Definiteness of denial of claim, § 236:96
Direct actions
  Judgment creditor, § 236:163
  Statute, date of injury, § 236:13
  Third party against insurer, § 236:104, 236:105

LIMITATION OF ACTIONS
—Cont’d
Disability insurance
  Generally, § 236:34, 236:35
  Defendant’s activities, § 236:83, 236:92, 236:123 to 236:125
Discovery of death, § 236:32
Discovery of loss
  Generally, § 236:46 et seq.
  Accrual of action, § 236:56
  Accrual of cause of action, fidelity bonds, § 236:59
Bad checks, policy insuring against, § 236:60
Construction under policies, generally, § 236:51 et seq.
Construction under statutes, § 236:48 to 236:50
Date of occurrence, § 236:53, 236:54
Fidelity bonds, § 236:57 to 236:59
Fraud, actions for, § 236:50
Insured, discovery of occurrence by, § 236:51
Occurrence, discovery of, § 236:51, 236:52, 236:55
Payee, discovery of occurrence by, § 236:52
Property policies, § 236:51 to 236:56
Real property, policies covering, § 236:51 to 236:53
Title policies, § 236:48
Uninsured motorist claims, § 236:49
Discovery of occurrence, § 236:51, 236:52, 236:55
Election of option, insured’s, § 236:124
Evidence, effect of necessity of multiple proofs, § 236:72
Exhaustion of tortfeasor’s policy, § 236:113
Failure to obtain insurance coverage, action against broker, § 236:85

Index-374
LIMITATION OF ACTIONS
—Cont’d
Commencement of period—Cont’d
Failure to sue tortfeasor, resolution of action against tortfeasor,
§ 236:20
Fidelity bonds
Defendant’s actions, trigger as,
§ 236:142
Discovery of loss, § 236:57 to
236:59
Proof of loss or death, § 236:73
Trigger points
Discovery of loss, § 236:57 to
236:59
Proof of loss or death,
§ 236:73
Filing of insured’s suit against uninsured tortfeasor,
§ 236:116
Final acceptance, § 236:136,
236:137
Final estimates, § 236:141
Final rejection, § 236:93
Final settlement, § 236:132 to
236:135
Fire, date of loss or, § 236:22 to
236:24
Fire insurance policies, date of loss, § 236:11
Forms, § 236:71, 236:97
Fraud, § 236:50, 236:162
General liability insurance,
§ 236:17, 236:106, 236:111,
236:112
Guardian, death of, § 236:121
Health and medical policies, deadline for proof of loss,
§ 236:67
Health insurance, § 236:122
Implying coverage, action to, date of accident, § 236:16
Inception of loss, generally,
§ 236:36 et seq.
Indemnity, action for, § 236:108
Indemnity policies, § 236:110
Insolvency, notice of tortfeasor’s insurer’s insolvency,
§ 236:122

LIMITATION OF ACTIONS
—Cont’d
Commencement of period—Cont’d
Insurance broker, action against,
§ 236:85, 236:95
Judgments
Labor and material bonds,
§ 236:139
Uninsured motorist’s liability,
establishing, § 236:117
Uninsured status of tortfeasor,
judgment establishing,
§ 236:118
Labor and material bonds
Generally, § 236:126 et seq.
Cancellation of contract or bond,
§ 236:138
Completion or substantial completion of work,
§ 236:126, 236:127
Contract, scope of, § 236:134
Date of last furnishing materials or labor, § 236:130,
236:131
Final acceptance, § 236:136,
236:137
Final estimates, § 236:141
Final settlement, § 236:132 to
236:134
Final settlement, performance and,
§ 236:135
Judgment against obligee,
§ 236:139
Performance and final settlement, § 236:135
Publication of notice of completion,
§ 236:140
Substantial completion of work,
§ 236:126 to 236:129
Latent damage, effect of, § 236:23
Liability insurance, § 236:106
Life insurance
Generally, § 236:30 to 236:33
Defendant’s activities, § 236:83,
236:91 to 236:93, 236:99
Life, health, and disability insurance,
§ 236:119 to 236:121
Proof of loss or death, § 236:63
to 236:66
LIMITATION OF ACTIONS—Cont’d
Commencement of period—Cont’d
Marine policies, § 236:100
Mispayment of proceeds, insurer’s, § 236:155
Mortgages, § 236:24, 236:45
Multiple proofs, effect of necessity of, § 236:72
Multiple trigger points, § 236:4
National flood insurance act, § 236:86
Negligent advice of broker, § 236:157
No-fault act, § 236:87
No-fault coverage, § 236:21
No-fault statute, § 236:109
Notice
Broker, action against, for failure to provide notice of loss, § 236:95
Insolvency of tortfeasor’s insurer, § 236:122
Labor and material bonds, § 236:140
Property insurance, § 236:38
Occurrence of appreciable damage, § 236:41, 236:42
Officer, bonded term of office, end of, § 236:120
Payments
Defendant’s activities as trigger, generally, § 236:108 to 236:110
Discovery of loss, § 236:52
Loss payable clause, property policies, § 236:90
Mispayment of proceeds, insurer’s, § 236:155
No-fault coverage, § 236:21
Property policies, § 236:25, 236:29
Settle, action for breach of duty to, § 236:153
Time claim due and payable, § 236:98 to 236:100
Performance and final settlement, § 236:135
Premiums, recovery of, § 236:158

LIMITATION OF ACTIONS—Cont’d
Commencement of period—Cont’d
Presumption of death from absence of insured, life policies, § 236:65
Progressive damage, effect of, § 236:23
Proof of loss or death
Generally, § 236:61 et seq.
Disability policies
Generally, § 236:68 et seq.
Date proof of loss filed, § 236:68
Deadline for proof of loss, § 236:69
Forms, effect of necessity of, § 236:71
Multiple proofs, effect of necessity of, § 236:72
Validity, § 236:70
Fidelity bonds, § 236:73
Forms, effect of necessity of, § 236:71
Health and medical policies, deadline for proof of loss, § 236:67
Itemized claim filed, date, § 236:73
Life policies, § 236:63 to 236:66
Multiple proofs, effect of necessity of, § 236:72
Presumption of death from absence of insured, life policies, § 236:65
Proof of death deadline, § 236:66
Proof of death submitted, date, § 236:63 to 236:65
Proof of loss deadline, § 236:67, 236:69
Proof of loss filed, date, § 236:68
Proof of loss submitted, date of, § 236:61
Proper forms, need for, property policies, § 236:62
LIMITATION OF ACTIONS
—Cont’d
Commencement of period—Cont’d
Proof of loss or death—Cont’d
Property policies, § 236:61, 236:62
Validity, disability policies, § 236:70
Waiver of proof, life policies, § 236:64
Proper forms, need for, property policies, § 236:62
Property insurance
Generally, § 236:22 et seq.
Accrual of action, § 236:43
Burglary coverage, § 236:40
Defendant’s activities, § 236:80, 236:89, 236:90, 236:98
Discovery of loss, § 236:51 to 236:56
Insured payment to shipper date, § 236:29
Insureds, specific circumstances satisfying trigger of inception of loss, § 236:44
Latent damage, effect of, § 236:23
Loss, date of, § 236:37, 236:39, 236:40
Loss due and payable date, § 236:25
Loss occurrence, date of, § 236:27, 236:28
Loss or fire, date of, § 236:22 to 236:24
Mortgages, § 236:24, 236:45
Notice and proof of loss, reasonable opportunity to provide, § 236:38
Occurrence of appreciable damage, § 236:41, 236:42
Progressive damage, effect of, § 236:23
Proof of loss or death, § 236:61, 236:62
Question of fact, § 236:42
Statute, § 236:12, 236:37, 236:38
LIMITATION OF ACTIONS
—Cont’d
Commencement of period—Cont’d
Property insurance—Cont’d
Subsequently discovered loss, § 236
Validity, § 236:24
Publication of notice of completion, § 236:140
Question of fact, § 236:42
Real property, policies covering, § 236:51 to 236:53
Reasonable opportunity, § 236:38
Reimbursement of workers’ compensation benefits, action for, § 236:160
Reinsurance contract, action for breach of, § 236:81
Resolution of action against tortfeasor, § 236:19 to 236:20
Security, assignee of policy, action by as security, § 236:119
Statutes
Accrual of cause of action, § 236:76
Direct action statute, date of injury, § 236:13
Property insurance, § 236:37, 236:38
Property policy, statute setting minimum period of limitations for, date of loss, § 236:12
Trigger points
Accrual of cause of action, § 236:76
Direct action statute, date of injury, § 236:13
Property insurance, § 236:37, 236:38
Property policy, statute setting minimum period of limitations for, date of loss, § 236:12
Subrogation, § 236:8, 236:88
Subsequently discovered loss, § 236

Index-377
LIMITATION OF ACTIONS
—Cont’d
 Commencement of period—Cont’d
 Substantial completion of work,
 § 236:126 to 236:129
 Termination of benefits, disability
 insurance, § 236:123
 Time claim due and payable,
 § 236:98 to 236:100
 Title policies, § 236:48
 Tort actions, § 236:15, 236:77
 Triggers
 Generally, § 236:3 et seq.
 Accrual of cause of action, gen-
 erally, § 236:74 to 236:77
 Arbitration, § 236:9, 236:10
 Construction and interpretation,
 § 236:5
 Contractual limitation periods,
 § 235:79
 Date of loss, accident, injury,
 death, and the like, gener-
 ally, § 236:11 to 236:35
 Defendant’s activities, generally,
 § 236:78 to 236:163
 Discovery of loss, generally,
 § 236:46 to 236:60
 Inception of loss, generally,
 § 236:36 to 236:45
 Multiple trigger points, § 236:4
 Proof of loss or death, generally,
 § 236:61 to 236:73
 Statutes, § 236:6
 Subrogation, § 236:8
 Uninsured/underinsured motor-
 ist coverage,
 Generally, § 236:18 to 236:20
 Date of accident, § 236:18
 Defendant’s activities as trigger,
 § 236:79, 236:82, 236:113
 to 236:118
 Discovery of loss, § 236:49
 Failure to sue tortfeasor, resolu-
 tion of action against
 tortfeasor, § 236:20
 Resolution of action against
 tortfeasor, § 236:19 to
 236:20
 Validity, § 236:18

LIMITATION OF ACTIONS
—Cont’d
 Commencement of period—Cont’d
 Validity
 Proof of loss or death, § 236:70
 Property policies, § 236:24
 Trigger points, § 236:18, 236:24
 Uninsured/underinsured motor-
 ist coverage, § 236:18
 Waiting period, termination of,
 § 236:98 to 236:100
 Waiver
 Premiums, § 236:156
 Proof, life policies, § 236:64
 When death is presumed from
 absence, § 236:31
 Wrongful cancellation of policy,
 § 236:143, 236:144
 Completion or completeness
 Failure to provide complete cover-
 age, § 234:52, 235:111
 Labor and material bonds,
 § 236:126, 236:127, 236:140
 Computation of period of limitations
 Generally, § 236:164 et seq.
 First day, inclusion or exclusion of,
 § 236:164
 Holidays, § 236:165
 Questions of law or fact, § 236:166
 Sundays, § 236:165
 Concealment, § 234:58
 Condition precedent, § 234:27, 235:6
 Conformity clauses, § 235:94,
 235:95
 Construction and interpretation
 Generally, § 234:21
 Commencement of period
 Generally, § 236:5
 Policies, construction under,
 generally, § 236:51 et seq.
 Statutes, construction under,
 § 236:48 to 236:50
 Conformity clauses, § 235:95
 Contractual limitation periods
 Generally, § 235:7
 Conformity clauses, § 235:95
 Notice or knowledge of limita-
 tion period, lack of,
 § 235:74, 235:77, 235:92

Index-378
LIMITATION OF ACTIONS
—Cont’d
Construction and interpretation
—Cont’d
Contractual limitation periods
—Cont’d
Statutes, § 235:11, 235:12, 235:98
Validity and enforceability, § 235:31, 235:95
Enforcement, § 234:37, 235:98
Notice or knowledge of limitation period, lack of, § 235:74, 235:77, 235:92
Real property improvements, statutes governing actions against persons engaged in, § 234:37
Statutes
Commencement of period, trigger points, § 236:48 to 236:50
Contractual limitation periods, § 235:11, 235:12
Statutory limitation period, § 235:98
Waiting period, § 236:175
Construction bond, § 235:21
Construction contract bonds, § 234:9, 234:10
Construction contract performance and payment bonds, § 234:44
Continuous period of disability, specified time after end of, § 236:125
Contractor’s bond, action for accounting against contractor’s bond, § 234:64
Contracts
Breach, generally, § 234:65
Commencement of period
Accrual of cause of action, § 236:76
Date of loss, § 236:14
Defendant’s activities as trigger, § 236:79 to 236:81, 236:95
Labor and material bonds, § 236:134, 236:138
Construction contract bonds, § 234:9, 234:10
LIMITATION OF ACTIONS
—Cont’d
Contracts—Cont’d
Negotiations, agreement to toll during, § 237:77
State law, designated by contract, § 234:12
State of contract, law of, § 234:15
Tolling of limitation period, § 237:101
Contractual limitation period
Generally, § 235:1 et seq.
Absence of policy provision, § 235:12
Accident and sickness policies, § 235:44
Actions not on the contract
Generally, § 235:100 et seq.
Broker, actions by insured against, § 235:116
Challenging insurer’s right to subrogation, § 235:113
Complete coverage, failure to provide, § 235:111
Contribution and indemnity from other insurers, § 235:119
Defective repairs by insurer, § 235:114
Defend, breach of duty to, § 235:105
Disability policy coverages, § 235:102
Settle, breach of duty to, § 235:106
Unfair or deceptive business practices claims, § 235:104
Wrongful conduct in selling or canceling policy, § 235:108

INDEX
Index-379
LIMITATION OF ACTIONS
—Cont’d
Contractual limitation period
—Cont’d
Actions not on the contract
—Cont’d
Insurer, actions by, § 235:118, 235:119
Investigate, breach of duty to, § 235:107
Issuance of policy, failure to issue, § 235:110
Mortgagee, actions by, § 235:117
Other coverages, clauses concerning, § 235:101, 235:102
Premium overpayments, recovery of, § 235:112
Reformation of policy, § 235:109
Reimbursement of policy proceeds from insured, § 235:118
Settle, breach of duty to, § 235:106
Unfair or deceptive business practices claims, § 235:104
Wrongful conduct in selling or canceling policy, § 235:108
Assignees to policy, § 235:22
Attorney, sufficiency of notice to, § 235:78
Automobile collision policy, § 235:63
Automobile liability policies, § 235:59
Binders and preliminary contracts, § 235:84
Bonds, § 235:69, 235:70
Broker, actions by insured against, § 235:116
Burial policy, § 235:55
Bylaws limitation, § 235:87
Casualty insurance defined, § 235:37
Casualty, property policies, § 235:38
Certificate issued to loss payee, § 235:89
LIMITATION OF ACTIONS
—Cont’d
Contractual limitation period
—Cont’d
Governmental entities, § 235:19
Group health insurance, § 235:45,
235:66, 235:67
Group insurance, § 235:86
Investigate, breach of duty to,
§ 235:107
Issuance of policy, failure to issue,
§ 235:110
Liability insurance, § 235:33 to
235:35, 235:58 to 235:61
Life, health, and disability insur-
ance
Generally, § 235:42 et seq.,
235:64 et seq.
Accident and sickness policies,
§ 235:44
Credit life and disability poli-
cies, § 235:43, 235:65
Disability insurance, § 235:46,
235:68
Erisa, § 235:67, 235:68
Group health insurance,
§ 235:45, 235:66, 235:67
Life insurance policies,
§ 235:42, 235:43, 235:64,
235:65
Marine policies, § 235:52
Master policy, § 235:85 to 235:87
Materialmen, § 235:21
Model policies, statutes regarding,
§ 235:30 to 235:32
Modification of policy, § 235:91,
235:92
Mortgages, § 235:16, 235:20,
235:117
Notice or knowledge of limitation
period, lack of
Generally, § 235:71 et seq.
Absence of limitation provision,
§ 235:88, 235:89
Attorney, sufficiency of notice
to, § 235:78
Binders and preliminary
contracts, § 235:84
Bylaws limitation, § 235:87
LIMITATION OF ACTIONS
—Cont’d
Contractual limitation period
—Cont’d
Notice or knowledge of limitation
period, lack of—Cont’d
Certificate issued to loss payee,
§ 235:89
Construction and interpretation,
§ 235:74, 235:77, 235:92
Content of notice, § 235:80,
235:81
Existence of policy provision,
knowledge of, generally,
§ 235:83 et seq.
Failure to comply with statute,
§ 235:82
Group insurance, § 235:86
Insurer’s duty to advise, gener-
ally, § 235:71 et seq.
Master policy, § 235:85 to
235:87
Modification of policy,
§ 235:91, 235:92
Question of fact, § 235:90
Statutory construction, § 235:74
Trigger of duty, § 235:79
Other coverages, clauses concern-
ing, § 235:101, 235:102
Payments
Actions not on the contract,
§ 235:112, 235:115
Mortgagees and loss payees,
§ 235:20
Notice or knowledge of limitation
period, lack of,
§ 235:89
Performance and payment
bonds, § 235:47 to 235:50,
235:70
Proceeds to mortgagee, action
by mortgagor based on
payment of, § 235:16
Performance and payment bonds,
§ 235:47 to 235:50, 235:70
Premium overpayments, recovery
of, § 235:112
Property insurance
Generally, § 235:36 et seq.,
235:62, 235:63
LIMITATION OF ACTIONS
—Cont’d
Contractual limitation period
—Cont’d
Property insurance—Cont’d
Casualty, § 235:38
Casualty insurance defined, § 235:37
Definitions, § 235:37
Provisions not in conformity with standard form, § 235:41
Repeal of standard form, § 235:40
Standard form policies, § 235:39 to 235:41
Theft, § 235:38
Question of fact, § 235:90
Reasonableness, generally, § 235:57
Refiling prior termination action, § 237:28
Reformation of policy, § 235:109
Reimbursement of policy proceeds from insured, § 235:118
Repeal of standard form, § 235:40
Setting minimum limitation period by statute, § 235:27 to 235:29
Settlement, § 235:106, 235:115
Shortest period permitted by law, application of, § 235:96
Statutes
Bond, conflict between statute and, § 235:50
Less favorable policy limitations, statute prohibiting, § 235:25, 235:26
Notice or knowledge of limitation period, lack of, § 235:74
Standard form policies, generally, § 235:9 et seq.
Subrogation claims against third parties, § 235:17
Theft, § 235:38

LIMITATION OF ACTIONS
—Cont’d
Contractual limitation period
—Cont’d
Third-party claimants, § 235:21
Title policies, § 235:53
Tort, other actions in, § 235:13
Trigger of duty, § 235:79
Underinsured motorist coverage, § 235:61
Unenforceable contract provision
Generally, § 235:93 et seq.
Conflicting statute, application in conformity with, § 235:97, 235:98
Conformity clauses, § 235:94, 235:95
Construction and interpretation, conformity clauses, § 235:95
Construction to include statutory limitation period, § 235:98
General statute of limitation, application of, § 235:99
Shortest period permitted by law, application of, § 235:96
Unfair or deceptive business practices claims, § 235:104
Uninsured motorist insurance, § 235:34, 235:60
Unreasonable period, generally, § 235:56 et seq.
Validity, generally, § 235:23 et seq.
Wrongful conduct in selling or canceling policy, § 235:108
Conversion, period for, § 237:104
Corporate plaintiff for individual plaintiff, § 237:20
Credit life and disability policies, § 235:43, 235:65
Criminal prosecution of insured, § 237:92
Cure, § 236:174, 237:101, 244:130
Damage
Commencement of period, § 236:23, 236:41, 236:42
LIMITATION OF ACTIONS
—Cont’d
Damage—Cont’d
Tolling of limitation period,
§ 237:71, 237:72
Death, enforcement of payment pursuant to terms of contract,
§ 234:40
Deceptive business practices,
§ 235:104
Deceptive trade practices, action against insurer for breach of,
§ 236:95
Declaratory judgments, § 236:94, 236:161, 237:91
Declaratory relief, § 234:71
Defective repairs by insurer,
§ 235:114
Defenses
Actions not on the contract,
§ 235:105
Conditions of policy, § 245:110
Declaratory judgment concerning duty to defend, § 236:161
Defend, breach of duty to,
§ 234:50, 235:105
Refusal to defend, § 236:102
Definiteness of denial of claim,
§ 236:96
Delay, § 236:182, 237:61
Demurrer, § 244:92, 244:93
Denial, appeal of, § 237:99
Direct Actions (this index)
Disability
Tolling of limitation period,
§ 237:56
Waiver of premiums for, § 236:156
Disability insurance
Contractual limitation period, actions not on the contract,
§ 235:102
Enforcement of payment pursuant to terms of contract, § 234:39 to
234:42
Dishonest employee, domination by,
§ 237:102
Dismissal for failure to prosecute, effect of, § 237:38

LIMITATION OF ACTIONS
—Cont’d
Election of option, insured’s,
§ 236:124
Election of repair, § 237:88
Employee, domination by dishonest employee, § 237:102
Employer’s liability insurance,
§ 235:35
Enactment of statutory provisions after policy, § 234:20
Enforcement of payment pursuant to terms of contract
Bonds, § 234:43 to 234:45
Life, health, and disability coverages, § 234:39 to 234:42
Property insurance coverages
Special statutes, § 234:34 to 234:38
Special statutes, § 234:34 to 234:38
Enforcement of payment pursuant to terms of contract
Generally, § 234:22 et seq.
Accidental death benefits, statutes specific to, § 234:40
Arbitration demands, § 234:25
Assessable policies, statutes governing, § 234:35
Blanket health insurance, § 234:42
Bonds, § 234:46
Collateral claims to no-fault program, § 234:30
Condition precedent to suit, effect of suit against tortfeasor as,
§ 234:27
Construction contract performance and payment bonds, § 234:44
Construction of real property improvements, statutes governing actions against
persons engaged in, § 234:37
Contract actions, § 234:23, 234:33, 234:39
Fidelity insurance and bonds,
§ 234:46
Fiduciary duty, breach of, § 234:38
Flood insurance, § 234:34
Forfeited policy, § 234:41
LIMITATION OF ACTIONS
—Cont’d
Enforcement of payment pursuant to terms of contract—Cont’d
General contract actions, § 234:28
Governmental insurance, § 234:34
Health and accident insurance, statutes governing, § 234:36
Lapsed policy, § 234:41
Liability claim, § 234:22
Licensing bond, § 234:45
No-fault benefits claim, § 234:30, 234:31
Personal injury protection benefits statutes, § 234:29
Promise to pay settlement of claim, § 235:115
Property insurance coverages
Generally, § 234:32 et seq.
Assessable policies, statutes governing, § 234:35
Construction of real property improvements, statutes governing actions against persons engaged in, § 234:37
Contract actions, statutes governing, § 234:33
Fiduciary duty, breach of, § 234:38
Flood insurance, § 234:34
Governmental insurance, § 234:34
Health and accident insurance, statutes governing, § 234:36
Public official bonds, § 234:43
Sickness or injury of television cast member, insurance against, § 234:48
Title insurance, § 234:47
Tort action statutes, § 234:24, 234:25
Underinsured motorist claim, § 234:28, 234:29
Uninsured motorist claims
Generally, § 234:23 et seq.
Arbitration demands, § 234:25

LIMITATION OF ACTIONS
—Cont’d
Enforcement of payment pursuant to terms of contract—Cont’d
Uninsured motorist claims—Cont’d
Condition precedent to suit, effect of suit against tortfeasor as, § 234:27
Contract actions, § 234:23
Specific statutes applied, § 234:26
Tort action statutes, § 234:24, 234:25
Equitable doctrine of laches, relationship to, § 234:5
Equity, § 237:47
Erisa, § 235:24, 235:67, 235:68
Estimates as final, § 236:141
Estoppel
see also estoppel and Waiver (this index)
Commencement of period, § 236:64, 236:156
Estoppel and Waiver (this index)
Evidence
Generally, § 236:38
Commencement of period, effect of necessity of multiple proofs, § 236:72
Tolling of limitation period, § 237:50 to 237:52, 237:86
Excess of coverage, § 236:147
Exclusion of first day, § 236:164
Exhaustion of tortfeasor’s policy, § 236:113
Extension of time for filing proofs, § 237:86
Facts or rights associated with loss, ignorance of, § 237:73, 237:74
Failure to obtain insurance coverage, action against broker, § 236:85
Failure to state cause of action, § 237:10
Federal court, transfer from, § 237:26
Federal law, § 234:11
Fidelity Bonds and Insurance (this index)
Fiduciary duty, breach of, § 234:38

Index-384
LIMITATION OF ACTIONS
—Cont’d
Filing
Commencement of period,
§ 236:116, 236:146
Premature filing of original suit, § 237:34
Tolling of limitation period, 
§ 237:5, 237:25, 237:26
Final acceptance, § 236:136, 236:137
Final estimates, § 236:141
Final judgment, § 236:154, 237:35, 237:36
Final rejection, § 236:93
Final settlement, § 236:132 to 236:135
Fire, date of, § 236:22 to 236:24
Fire insurance, § 235:14 to 235:17, 236:11
First day, inclusion or exclusion of, § 236:164
Flood insurance, § 234:34, 236:86
Forfeited policy, § 234:41
Forum state, law of, § 234:13
Fraternal benefit society provisions, § 235:54
Fraud, § 236:50, 236:162, 237:100
Future, breach of promise to make future settlement, § 234:61
General contract actions, § 234:28
General liability insurance
Commencement of period, § 236:17, 236:106, 236:111, 236:112
Contractual limitation periods, § 235:58
General statute of limitation, application of, § 235:99
Good Faith (this index)
Governing law, § 24:33
Governmental entities, § 235:19
Governmental insurance, § 234:34
Group health insurance, § 235:45, 235:66, 235:67
Group Insurance (this index)
Guardian, death of, § 236:121
Handling claim, § 236:182, 237:96
LIMITATION OF ACTIONS
—Cont’d
Handling of application as negligent, § 234:59
Health and accident insurance, statutes governing, § 234:36
Health insurance
Blanket health insurance, § 234:42
Commencement of period, § 236:67, 236:122
Enforcement of payment pursuant-terms of contract, § 234:39 to 234:42
Holidays, § 236:165
Identity, § 237:74, 237:106
Implied coverage, action to, date of accident, § 236:16
Improvements to real property, § 234:37
Incarceration, § 237:70
Incontestability clause, § 240:19
Increased coverage, § 234:53
Indemnity and indemnity insurance
Commencement of period, § 236:108, 236:110
Contractual limitation periods, § 235:119
Contribution and indemnity, § 234:75
Injunction, § 237:69
Insolvency, § 6:5, 236:122, 237:105
Insured, actions against, generally, § 234:71 to 234:74
Insured, claims by, generally, § 234:22 et seq.
Insurer, actions by, generally, § 234:67 et seq.
Insurer, claims against, generally, § 234:22 et seq.
Insurrection, § 237:68
Intervention, § 237:12, 237:13
Investigation, § 235:107, 237:54
Issuance of policy, failure to issue, § 235:110
Itemized claim, § 236:73
Joint underwriters, § 237:19
Judgment creditor, § 234:63, 236:163
Judgments, refiling prior termination action, § 237:35, 237:36
LIMITATION OF ACTIONS
—Cont’d
Jurisdiction, § 237:25, 237:26, 237:32
Laches, § 234:5
Lapsed policy, § 234:41
Latent damage, effect of, § 236:23
Legal incapacity due to minority of insured, § 237:58
Liability insurance
Commencement of period, § 236:106
Contractual limitation periods, § 235:33 to 235:35, 235:58 to 235:61
Direct action against liability insurers, § 234:62, 234:63
Enforcement of payment pursuant to terms of contract, § 234:22
Licensing bond, § 234:45
Life insurance
Enforcement of payment pursuant to terms of contract, § 234:39 to 234:42
Tolling of limitation period, § 237:72
Limitations, § 237:30
Loss or other lack of possession of policy, § 237:63
Marine policies, § 235:52, 236:100
Master policy, § 235:85 to 235:87
Materialmen, § 235:21
Medical policies, § 236:67
Medical treatment, furnishing as payment, § 237:81
Mental incapacity of insured, § 237:57
Merger or other alteration of insurer identity, § 237:106
Minority of insured, § 237:58
Mispayment of proceeds, insurer’s, § 236:155
Misrepresentation, § 234:58
Mistake and error, § 237:84
Mixed claims, § 234:6
Model policies, statutes regarding, § 235:30 to 235:32

LIMITATION OF ACTIONS
—Cont’d
Mortgages
Commencement of period, § 236:24, 236:45
Contractual limitation periods, § 235:16, 235:20, 235:117
Tolling of limitation period, § 237:15
Multiple proofs, effect of necessity of, § 236:72
Multiple trigger points, § 236:4
National flood insurance act, § 236:86
Negligence
Generally, § 234:66
Commencement of period, § 236:157
Handling of application, § 234:59
Payment of proceeds, § 234:60
Tolling of limitation period, § 237:82 to 237:84
Negotiations, § 237:76 to 237:78
New cause of action, § 237:9
New defendant, § 237:24
New plaintiff, § 237:23
No action clause, § 237:24
New trial, § 248:16
No action clause, § 237:103, 237:104
No-fault act, § 236:87
No-fault insurance
Commencement of period, § 236:21, 236:109
Enforcement of payment pursuant to terms of contract, § 234:30, 234:31
Reimbursement of no-fault benefits, § 234:69
Notice
Generally, § 190:96
Commencement of period
Broker, action against, for failure to provide notice of loss, § 236:95
Insolvency of tortfeasor’s insurer, § 236:122
Labor and material bonds, § 236:140
Property insurance, § 236:38
LIMITATION OF ACTIONS
—Cont’d
Offer of increased coverage, breach of statutory obligation to make, § 234:53
Officer, bonded term of office, end of, § 236:120
Other coverages, clauses concerning, § 235:101, 235:102
Other points, tolling from, § 237:53, 237:54
Overpayments, § 234:54 to 234:57, 235:112
Partial payment, § 237:79 to 237:81
Payments
Negligent payment of proceeds, § 234:60
Premium overpayments, § 234:54 to 234:57
Tolling of limitation period, § 237:79 to 237:81, 237:98
Unpaid premiums, § 234:72
Performance and final settlement, § 236:135
Performance and payment bonds, § 235:47 to 235:50, 235:70
Performance bonds, § 234:44
Personal injury protection benefits statutes, § 234:29
Personal representative, § 237:61
Physical disability of insured, § 237:56
Policy, lack of, § 237:62, 237:63
Possession, § 237:63
Prejudice, need for, § 234:8
Preliminary contracts, § 235:84
Premature filing of original suit, § 237:34
Premature suit, § 236:174
Premium
Commencement of period, § 236:156, 236:158
Contractual limitation periods, § 235:112
Overpayments, § 234:54 to 234:57, 235:112
Unpaid premiums, § 234:72
Presumption of death, § 236:31, 236:65
LIMITATION OF ACTIONS
—Cont’d
Proceeds
Commencement of period, § 236:155
Contractual limitation periods, § 235:16, 235:118
Negligent payment of proceeds, § 234:60
Reimbursement of policy proceeds, § 234:74
Progressive damage, effect of, § 236:23
Promise
Contractual limitation periods, § 235:115
Death of promisor, § 236:148
Future settlement, § 234:61
Prosecute, failure to, § 237:38
Publication of notice of completion, § 236:140
Public authority, act of, § 237:67
Public official bonds, § 234:43
Questions of law or fact, § 235:90, 236:42, 236:166
Receive policy, failure to, § 237:62
Refiling action in other jurisdiction after period run, § 237:25, 237:26
Refiling prior termination action
Generally, § 237:27 et seq.
Contractual limitation period, § 237:28
Dismissal for failure to prosecute, effect of, § 237:38
Final judgment, original termination prior to, § 237:35, 237:36
Formal termination of original action, effect of filing before, § 237:36
Jurisdiction, lack of, of original action, § 237:32
Limitations, § 237:30
Parties, involvement of same parties, § 237:37
Premature filing of original suit, § 237:34
Savings statutes, § 237:27 to 237:29
LIMITATION OF ACTIONS
—Cont’d
Refiling prior termination action
—Cont’d
Standard form policies, § 237:29
Timeliness of original action as prerequisite, § 237:31, 237:32
Timeliness of refiled action as prerequisite, § 237:33, 237:34
Reformation of policy, § 235:109, 237:8
Reimbursement of benefits or proceeds, § 234:69, 234:74, 235:118, 236:160
Reinsurance contract, action for breach of, § 236:81
Related business entities, § 237:16
Renewals, § 234:18, 237:104
Repairs, § 235:114, 237:88
Repeal of standard form, § 235:40
Representations, warranties, conditions, and concealment, limitation of actions for objection, § 81:53
Resolution of action against tortfeasor, § 236:19 to 236:20
Retrospective determination of premiums, policy permitting, § 234:56
Sale of policy, § 234:58, 235:108
Same cause of action, § 237:7, 237:8
Savings statutes, § 237:27 to 237:29
Security, assignee of policy, action by as security, § 236:119
Service of process, § 237:5
Settlement
Breach of duty to, § 234:51
Contractual limitation periods, § 235:106, 235:115
Promise to make future settlement, breach of, § 234:61
Waiting period, § 236:179
Wrongful settlement, § 234:51

LIMITATION OF ACTIONS
—Cont’d
Shipping, date of insured payment to shipper, § 236:29
Shortening limitation period, § 236:170
Shortest period permitted by law, application of, § 235:96
Sickness insurance, § 235:44
Sickness or injury of television cast member, insurance against, § 234:48
Special statutes, § 234:34 to 234:38
State, commencement of period, § 236:162
State law, § 234:11 to 234:15
Statutes
Refiling prior termination action, § 237:27 to 237:29
Tolling of limitation period, § 237:13, 237:45
Waiting period, § 236:168
Subrogation
Generally, § 234:67 to 234:70
Commencement of period, § 236:8, 236:88
Contractual limitation periods, § 235:17, 235:113
Substantial completion of work, § 236:126 to 236:129
Substitution of defendant, tolling of limitation period, § 237:22
Successor in interest for original plaintiff, § 237:21
Sundays, § 236:165
Television, § 234:48
Termination of benefits, disability insurance, § 236:123
Termination of waiting period, § 236:98 to 236:100
Theft, § 235:38
Third parties
Commencement of period, § 236:104, 236:105
Contractual limitation periods, § 235:17
LIMITATION OF ACTIONS
—Cont’d
Third parties—Cont’d
Premium paid by, § 234:57
Tolling of limitation period, § 237:75
Third-party actions
Claims, generally, § 205:42
Contractual limitation periods, § 235:21
Insurers, actions against, § 234:62 to 234:64
Tolling of limitation period, § 237:90
Title insurance
Commencement of period, § 236:48
Contractual limitation periods, § 235:53
Enforcement of payment pursuant to terms of contract, § 234:47
Tolling of limitation period, § 237:89
Tolling of limitation period
Generally, § 237:1 et seq., 237:39 et seq.
Ability to commence action, generally, § 237:55 et seq.
Absence of plaintiff or defendant, § 237:66
Action to terminate period, generally, § 237:3 et seq.
Addition of parties, generally, § 237:12, 237:13
Advance payments, § 237:79, 237:80
Agreement to toll during negotiations, § 237:77
Appeal of denial, § 237:99
Appraisal, demand for, § 237:87
Arbitration, demand for, § 237:53
Attorneys, § 237:59, 237:96
Bad faith, § 237:83
Beneficiaries
Ignorance of policy or provision by, § 237:65
Illness, death, or incapacity, § 237:60

LIMITATION OF ACTIONS
—Cont’d
Tolling of limitation period—Cont’d
Beneficiaries—Cont’d
Other actions of insured or beneficiary, generally, § 237:98 et seq.
Cause of action, as to, § 237:6 to 237:10
Clerical error, § 237:84
Complaint, amendment of
Generally, § 237:6 et seq.
Cause of action, as to, § 237:6 to 237:10
Failure to state cause of action, § 237:10
Intervention distinguished from addition of parties, § 237:12, 237:13
New cause of action, § 237:9
Parties, generally, § 237:11 to 237:13
Reformation, adding or deleting request for, § 237:8
Same cause of action, § 237:7, 237:8
Statutes, § 237:13
Contractor’s effort to cure breach as tolling action by obligee under bond, § 237:101
Conversion, period for, § 237:104
Corporate plaintiff for individual plaintiff, § 237:20
Criminal prosecution of insured, § 237:92
Declaratory judgment against insured by insurer, § 237:91
Delay in appointing personal representative, effect of, § 237:61
Denial, appeal of, § 237:99
Dishonest employee, domination by, § 237:102
Equity, § 237:47
Extension of time for filing proofs, § 237:86
Facts or rights associated with loss, ignorance of, § 237:73, 237:74
LIMITATION OF ACTIONS
—Cont’d
Tolling of limitation period—Cont’d
Failure to state cause of action,
§ 237:10
Federal court, transfer from,
§ 237:26
Filing, § 237:5
Fraud, § 237:100
Ignorance
Generally, § 237:71 et seq.
Facts or rights associated with
loss, ignorance of,
§ 237:73, 237:74
Insurer’s failure to pay third
party, ignorance of,
§ 237:75
Life insured’s death, § 237:72
Loss or damage, ignorance of,
§ 237:71, 237:72
Third party, insurer’s failure to
pay third party, ignorance
of, § 237:75
Tortfeasor identity, § 237:74
Ignorance of policy or provision,
§ 237:64, 237:65
Illness, death, or incapacity
Generally, § 237:56 et seq.
Attorney of insured, § 237:59
Beneficiary, § 237:60
Delay in appointing personal
representative, effect of,
§ 237:61
Insured, § 237:56 to 237:58
Legal incapacity due to minority
of insured, § 237:58
Mental incapacity of insured,
§ 237:57
Physical disability of insured,
§ 237:56
Incarceration, § 237:70
Injunction, § 237:69
Insolvency of insurer, § 237:105
Insured and insurer, generally,
§ 237:18
Insurer’s conduct involving claim,
tolling based on
Generally, § 237:76 et seq.
Appraisal, demand for, § 237:87

LIMITATION OF ACTIONS
—Cont’d
Tolling of limitation period—Cont’d
Insurer’s conduct involving claim,
tolling based on—Cont’d
Extension of time for filing
proofs, § 237:86
Negotiations, § 237:76 to
237:78
Notice, failure to notify,
§ 237:85
Partial payment, § 237:79 to
237:81
Repair, election to, § 237:88
Willful or negligent conduct,
§ 237:82 to 237:84
Insurrection, § 237:68
Intervention, § 237:12, 237:13
Intervention distinguished from
addition of parties, § 237:12,
237:13
Investigation, tolling from,
§ 237:54
Joint underwriters, § 237:19
Legal incapacity due to minority
of insured, § 237:58
Life insured’s death, § 237:72
Loss or damage, ignorance of,
§ 237:71, 237:72
Loss or other lack of possession of
policy, § 237:65
Medical treatment, furnishing as
payment, § 237:81
Mental incapacity of insured,
§ 237:57
Merger or other alteration of
insurer identity, § 237:106
Mortgagor and mortgagee,
§ 237:15
Negotiations, § 237:76 to 237:78
New cause of action, § 237:9
New defendant, § 237:24
New plaintiff, § 237:23
No action clause, § 237:103,
237:104
Notice, failure to notify, § 237:85
Other actions of insured or benefi-
ciary, generally, § 237:98 et
seq.
LIMITATION OF ACTIONS
—Cont’d
Tolling of limitation period—Cont’d
Other claims or proceedings involving insured or insurer, generally, § 237:89 et seq.
Other points, tolling from, § 237:53, 237:54
Partial payment, § 237:79 to 237:81
Parties, generally, § 237:11 et seq.
Payment, demand for, § 237:98
Pending insurer’s actual denial of claim
Generally, § 237:39 et seq.
Equity, § 237:47
Further claim activity following initial denial, § 237:43
Notice of loss, tolling from
Generally, § 237:44 et seq.
Equity, § 237:47
Other claims under same policy, § 237:49
Policy provisions, § 237:46
Statutes, § 237:45
Sufficiency of notice,
§ 237:48, 237:49
Policy provisions, § 237:46
Proof of loss forms, effect of insurer’s failure to provide,
§ 237:52
Proof of loss, tolling from,
§ 237:50 to 237:52
Statutes, § 237:45
Sufficiency of denial, § 237:42
Sufficiency of proof, § 237:51
Physical disability of insured, § 237:56
Policy, lack of, § 237:62, 237:63
Policy provisions, § 237:46
Proof of loss forms, effect of insurer’s failure to provide,
§ 237:52
Proof of loss, tolling from,
§ 237:50 to 237:52
Public authority, act of, § 237:67
Receive policy, failure to, § 237:62

LIMITATION OF ACTIONS
—Cont’d
Tolling of limitation period—Cont’d
Refiling action in other jurisdiction after period run, § 237:25, 237:26
Reformation, adding or deleting request for, § 237:8
Related business entities, § 237:16
Renewal, period for, § 237:104
Repair, election to, § 237:88
Same cause of action, § 237:7, 237:8
Service of process, § 237:5
Statutes
Complaint, amendment of, § 237:13
Parties, § 237:13
Pending insurer’s actual denial of claim, § 237:45
Substitution of defendant, § 237:22
Successor in interest for original plaintiff, § 237:21
Third-party claimants, § 237:90
Third party, ignorance of insurer’s failure to pay third party, § 237:75
Title insurance, § 237:89
Tortfeasor identity, § 237:74
Transferring action in other jurisdiction after period run, § 237:25, 237:26
Uninsured motorist insurance, § 237:94, 237:95, 237:97
Unknown defendant, uninsured motorist insurance, § 237:95
Waiting period, § 236:171, 236:173
Willful or negligent conduct, § 237:82 to 237:84
Workers’ compensation, § 237:93, 237:97
Tortfeasor identity, § 237:74
Torts
Commencement of period, § 236:15, 236:77
Contractual limitation periods, § 235:13
LIMITATION OF ACTIONS
—Cont’d
Torts—Cont’d
Enforcement of payment pursuant
to terms of contract, § 234:24, 234:25
Transferring action in other jurisdic-
tion after period run, § 237:25, 237:26
Triggers
Generally, § 236:3 et seq.
Accrual of cause of action, gener-
ally, § 236:74 to 236:77
Arbitration, § 236:9, 236:10
Construction and interpretation,
§ 236:5
Contractual limitation periods,
§ 235:79
Date of loss, accident, injury,
death, and the like, generally,
§ 236:11 to 236:35
Defendant’s activities, generally,
§ 236:78 to 236:163
Discovery of loss, generally,
§ 236:46 to 236:60
Inception of loss, generally,
§ 236:36 to 236:45
Multiple trigger points, § 236:4
Proof of loss or death, generally,
§ 236:61 to 236:73
Statutes, § 236:6
Subrogation, § 236:8
Underwriters, joint underwriters,
§ 237:19
Unfair or deceptive business prac-
tices claims, § 235:104
Uninsured/underinsured motorist
insurance
Arbitration, § 214:29
Contractual limitation periods,
§ 235:34, 235:60, 235:61
Insurer, actions by, § 234:68
Tolling of limitation period,
§ 237:94, 237:95, 237:97
Unknown defendant, uninsured
motorist insurance, § 237:95
Unpaid premiums, § 234:72
Waiting period
Generally, § 236:167 et seq.
LIMITATION OF ACTIONS
—Cont’d
Waiting period—Cont’d
Amended complaint as cure of
premature suit, § 236:174
Cancel policy, insurer’s suit to,
§ 236:180
Commencement of period,
§ 236:98 to 236:100
Construction of waiting period
requirement, § 236:175
Estoppel and waiver
Generally, § 236:176 et seq.
Cancel policy, insurer’s suit to,
§ 236:180
Denial of liability, § 236:177,
236:178
Forms, insurer’s refusal to provide
proper forms, § 236:181
Handling claim, insurer’s delay in,
§ 236:182
Improper settlement demand,
§ 236:179
Forms, insurer’s refusal to provide
proper forms, § 236:181
Handling claim, insurer’s delay in,
§ 236:182
Shortening limitation period,
§ 236:170
Statutes, § 236:168
Tolling of limitation period,
§ 236:171, 236:173
Validity, § 236:169 to 236:171
Willful or negligent conduct,
§ 237:82 to 237:84
Workers’ compensation
Commencement of period,
§ 236:160
Insurer, actions by, § 234:70
Tolling of limitation period,
§ 237:93, 237:97
Wrongful cancellation of policy,
§ 236:143, 236:144
Wrongful conduct in selling or
canceling policy, § 235:108
Wrongful settlement, § 234:51

Index-392
LIMITATIONS AND
RESTRICTIONS
Generally, § 175:1 et seq., 175:10 et
seq.
Accident and life insurance, § 142:14
Accident Insurance (this index)
Actual Cash Value (this index)
Adjustment of losses, § 178:55,
178:65
Agents and Brokers (this index)
Alternative limitations, § 175:13
Arbitration awards, § 213:19
Assignment (this index)
Automobile Insurance (this index)
Automobile Liability Insurance
(this index)
Automobile property insurance,
§ 156:29
Automobiles and other motor
vehicles, § 177:10
Bank deposit guaranty, § 166:20
Beneficiaries, limitation on selection
or designation of, § 59:2 et seq.
Burden of proof, § 254:72
Business interruption insurance,
§ 185:14 to 185:16
Cancellation and rescission, limitation
of agent’s authority to make
changes in policy, § 31:50
Carrier’s insurance, § 177:83
Combining or Stacking of Cover-
ages (this index)
Construction contract guaranties,
§ 184:21
Construction of contract, § 21:16 to
21:18, 22:30 to 22:37
Contractors’ Bonds (this index)
Contractors’ payment bonds,
§ 165:97
Costs of Action (this index)
Credit insurance, § 185:111
Creditors (this index)
Crops, § 177:54
Cure (this index)
Disability insurance, § 146:74,
146:75, 182:26, 182:28
Evidence, circumstantial, § 249:11
Explosions (this index)
LIMITATIONS AND
RESTRICTIONS—Cont’d
Mortgages and deeds of trust, limitations on alienation of interest,
§ 65:30
Mutual Insurance and Insurance
Companies (this index)
Other insurance clauses, § 219:11
Per occurrence limits, § 175:17
Premiums and assessments, limitation on amount of premiums and
assessments, § 70:4, 74:39
Property Insurance (this index)
Property policies, defense of limitation of liability, § 245:97
Public officials’ bonds, § 184:49, 184:50
Reciprocal insurance exchanges and interinsurance, limitations as to
subscribers, § 39:57
Recoupment, § 226:67
Reformation (this index)
Rent loss insurance, § 185:32
Sanctions, § 251:55
Sound value, limitation to, § 175:14
State indemnification funds, § 171:75 to 171:77
Subrogation (this index)
Successive losses, § 175:15, 175:16
Territorial Jurisdiction and Limitations (this index)
Theft, § 177:88
Trial, § 246:3, 246:4
Uninsured and Underinsured
Motorist Coverage (this index)
Use and occupancy insurance,
§ 185:21
Value, § 175:14
Valued policies, § 175:62
Verdicts, § 247:52
Wills, limitation of right to bequeath
insurance proceeds, § 67:6
Workers’ compensation, § 173:3 to 173:5
LIQUIDATION AND
DISSOLUTION—Cont’d
Actions by and against statutory
liquidator, § 5:39
Cooperation, § 199:61
Insolvency, generally, § 5:34
Interest on money, § 178:27
Jurisdiction of federal proceedings,
§ 229:102, 229:103
Multistate liquidation, effect of,
§ 6:25
Premiums and assessments, distribution of reserve funds, § 70:32
Property coverages, § 243:43
Service of process, § 231:23, 231:77
Statutory liquidator, generally, § 5:37
Voluntary liquidation and dissolution,
§ 5:41
LIQUOR
See also Intoxication and Intoxicating
Liquors (this index)
LITERACY OF INSURED
LITERAL MEANING
Construction and interpretation,
§ 22:38
LITIGATION EXPENSES
Costs of Action (this index)
LIVER DISORDERS
Accident and life insurance, § 141:62
Disability provisions, § 147:76
Good health of insured, § 88:52
Medical insurance, § 181:24
LIVERY
See also Automobile Insurance (this
index)
Accident and life insurance, § 142:32
Automobile property insurance,
§ 157:72 to 157:74
LIVESTOCK
See also Property Insurance (this
index)
Description or identification, § 20:67
Disability provisions, § 147:126
LIVESTOCK—Cont’d
Government production loans and programs, § 177:57
Loss or injury causation, proof of, § 255:24
Property insurance, § 192:21
Property loss, generally, § 177:56

LIVESTOCK EXCHANGE INSURANCE
Joiner of parties, § 243:82

LIVESTOCK INSURANCE
Representations, warranties and conditions, § 100:33

LLOYDS ASSOCIATIONS
Generally, § 39:46, 39:47
Parties, § 241:10

LOADING AND UNLOADING
See also Automobile Insurance (this index)
Property insurance, § 154:103

LOANS
Acceleration of payment, § 80:42
Agreement for loan on policy, generally, § 80:10 et seq.
Amount of loan, § 80:5, 80:18
Assignment (this index)
Automobile property insurance, § 156:91
Bankers’ blanket bond, § 167:54, 167:55
Beneficiary’s rights, § 80:19 to 80:22
Beneficiary, third-party, § 242:124, 242:125
Bottomry and respondentia bonds and interests, insurable interest of owner, § 42:38
Breach of loan agreement, liability of insurer for, § 80:13 to 80:15
Cancellation and rescission, breach of loan provisions, § 31:80, 80:15
Cash dividends, § 80:40
Cash surrender value, § 80:44 et seq.
Consent of beneficiary to loan, § 80:21
Consideration, § 80:11, 80:35
Contractors’ Bonds (this index)

LOANS—Cont’d
Creditor, § 242:122
Crops, § 177:57
Defenses for breach of loan agreement, § 80:15
Dividends, § 80:40, 80:47
Equitable remedies, § 232:171
Estate taxes, borrowing on policy, § 63:40
Estoppel and waiver
Compound interest, § 80:38
Repayment, § 80:49
Exceeding loan value, debt as, § 80:9
Exemption from claims of creditors, policy loans, § 66:26
Fidelity Bonds and Insurance (this index)
Foreign insurers, § 3:16
Forfeiture
Nonforfeiture provisions, § 80:18
Repayment of loan, § 80:41, 80:42, 80:48
Fraud, statements as to future, § 232:99
General liability insurance, § 172:59
Governing law, § 80:6
Group insurance, § 8:52
Heir, § 242:125
Insolvency, § 80:43
Insurance agent of borrower, § 242:126
Insured borrower, generally, § 242:121
Interest on Money (this index)
Joinder of parties, § 243:72
Lapse of policy, § 80:5
Lender, generally, § 242:126
Life insurance, § 179:22
Livestock, § 177:57
Mortgages and Deeds of Trust (this index)
Multiple coverage policies, loan value on, § 80:8
Mutual companies, fixed loan value, § 39:33
Nonforfeiture provisions, § 80:18

Index-395
LOANS—Cont’d
Options, effect of loan on, § 80:17
Parties, generally, § 242:120 et seq.
Performance and payment bonds, § 242:139
Personal representative, § 242:123, 242:124
Policy loans, generally, § 80:1 et seq.
Premiums and Assessments (this index)
Purchasers, action by, under policy issued to lender, § 242:148
Repayment, § 80:22, 80:39 et seq.
Sales transactions, § 242:92, 242:93
Settlement and compromise of claim, § 215:40
Stock companies, § 39:11
Subrogation (this index)
Surrender of policy, § 80:4
Third-party beneficiary, § 242:124, 242:125
Time or date
Generally, § 80:12
Interest on loan, due date, § 80:31
Title insurance, § 159:76
Torts, § 243:126
Trustee of borrower, § 242:126
Value of loan, § 80:7 to 80:9
LOCAL AGENT OF INSURER
See Agents and Brokers (this index)
LOCAL ASSETS
Insolvency, distribution of local assets of foreign or alien insurers, § 6:5, 6:16
LOCAL BIAS
Venue, § 230:92, 230:93
LOCAL INSURANCE FUNDS
Government insurance, § 10:12 to 10:16
LOCALITY
Costs of action, § 233:82
LOCAL PUBLIC CONSTRUCTION
Contractors’ bonds, § 163:24

LOCAL STATUTES
Penalties, fees and similar consequences, § 204:104
LOCATION
See Place or Location (this index)
LOCKING AND LOCKING DEVICES
See also Property Insurance (this index)
Automobile property insurance, § 157:49
Iron safe clauses, § 97:84
Use and occupancy, § 95:36 et seq.
LODGE
Waiver and estoppel, § 194:12
LODGERS
Use and occupancy, § 94:70, 94:79
LOGGED HOURS
Property insurance, § 155:31
LONG-TERM DISABILITY INSURANCE
Disability Insurance (this index)
LONG-TERM TEAM INTEGRATED REHABILITATION
Medical insurance, § 181:55
LOOTING
Property insurance, § 151:94
LOSS OF POLICY
Beneficiaries, change of, § 60:49
Best evidence rule, § 253:35 et seq.
Burden of proof, § 254:28
Jurisdiction of federal proceedings, § 229:45
Letters admissible to prove existence of, § 253:231
Premiums and assessments, loss of policy as excuse for exercise of nonforfeiture option, § 77:62
Proof of existence and contents of, § 255:7 et seq.
Security insurance, § 185:117
Standard or specimen policies, resort to, § 255:10
INDEX

LOSS PAYABLE CLAUSE
Mutual companies, § 39:34
Reformation, § 27:36

LOST OR MISPLACED PROPERTY
Consequential damages, § 178:26
Contractors’ payment bonds, § 165:157
Marine insurance, § 183:63
Recovery, generally, § 226:135
Service of process, § 231:40

LOST PROFITS INSURANCE
Generally, § 167:1 et seq.
Perils, generally, § 167:8
Property insurance, relationship to, § 167:2
Subjects of insurance, generally, § 167:7
Validity, § 167:5

LOVE AND AFFECTION
Assignment, love and affection as consideration, § 36:22

LOYALTY

LUBRICANTS AND GREASES
Contractors’ payment bonds, § 165:152, 165:153

LUMBER
Contractors’ payment bonds, § 165:103

LUMP-SUM PAYMENT
Delayed payment or nonpayment, § 207:76

LUNG DISORDERS
See Respiratory Disorders (this index)

LYING
Sanctions, § 233:102

MACHINERY OR EQUIPMENT
Automobile property insurance, § 156:17
Boiler and machinery insurance, § 177:46 to 177:49

MACHINERY OR EQUIPMENT—Cont’d
Broad evidence test, § 177:45
Building and construction contracts and work, § 132:22, 132:23
Contractors’ payment bonds, § 165:39, 165:69
Contractors’ performance bonds, § 164:19
Evidence, § 177:45
Expenses incurred in resuming business, boiler and machinery insurance, § 177:48
Explosions, § 150:20
Limitation of liability, § 177:49
Location, device, or activity, risks associated with machinery insurance, § 1:51
Marine insurance, § 221:41
Market value test, § 177:43
Measure of damages, boiler and machinery insurance, § 177:47, 177:48

Medical Insurance (this index)
Motor vehicle equipment, description of, § 20:19
Outdoor equipment, description of, § 20:69
Physicians, § 131:9
Property insurance, personal property and fixtures, § 148:44
Property loss, generally, § 177:43 et seq., 177:66, 177:67
Prosthetics. See Medical Insurance (this index)
Replacement test, § 177:44
Resuming business, expenses incurred in, boiler and machinery insurance, § 177:48
Ships, vessels, cargo, stores, and the like, description of equipment, § 20:56
Use and Occupancy (this index)
Value, § 177:43

MADE WHOLE RULE
Subrogation, bank depository bonds, § 225:268
MAIL AND MAILING
Cancellation and Rescission (this index)
Cooperation, § 199:107
Delivery of policy, § 14:15
Foreign insurers, § 3:13
Notice and Proof of Loss (this index)
Premium notice, § 71:30 to 71:35, 71:40, 73:60 to 73:64
Presumption of receipt, § 254:201
Public official and appointed fiduciary bonds, § 166:96
Service of process, § 231:8, 231:41

MALARIA
Good health of insured, § 88:95

MALICE
Liability insurance, § 201:46

MALICIOUS ACTS
See also Property Insurance (this index)
Commercial liability insurance, § 201:65

MALICIOUS PROSECUTION
Agents and brokers, § 56:21
Liability insurance, § 201:48

MALPRACTICE
Physicians, § 131:1, 131:2
Subrogation
Legal malpractice, § 222:78, 223:82
Medical malpractice, § 223:65, 223:81
Post-injury medical malpractice, § 223:81

MALPRACTICE INSURANCE
Generally, § 172:78
Combining or stacking of coverages, § 169:111

MANAGED CARE
Medical insurance, § 144:8

MANAGERS AND MANAGEMENT
Agents and brokers, § 48:58, 48:59
Disability provisions, § 147:131

MANAGERS AND MANAGEMENT—Cont’d
Occupation of insured, § 86:22
Premiums and assessments, forfeiture for nonpayment, § 77:18
Service of process, § 231:79

MANDAMUS
Generally, § 232:192
Joinder of parties, § 243:152

MANDATORY
Other insurance clauses, § 219:38
MANDATORY ARBITRATION
No-fault coverage, § 214:39 to 214:41

MANDATORY CONDITIONS
Reinstatement and revival, § 33:46
MANDATORY DISMISSAL
Involuntary dismissal, § 247:12

MANDATORY INSURANCE LAWS
Cancellation and rescission, § 32:45
Contribution, § 218:25
Cooperation, § 199:11
Medical insurance, § 144:26 to 144:29
Medical payments, § 158:3
Penalties, fees and similar consequences, § 204:64
Renewal, § 29:33
Self-insurance, § 10:3 to 10:5

MANUALS AND INSTRUCTION BOOKS
Discovery, § 251:25
Riders and endorsements, § 18:24

MANUAL WHEELCHAIR
Medical insurance, § 181:60

MANUFACTURERS AND MANUFACTURING
Affirmative coverage provisions
Generally, § 130:1 to 130:7
Basic policy terms, § 130:2 to 130:4
Policy terms, § 130:1 to 130:4
Product-caused loss as accident
Generally, § 130:5 to 130:7
MANUFACTURERS AND MANUFACTURING—Cont’d
Affirmative coverage provisions —Cont’d
Product-caused loss as accident —Cont’d
Economic loss, § 130:6
Specific product failures as satisfying accident requirement, § 130:7
Tangible, requirement that property damaged be, § 130:6
Buildings and similar structures, § 177:32
Commercial liability insurance, § 201:67 to 201:72
Custom or specially manufactured items, § 177:67
Description of subject matter, § 20:26, 20:41, 20:47
Exclusions from products liability coverage
Generally, § 130:8 to 130:14
Damage to, or non-performance of, product itself
Generally, § 130:8 to 130:10
Incorporation of product into other product, § 130:9
Subsequent change in condition of product, § 130:10
Design error exclusions, § 130:13
Miscellaneous exclusions, § 130:14
Unauthorized warranty exclusion from vendor’s endorsement, § 130:11
Withdrawal of work or product from market (sistership clause), § 130:12
General liability insurance, § 172:75, 191:17
Industrial Insurance (this index)
Risks covered under policies, generally, § 130:1 to 130:14
Use and Occupancy (this index)

MARINE INSURANCE
Generally, § 183:1 et seq.
Abandonment
Generally, § 183:12 et seq.
Before abandonment, § 183:103
Ability to complete voyage, § 183:35
Acceptance or rejection
Generally, § 183:86 et seq.
Cargo, removal of cargo in order to repair, § 183:93
Defective notice, § 183:83
Deny extent of loss, § 183:96
Freight, right to, § 183:97
Implied acceptance, taking possession as implied acceptance, § 183:89 to 183:91
Insured, status of, effect of non-acceptance, § 183:101
Labor, sue and labor clause, § 183:90
Master, status of, § 183:98
Non-acceptance, § 183:100 to 183:102
Non-waiver and non-acceptance clause, § 183:91
Possession, taking possession as implied acceptance, § 183:89 to 183:91
Removal of cargo in order to repair, § 183:93
Repair, removal of cargo in order to repair, § 183:93
Rights of insurer, status of, effect of non-acceptance, § 183:102
Secured transaction, status of, § 183:99
Sue and labor clause, § 183:90
Taking possession as implied acceptance, § 183:89 to 183:91
Taking title to vessel, § 183:92
Title, taking title to vessel, § 183:92
Transferring of interest, § 183:95
Waiver, non-waiver and non-acceptance clause, § 183:91
MARINE INSURANCE—Cont’d
Abandonment—Cont’d
After unjustified abandonment, § 183:106
After valid abandonment, § 183:104, 183:105
Average, free from average clauses, § 183:29 to 183:31
Average, general average charges, § 183:56
Blockade, § 183:48
Capture and recapture
Generally, § 183:41 et seq.
Condemnation and sale after capture, § 183:43
Decree of restitution, § 183:45
Detention, fear of capture or detention, § 183:44
Fear of capture or detention, § 183:44
Recapture, effect of, § 183:46
Redelivery or release before abandonment, § 183:42
Release before abandonment, § 183:42
Restitution, decree of restitution, § 183:45
Sale after capture, § 183:43
Cargo, § 183:38, 183:61, 183:68, 183:93
Commissions, § 183:14
Complete voyage, ability to, § 183:35
Concurrent insurers, § 183:111
Condemnation and sale after capture, § 183:43
Conditions for abandonment, generally, § 183:26 et seq.
Construction and interpretation, § 183:18, 183:67
Co-owner, ratification of notice by part owner, § 183:82
Covenant to repair notwithstanding extent of damage, § 183:69
Decree of restitution, § 183:45
Defects, § 183:54, 183:83
Deny extent of loss, § 183:96

MARINE INSURANCE—Cont’d
Abandonment—Cont’d
Deterioration in value of cargo, § 183:38
Distribution of proceeds, § 183:110, 183:111
Embargo, § 183:47
English rule, § 183:31, 183:52
Evidence, sufficiency of evidence of stranding or submersion, § 183:37
Exceptions, § 183:30, 183:70
Expenditures arising from sacrifice, § 221:54
Extent of damage authorizing abandonment, generally, § 183:49 et seq.
Failure to abandon within reasonable time, § 183:77
Fear of capture or detention, § 183:44
Formality, absence of, § 183:23, 183:24
Fraudulent or negligent acts of insured, master, or crew, § 183:39
Free from average clauses, § 183:29 to 183:31
Free of partial loss, § 183:32
Freight, § 183:68, 183:97, 183:112, 183:113
Furnish documents, duty of insured to, § 183:81
Futility of abandonment, § 183:13
General average charges, § 183:56
General rule, § 183:68
Goods, § 183:15, 183:68
Implied acceptance, § 183:89 to 183:91
Impossibility of calculating expense of repairs, § 183:71
Inclusion of premium, § 183:53
Indemnity, receipt of indemnity or recovery of property, § 183:40
Jettison, goods lost by, § 183:63

Index-400
MARINE INSURANCE—Cont’d
Abandonment—Cont’d
Justification, § 183:75, 183:85, 183:106
Knowledge of conditions, § 183:28
Labor costs, § 183:59
Labor, sue and labor clause, § 183:90
Liens and encumbrances, § 183:60
Limitations on right to, § 183:33
Location, valuation at time and place of loss or repairs, § 183:50
Lost goods, jettison, § 183:63
Master, § 183:98, 183:109
Memorandum articles, § 183:30, 183:61
Mitigation of damages, § 183:149
Mixed character of cargo, § 183:61
Multiple insurers, § 183:16
Negligent acts of insured, master, or crew, § 183:39
Non-acceptance, § 183:100 to 183:102
Non-waiver and non-acceptance clause, § 183:91
Notice and proof
Generally, § 183:78 et seq.
Acceptance of defective notice, § 183:83
Co-owner, ratification of notice by part owner, § 183:82
Defects, acceptance of defective notice, § 183:83
Delay, justifiable delay in giving notice, § 183:85
Form and content of notice, § 183:79
Furnish documents, duty of insured to, § 183:81
Justifiable delay in giving notice, § 183:85
Ratification of notice by part owner, § 183:82
Time of furnishing, § 183:84, 183:85
Waiver of non-stated ground, § 183:80

MARINE INSURANCE—Cont’d
Abandonment—Cont’d
Partial loss, free of partial loss, § 183:32
Peril within policy coverage, § 183:27
Permanent repairs, § 183:55
Port, raising and taking to port, expenses of, § 183:58
Possession, taking, § 183:89 to 183:91
Pre-existing defects and conditions, § 183:54
Proceeds, distribution of, § 183:110, 183:111
Profits and commissions, § 183:14
Raising and taking to port, expenses of, § 183:58
Ratification of notice by part owner, § 183:82
Reasonable delay, § 183:73
Reasonable time, § 183:77
Receipt of indemnity or recovery of property, § 183:40
Recovery of property, § 183:40
Redelivery or release before abandonment, § 183:42
Reinsurance, § 183:17
Release before abandonment, § 183:42
Removal of cargo in order to repair, § 183:93
Repair
Covenant to repair notwithstanding extent of damage, § 183:69
Impossibility of calculating expense of repairs within time allowed for abandonment, § 183:71
Mitigation of damages, § 183:149
Removal of cargo in order to repair, § 183:93
Temporary and permanent repairs, § 183:55

Index-401
MARINE INSURANCE—Cont’d
Abandonment—Cont’d
Repair—Cont’d
Valuation at time and place of loss or repairs, § 183:50
Valuation in policy as test of ship’s value for purpose of repair, § 183:51, 183:52
Restitution, decree of, § 183:45
Restraints and detentions, § 183:47, 183:48
Retardation of voyage, § 183:34
Sale or purchase of property
Generally, § 183:103 et seq.
Before abandonment, § 183:103
After unjustified abandonment, § 183:106
After valid abandonment, § 183:104, 183:105
Capture, sale after, § 183:43
Concurrent insurers, salvage proceeds, distribution between concurrent insurers, § 183:111
Distribution of proceeds, § 183:110, 183:111
Insured, purchase at sale by, § 183:108
Justification, after unjustified abandonment, § 183:106
Master, purchase at sale by, § 183:109
Proceeds, distribution of, § 183:110, 183:111
Salvage proceeds, distribution between concurrent insurers, § 183:111
Validity, after valid abandonment, § 183:104, 183:105
Waiver, sale as operating as, § 183:107
Salvage, § 183:57, 183:111
Secured transaction, status of, § 183:99
Several insurers, § 183:16
Several kinds of goods, § 183:15

MARINE INSURANCE—Cont’d
Abandonment—Cont’d
Ship and cargo insured together, § 183:21
Stranding, § 183:36, 183:37
Strict interpretation, § 183:18
Submersion, § 183:36, 183:37
Sue and labor clause, § 183:90, 183:167
Sue and labor costs, § 183:59
Sufficiency of evidence of stranding or submersion, § 183:37
Surrender, liability for freight as affected by abandonment or, § 183:113
Taking possession as implied acceptance, § 183:89 to 183:91
Taking title to vessel, § 183:92
Taking to port, expenses of, § 183:58
Temporary and permanent repairs, § 183:55
Time
Impossibility of calculating expense of repairs, § 183:71
Notice and proof, § 183:84, 183:85
Validity, § 183:25
Valuation at time and place of loss or repairs, § 183:50
Time in which abandonment may be effected
Generally, § 183:72 et seq.
Delay, justification of delay, § 183:75
Delay, reasonable, § 183:73
Delay, unreasonable, § 183:74
Failure to abandon within reasonable time, § 183:77
Justification of delay, § 183:75
Reasonable delay, § 183:73
Reasonable time, failure to abandon within, § 183:77
Unreasonable delay, § 183:74
Title, taking, § 183:92
Transfer, § 183:24, 183:95
INDEX

MARINE INSURANCE—Cont’d
Abandonment—Cont’d
Transshipment and like costs, § 183:62
Unreasonable delay, § 183:74
Validity, § 183:25, 183:104, 183:105

Value and valuation
Deterioration in value of cargo, § 183:38
Loss equals or exceeds 50 percent of
Generally, § 183:64 et seq.
Cargo, applicability of general rule to loss of,
§ 183:68
Construction and interpretation, § 183:67
Covenant to repair notwithstanding extent of damage, § 183:69
Exceptions, § 183:70
Express provisions, § 183:66, 183:67
Freight, applicability of general rule to loss of,
§ 183:68
General rule, applicability to loss of cargo, goods, or freight, § 183:68
Goods, applicability of general rule to loss of,
§ 183:68
Impossibility of calculating expense of repairs within time allowed for abandonment, § 183:71
Repairs, § 183:69, 183:71
Time, impossibility of calculating expense of repairs within time allowed for abandonment, § 183:71
Repair, test of ship’s value for purpose of, § 183:51, 183:52
At time and place of loss or repairs, § 183:50

MARINE INSURANCE—Cont’d
Ability to complete voyage, § 183:35
Activities and causes of loss covered, § 137:98 to 137:104
Actual total loss, generally, § 183:6
Adjustment
Generally, § 221:80 et seq.
Foreign adjustment, § 221:84
Master, duty to effect average adjustment, § 221:5
Necessity and effect, § 221:7
Priority of claims, § 221:87
Special charges, § 221:82
York-antwerp rule xvii: contributory values, § 221:80
York-antwerp rule xxi: interest on losses made good in general average, § 221:86
York-antwerp rule xxii: treatment of cash deposits, § 221:85
Admiralty decree, sale under, § 183:197
Advances, § 137:106
Age and condition of vessel as factor, § 183:151
Agents and brokers, § 46:20
All-risk policies, § 183:170
American other insurance clause, § 219:42
American rule, separate insurance for vessel and freight, § 183:209
Amount of recovery, § 183:203 to 183:205
Amount recoverable as affected by rate of exchange, § 183:123
Anchors and cables, sacrifice of, § 221:34
Anticipated earnings, § 183:128
Applications, representations and warranties, § 81:37
Apportionment, § 183:115, 219:58
Arrival, inability to procure, § 183:7
Assignment, § 34:26
Availability of materials as affecting rights of parties, § 183:142
Average clause, § 183:29 to 183:31
Average, general average charges, § 183:56

Index-403
MARINE INSURANCE—Cont’d
Average, general average losses, § 183:114 to 183:116
Average loss, partial loss, § 183:117
Average, warranty free from, § 183:168
Benefit of voyage, repairs for, § 183:135
Blockades, § 137:61, 183:48
Boilers, § 221:41
Bona fide loss, § 221:12
Bonds, bottomry bond financing of repairs, § 183:159 to 183:161
Bottomry bond financing of repairs, § 183:159 to 183:161
Burden of proof
Generally, § 137:5, 137:48, 221:8, 254:65
Valuation, § 254:85
Cables, sacrifice of, § 221:34
Calling in wreckers or salvors, effect of, § 183:189
Capture and recapture
Expenditures arising from sacrifice, § 221:65
Sale of vessel or cargo, § 183:187
Cargo insurance
Generally, § 183:201 et seq.,
Amount of recovery, § 183:203 to 183:205
Discharge of cargo, part of cargo discharged or not at risk, § 183:205
Part of cargo discharged or not at risk, § 183:205
Refuge, sale of cargo at port of refuge, § 183:203
Responsibility of, § 183:211
Sale of cargo at port of refuge, § 183:203
Sue and labor clause, § 183:173, 183:174, 183:181
Transshipment, § 183:204
Valuation of cargo, § 183:202
Cargo loss or damage
Generally, § 137:91 to 137:94, 221:93

MARINE INSURANCE—Cont’d
Cargo loss or damage—Cont’d
Deterioration, water damage, and the like, § 137:93
Expenditures arising from sacrifice, § 221:43, 221:44, 221:57
Fire damage to removed cargo, § 221:21
Freight insurance, § 183:214, 183:217, 183:220
Leaks, § 137:92
Location of, § 221:27
Mitigation of damages, § 183:198 to 183:200
Partial loss, § 183:119
Rejection and condemnation, § 137:94
Sale of cargo to supply necessities, § 221:38
Sue and labor clause, § 183:175, 183:176
Unexplained shortages, § 137:92
Values for purposes of general average, § 221:74, 221:75
York-antwerp rule i: jettison of cargo, § 221:28
York-antwerp rule ix: cargo, ship’s materials and stores used for fuel, § 221:37
Cash deposits, § 221:85
Causation, § 137:4
Collateral damage from fire rescue, § 221:22
Collection costs, § 221:69
Collection of funds, general average losses, § 183:115
Collisions
Generally, § 137:76 to 137:79, 137:99, 137:100
Non-navigable object, striking, § 137:79
Removal of wrecks, § 137:102
Sister ship provision, § 137:102
Towed vehicle, what constitutes collision, § 137:78
What constitutes collision, § 137:77 to 137:79
Commissions, § 183:14
MARINE INSURANCE—Cont’d
Common marine insurance coverage concepts and terminology,
§ 137:3
Common safety, § 221:25
Complete voyage, ability to, § 183:35
Computation of general average liability, generally, § 221:71 et seq.
Concurrent insurers, § 183:111
Condemnation and sale after capture, § 183:43
Consignee, § 221:88
Construction and interpretation Generally, § 137:6 to 137:9, 183:18, 183:67, 221:49
Admiralty law, role of, § 137:7
All other perils and similar provisions, § 137:9
British law, role of, § 137:8
Contribution, § 183:165, 221:6
Contributory values, § 221:80
Coownership, § 183:82, 183:193, 183:194
Covenant to repair notwithstanding extent of damage, § 183:69
Crew, harm of, § 221:63
Cutting away superstructure, § 221:32, 221:33
Decay of vessel, § 183:141
Decree, § 183:45, 183:197
Deductible clause, § 183:124, 183:125
Deductions, § 183:222, 221:55
Defects, § 183:54, 183:83
Demand test to determine sufficiency, right of insured to, § 183:137
Deny extent of loss, § 183:96
Deposits, § 221:85
Depreciation in value Generally, § 183:140
Depreciation in value
Inland Marine Insurance (this index)

MARINE INSURANCE—Cont’d
Destruction of vessel and abandonment of voyage after repairs, § 221:54
Deterioration in value of cargo, § 183:38
Direct loss essential, § 221:13
Discharge of cargo, § 183:205
Distribution of proceeds, § 183:110, 183:111
Dock, § 221:30, 221:31
Documentary evidence, protests as, § 253:178
Earn freight, § 183:208, 183:218, 183:219
Earnings, anticipated, § 183:128
Embargo, § 183:47
Employees, § 221:48, 221:49, 221:51
Engines, § 221:40
English interpretation of york-antwerp rule xi, § 221:49
English rule, § 183:31, 183:52, 183:210
Estimates, § 183:144, 183:155, 183:156
Evidence Generally, § 186:31
Abandonment, sufficiency of evidence of stranding or submer-ision, § 183:37
Mitigation of damages, § 183:145
Exception provisions relating to Abandonment, § 183:30, 183:70
Particular average or partial loss Generally, § 137:107 to 137:119
Aggregation of risk to meet percentage requirement, § 137:118, 137:119
Background and historical development, § 137:107
Computation of degree of loss, § 137:114 to 137:119
Effect on policy provisions, § 137:109
Goods covered, § 137:113
Minimum percentage loss for recovery, provisions
MARINE INSURANCE—Cont’d
Exception provisions relating to
—Cont’d
Particular average or partial loss
—Cont’d
specifying, § 137:110, 137:111
Percentage loss, computation of,
§ 137:117
Perishable goods, § 137:113
Statutory provisions, § 137:108
Stranding, collision, and the
like, provisions referring to,
§ 137:112
Total loss, what constitutes,
§ 137:116
Unit of cargo by which degree
of loss is judged,
§ 137:114, 137:115
Excessive repair costs, § 221:52
Excess policy, § 219:24
Exchange, rate of, § 183:123
Exemptions, exceptions, and exclu-
sions, § 183:30, 183:70
Expenditures arising from sacrifice
Generally, § 221:39 et seq.
Cargo rescue, § 221:43
Collection costs, § 221:69
Crew, harm of, § 221:63
 Destruction of vessel and abandon-
ment of voyage after repairs,
§ 221:54
English interpretation of york-
antwerp rule xi, § 221:49
Excessive repair costs, § 221:52
Forwarding charges part of
contract, payment of,
§ 221:60
Freight, § 221:61, 221:62
Goods, § 221:56 to 221:60
Litigation expenses, § 221:66
Municipal rescue effort, § 221:42
To and from port of refuge, expen-
ses, § 221:45 to 221:49
Raising vessel and cargo, costs for,
§ 221:44
Release from capture or seizure,
payments for, § 221:65
Repair costs, § 221:50 to 221:55

MARINE INSURANCE—Cont’d
Expenditures arising from sacrifice
—Cont’d
Rescue, damage to vessel and
engines caused by, § 221:40
Sale, loss on, § 221:58
Transshipment expenses, § 221:59
Tribute, § 221:70
Wages, § 221:51, 221:64
York-antwerp rule f: substituted
expenses, § 221:67
York-antwerp rule vii: damage to
machinery and boilers,
§ 221:41
York-antwerp rule viii: expenses
lightening ship when ashore,
and consequent damage,
§ 221:31
York-antwerp rule x: expenses at
port of refuge, § 221:47
York-antwerp rule xii: damage to
cargo in discharging, and so
forth, § 221:57
York-antwerp rule xiii: deductions
from cost of repairs, § 221:55
York-antwerp rule xiv: temporary
repairs, § 221:53
York-antwerp rule xi: wages and
maintenance of crew and
other expenses bearing up for
and in a port of refuge,
§ 221:48, 221:49
York-antwerp rule xv: loss of
freight, § 221:62
York-antwerp rule xx: provision of
funds, § 221:68
Extent of damage authorizing
abandonment, generally,
§ 183:49 et seq.
Extraordinary expenses, § 183:130
Fault, role of, § 221:15
Fear of capture or detention, § 183:44
Federal Courts (this index)
Financing, bottomry bond financing
of repairs, § 183:159 to 183:161
Fire, § 221:19 to 221:23
Foreign adjustment, § 221:84
Formality, absence of, § 183:23,
183:24
MARINE INSURANCE—Cont’d

Forwarding charges, § 221:60
Forwarding freight rate, § 183:223 to 183:225
Forwarding of cargo, § 183:220
Fraudulent or negligent acts of insured, master, or crew, § 183:39
Free from average clauses, § 183:29 to 183:31
Free of partial loss, § 183:32

Freight
Generally, § 221:61, 221:62, 221:73, 221:94, 221:95
Abandonment, § 183:68, 183:97, 183:112, 183:113
Charges, § 137:105
Mitigation of damages, § 183:200

Freight insurance
Generally, § 183:201, 183:206 et seq.
American rule, separate insurance for vessel and freight, § 183:209
Constructive total loss, § 183:213
Deductions from freight, § 183:222
Earn freight, § 183:208, 183:218, 183:219
English rule, separate insurance for vessel and freight, § 183:210
Forwarding freight rate, rights of parties as affected by, § 183:223 to 183:225
Forwarding of cargo, refusal of shipper to permit forwarding of cargo, § 183:220
Goods, distinction between freight on goods and freight for use of vessel, § 183:206
Laden, rights where cargo not taken or laden, § 183:217
Loss of freight, generally, § 183:212, 183:213
New voyage, freight earned by transshipping or on new or substituted voyage, § 183:219
Parties, forwarding freight rate, rights of parties as affected by, § 183:223 to 183:225

Sue and labor clause, § 183:177
Transshipment, freight earned by transshipping or on new or substituted voyage, § 183:219
Use, distinction between freight on goods and freight for use of vessel, § 183:206
Value of cargo, § 183:214
Value of freight, § 183:215
Fuel, § 221:36, 221:37
Furnish documents, duty of insured to, § 183:81
Futility of abandonment, § 183:13
General average allocation, generally, § 221:1 et seq.
General average charges, § 183:56
General average losses, § 183:114 to 183:116
General rule, § 183:68
Goods, § 183:68, 183:206, 221:56 to 221:60, 221:90
Governing law, § 24:26
Hull and machinery, sue and labor clause, § 183:171, 183:172, 183:180
MARINE INSURANCE—Cont’d
Hypothecated interest for repair money, § 183:158
Implied acceptance, taking possession as implied acceptance, § 183:89 to 183:91
Impossibility of calculating expense of repairs within time allowed for abandonment, § 183:71
Incidental damages caused by jettison, § 221:29
Incidental expenses, § 183:138, 183:139
Inclusion of premium, § 183:53
Increased value policy, § 219:25
Indemnity, receipt of indemnity or recovery of property, § 183:40
Inland Marine Insurance (this index)
Inland navigation, § 183:152
Insurer making repairs, § 183:148, 183:149
Insurer, sale by, § 183:195
Interest, hypothecated interest for repair money, § 183:158
Interest on losses, § 183:131
Intermediate port, sale of cargo by master at, § 183:184
Jettison, § 183:63, 221:24 to 221:29
Joinder of parties, § 243:79, 243:80
Jurisdiction (this index)
Knowledge of conditions, § 183:28
Labor costs, § 183:59
Laden, cargo not taken or laden, rights where, § 183:217
Legal expenses, transshipping cargo, § 183:176
Liability, generally, § 137:95 to 137:104
Liability insurance
Bottomry bond financing of repairs, § 183:161
Measure of damages, generally, § 183:125
Per occurrence versus per person limits under liability insurance, § 183:122

MARINE INSURANCE—Cont’d
Liability insurance—Cont’d
Sue and labor clause, § 183:178
Liens and encumbrances, § 183:60
Liens, salvage lien, effect of sale of cargo upon, § 183:188
Lightening of vessel at dock, § 221:30, 221:31
Limitation of actions, § 235:52, 236:100
Limitations on right to, § 183:33
Limits, per occurrence versus per person limits under liability insurance, § 183:122
Litigation expenses, § 183:172, 221:66
Location
Generally, § 1:58
Abandonment, § 183:50
Mitigation of damages, § 183:143, 183:144
Loss as within period of specific types of insurance, § 102:33 to 102:37
Loss of vessel or its contents, coverage for
Generally, § 137:20 to 137:90
Barratry
Generally, § 137:70 to 137:75
Consent of owner or persons in position of owner, § 137:73, 137:74
Persons who’s acts may constitute barratry, § 137:72
Policy exclusions for barratry, § 137:71
Specific acts as barratry, § 137:75
Fire, § 137:86
Hull and machinery
Generally, § 137:43 to 137:52
Exclusions
Generally, § 137:51, 137:52
Boiler explosion clause, § 137:51
Mechanical breakdown clause, § 137:52
Negligence, latent defects, and the like (inchmearie clause)
Generally, § 137:44 to 137:50
MARINE INSURANCE—Cont’d
Loss of vessel or its contents, coverage for—Cont’d
Hull and machinery—Cont’d
Negligence, latent defects, and the like (inchmaree clause)
—Cont’d
Boilers, machinery, and the like, § 137:50
Latent defects, § 137:47 to 137:49
Master and crew, negligence of, § 137:45, 137:46
Nature and purpose, § 137:44
Ice, freezing, and the like, § 137:89
Interference with possession or control of vessel or its voyage, provisions concerning
Generally, § 137:53 to 137:69
Arrests, restraints, and detentions
Generally, § 137:53 to 137:61
Authority of interfering entity, § 137:55, 137:56
Avoiding arrest and other interference, § 137:57, 137:58
Blockade, § 137:61
Cooperation of master with arresting authority, § 137:59
Endorsement of warning on register, § 137:58
Particular acts as within coverage, § 137:60, 137:61
Relationship of concepts, § 137:53
Unlawful, provision specifying that interference be, § 137:54
Capture and seizure, provision covering losses occasioned by, § 137:62, 137:63
Capture, seizure, warlike operations and similar interference, provisions excluding losses by
Generally, § 137:64 to 137:69

MARINE INSURANCE—Cont’d
Loss of vessel or its contents, coverage for—Cont’d
Interference with possession or control of vessel or its voyage, provisions concerning—Cont’d
Capture, seizure, warlike operations and similar interference, provisions excluding losses by—Cont’d
Blockade, § 137:65
Casual relationship between act and loss, § 137:68, 137:69
Identity of authority of captor or belligerent, § 137:66, 137:67
Miscellaneous provisions addressing cause of loss, § 137:90
Negligence
Generally, § 137:80 to 137:82
Acts constituting negligence, § 137:82
Express exclusions, § 137:81
Question of law or fact, § 137:82
Stranding, grounding, and the like, § 137:87, 137:88
Lost goods, jettison, § 183:63
Lost profits, § 137:105
Machinery, § 221:41
Maintenance of crew, § 221:48, 221:49, 221:51
Master
Abandonment, acceptance or rejection by insurer, § 183:98
Abandonment, sale or purchase of property, § 183:109
Average adjustment, duty to effect, § 221:5
Mitigation of damages, § 183:147
Sale of vessel or cargo, § 183:183
Materials, availability of materials as affecting rights of parties, § 183:142
MARINE INSURANCE—Cont’d

Measure of damages
Generally, § 183:121 et seq.
Amount recoverable as affected by rate of exchange, § 183:123
Anticipated earnings, § 183:128
Deductible clause, § 183:124, 183:125
Earnings, anticipated earnings, § 183:128
Exchange, rate of, § 183:123
Extraordinary expenses, § 183:130
Interest on losses, § 183:131
Liability insurance, determining number of deductibles under,
§ 183:125
Liability insurance, per occurrence versus per person limits under liability insurance, § 183:122
Limits, per occurrence versus per person limits under liability insurance, § 183:122
Number of deductibles, determining under liability insurance, § 183:125
Per occurrence versus per person limits under liability insurance, § 183:122
Per person, per occurrence versus per person limits under liability insurance, § 183:122
Profits, loss of, § 183:127, 183:128
Rate of exchange, § 183:123
Salvage, § 183:129
Memorandum articles, § 183:30, 183:61
Minimum damage requirements, § 183:157
Miscellaneous, § 137:105, 137:106

Mitigation of damages
Generally, § 183:132 et seq., 183:149
Abandonment, insurer making repairs, § 183:149
Age and condition of vessel as factor, § 183:151
Availability of materials as affecting rights of parties, § 183:142

MARINE INSURANCE—Cont’d

Mitigation of damages—Cont’d
Benefit of voyage, repairs for, § 183:135
Bonds, bottomry bond financing of repairs, § 183:159 to 183:161
Bottomry bond financing of repairs, § 183:159 to 183:161
Cargo, transshipment of, § 183:198 to 183:200
Constructive total loss estimation, § 183:155, 183:156
Decay of vessel, § 183:141
Demand test to determine sufficiency, right of insured to, § 183:137
Depreciation in value, § 183:140
Estimates
Constructive total loss estimation, § 183:155, 183:156
Place at which cost of repairs are to be estimated, § 183:144
Evidence, proof as to cost of repairs, § 183:145
Financing, bottomry bond financing of repairs, § 183:159 to 183:161
Hypothecated interest for repair money, § 183:158
Incidental expenses, § 183:138, 183:139
Inland navigation, § 183:152
Insurer making repairs, § 183:148, 183:149
Interest, hypothecated interest for repair money, § 183:158
Liability, effect upon, transshipment of cargo, § 183:199
Liability of insurer, bottomry bond financing of repairs, § 183:161
Location
Policy provisions as to where repairs are to be made, § 183:143
Repairs, place at which cost of repairs are to be estimated, § 183:144
INDEX

MARINE INSURANCE—Cont’d
Mitigation of damages—Cont’d
Master of ship making repairs,
§ 183:147
Materials, availability of materials as affecting rights of parties,
§ 183:142
Minimum damage requirements,
§ 183:157
Necessary repairs, § 183:133
Necessity for notice to owner of bottomry bond financing of repairs,
§ 183:160
Notice, necessity for notice to owner of bottomry bond financing of repairs,
§ 183:160
One-third new for old rule
Generally, § 183:150 et seq.
Age and condition of vessel as factor, § 183:151
Constructive total loss estimation, § 183:155, 183:156
Estimate, constructive total loss estimation, § 183:155, 183:156
Hypothecated interest for repair money, § 183:158
Inland navigation, § 183:152
Interest, hypothecated interest for repair money,
§ 183:158
Minimum damage requirements,
§ 183:157
Temporary repairs, § 183:154
Owner of vessel making repairs,
§ 183:146
Parties, availability of materials as affecting rights of parties,
§ 183:142
Permanent repairs, postponing,
§ 183:134
Postponing permanent repairs,
§ 183:134
Repairs
Generally, § 183:132 et seq.
Abandonment, insurer making repairs, § 183:149
Availability of materials as affecting rights of parties,
§ 183:142

MARINE INSURANCE—Cont’d
Mitigation of damages—Cont’d
Repairs—Cont’d
Benefit of voyage, repairs for,
§ 183:135
Bonds, bottomry bond financing of repairs, § 183:159 to 183:161
Bottomry bond financing of repairs, § 183:159 to 183:161
Decay of vessel, § 183:141
Demand test to determine sufficiency, right of insured to,
§ 183:137
Depreciation in value, § 183:140
Estimates, place at which cost of repairs are to be estimated,
§ 183:144
Evidence, proof as to cost of repairs, § 183:145
Financing, bottomry bond financing of repairs,
§ 183:159 to 183:161
Incidental expenses, § 183:138, 183:139
Insurer making repairs,
§ 183:148, 183:149
Liability of insurer, bottomry bond financing of repairs,
§ 183:161
Location, place at which cost of repairs are to be estimated,
§ 183:144
Location, policy provisions as to where repairs are to be made, § 183:143
Master of ship making repairs,
§ 183:147
Materials, availability of materials as affecting rights of parties, § 183:142
Necessary repairs, § 183:133
Necessity for notice to owner of bottomry bond financing of repairs,
§ 183:160
Notice, necessity for notice to owner of bottomry bond financing of repairs,
§ 183:160
MARINE INSURANCE—Cont’d
Mitigation of damages—Cont’d
Repairs—Cont’d
Owner of vessel making repairs, § 183:146
Parties, availability of materials as affecting rights of parties, § 183:142
Postponing permanent repairs, § 183:134
Sufficiency of repairs, § 183:136, 183:137
Surveys, incidental expenses, § 183:139
Unsoundness or decay of vessel, § 183:141
Value, depreciation in value, § 183:140
Sufficiency of repairs, § 183:136, 183:137
Surveys, incidental expenses, § 183:139
Temporary repairs, § 183:154
Transshipment of cargo, § 183:198 to 183:200
Unsoundness or decay of vessel, § 183:141
Value, depreciation in value, § 183:140
Sufficiency of repairs, § 183:136, 183:137
Surveys, incidental expenses, § 183:139
Notice—Cont’d
Sale of vessel or cargo, § 183:185, 183:192
Notice and proof of loss
Generally, § 189:98
Conditions precedent or contract stipulations, § 190:28
Construction of contractual provisions, § 186:31
Failure of one party to give notice as affecting rights of other parties, § 187:69
Noncompliance, § 193:14
Reasonable notice, § 190:33
Timeliness, § 190:82 to 190:83
Number of deductibles, determining under liability insurance, measure of damages, § 183:125
Obligation of insurer to repair, § 183:164
Other coverages, § 137:95 to 137:106
Other insurance clauses
Generally, § 219:23 to 219:26, 219:41 et seq., 219:42
American other insurance clause, § 219:42
Apportionment, § 219:58
Excess policy, § 219:24
Increased value policy, § 219:25
Liability, extent of, § 219:43
Pro rata apportionment, general rule of, § 219:58
Successive insurance policies, § 219:26
Owner of vessel making repairs, § 183:146
Owner, sale of cargo by, § 183:186
Owner, sale of vessel by, § 183:193, 183:194
Parties
Freight insurance, § 183:223 to 183:225
In interest, effect of, § 183:194
Mitigation of damages, § 183:142

Index-412
INDEX

MARINE INSURANCE—Cont’d
Part of cargo discharged or not at risk, § 183:205
Payments, § 221:60, 221:65
Perils at sea provisions
   Generally, § 137:20 to 137:42
   Cargo damage, § 137:29
   Collisions, § 137:31
   Construction of term, § 137:21
   Current, storms, tide, and similar phenomena, § 137:28 to 137:30
   Delays occasioned by sea peril, § 137:37
   Embezzlement and theft, § 137:39
   Explosions, steam bursts, and the like, § 137:35
   Inherent defect or unseaworthiness of vessel, § 137:36
   Inherent nature of goods or cargo, § 137:37
   Intentional acts, § 137:38, 137:39
   Marine character, requirement that loss have, § 137:24
   Mechanical failure or breaking, § 137:34
   Negligence
      Generally, § 137:40 to 137:42
      Handling and stowage of cargo, § 137:40
      Insured or master, negligence of, § 137:41
      Third persons, negligence of, § 137:42
   Normal wear and tear, § 137:33
   Ordinary or extraordinary hazard, peril as requiring, § 137:22
   Place where loss sustained, § 137:23
   Presumptions, § 254:156
   Question of law or fact, § 137:25
   Rats and other pests, § 137:32
   Running aground, § 137:31
   Steam bursts, explosions, and the like, § 137:35
   Storms, tide, current, and similar phenomena, § 137:28 to 137:30
   Unexplained loss or damage
      Generally, § 137:26, 137:27
      Cargo or interior, to, § 137:27
      Vessel, to, § 137:26
   Waves (swells) from passing vessels, § 137:30
   Permanent repairs
      Generally, § 183:55
      Mitigation of damages, postponing repairs, § 183:134
   Per occurrence versus per person limits under liability insurance, § 183:122
   Per person, per occurrence versus per person limits under liability insurance, § 183:122
   Persons liable for general average, § 221:88 to 221:91
   Piracy, robbery, and the like
      Generally, § 137:83 to 137:85
      Assailing thief or thieves, provisions covering, § 137:84
      Piracy, provisions covering, § 137:83
      Pleasure craft theft provisions, § 137:85
   Place of adjustment rule, § 221:79
   Place or location, generally, § 183:50, 183:143, 183:144
   Places of harm covered
      Generally, § 137:17 to 137:19
      Land dangers, § 137:17
      Waters or ports, coverage limits as to, § 137:18, 137:19
   Pleadings, generally, § 245:56
   Pleasure craft policies, § 137:96
   Pollution, § 137:101
   Port, § 183:58, 221:48, 221:49, 221:78
   To and from port of refuge, expenses, § 221:45 to 221:49
   Possession, taking possession as implied acceptance, § 183:89 to 183:91

Index-413
MARINE INSURANCE—Cont’d
Postponing permanent repairs, § 183:134
Pre-existing defects and conditions, § 183:54
Prejudice, § 193:59, 193:77
Premiums and assessments, § 74:41
Prepaid freight, § 183:216
Preserving and reconditioning cargo, cargo insurance, § 183:174
Priority of claims, § 221:87
Proceeds, distribution of, § 183:110, 183:111
Profits and commissions, § 183:14
Profits, loss of, § 183:127, 183:128
Property insurance, § 154:4, 154:5
Property subject-general average, § 221:92 to 221:95
Pro rata, § 221:95
Pro rata apportionment, general rule of, § 219:58
Pro rata itineris, § 183:221
Protests, use as documentary evidence, § 253:178
Public authority, sale by, § 183:196
Questions of law or fact, § 99:8, 137:25
Raising and taking to port, expenses of, § 183:58, 221:44
Rate, forwarding freight rate, § 183:223 to 183:225
Rate of exchange, § 183:123
Ratification of notice by part owner, § 183:82
Reasonable delay, § 183:73
Reasonable time, § 183:77
Receipt of indemnity or recovery of property, § 183:40
Reconditioning cargo, § 183:174
Recoverability, effect of, § 183:9
Recovery of property, § 183:40
Redelivery or release before abandonment, § 183:42
Refuge, sale of cargo at port of, § 183:203
Refusal of shipper to permit forwarding of cargo, § 183:220
Reinsurance, § 183:17
Release, § 221:65

MARINE INSURANCE—Cont’d
Release before abandonment, § 183:42
Removal of cargo in order to repair, § 183:93
Repair
Costs, § 221:50 to 221:55
Destruction of vessel and abandonment of voyage after repairs, § 221:54
Excessive repair costs, § 221:52
Expenditures arising from sacrifice
Generally, § 221:50 to 221:55
Destruction of vessel and abandonment of voyage after repairs, § 221:54
Excessive repair costs, § 221:52
York-antwerp rule xiii: deductions from cost of repairs, § 221:55
York-antwerp rule xiv: temporary repairs, § 221:53
Includeable in cost, § 183:11
Repairability, § 183:8
Sue and labor clause, § 183:164
York-antwerp rule xiii: deductions from cost of repairs, § 221:55
York-antwerp rule xiv: temporary repairs, § 221:53
Representations, warranties, and conditions as-marine risks
Generally, § 99:1 to 99:92
Blockades, provision concerning
Generally, § 99:87 to 99:92
Cargo
Generally, § 99:42 to 99:45
Deviation
Generally, § 99:54 to 99:69
Excuse for deviation, § 99:57 to 99:59
Specific acts or events as deviation or excuse therefor, § 99:65 to 99:69
Type of policy as affecting, § 99:62 to 99:64
Location, route, or circumstances of travel, information concerning
Generally, § 99:46 to 99:69

Index-414
INDEX

MARINE INSURANCE—Cont’d
  Representations, warranties, and conditions as marine risks—Cont’d
  Nationality and neutrality
    Generally, § 99:70 to 99:92
    Breach of warranty, specific types of trade as, § 99:76 to 99:81
  Vessel, owner, or crew, information concerning
    Generally, § 99:9 to 99:45
  Representations, warranties, and conditions as to marine risks
  Blockades, provision concerning
    Breach of warranty not to run blockade, § 99:91, 99:92
    Legality of blockade, § 99:88
    Liberty to run blockade, § 99:90
    Total blockade, requirement of, § 99:89
  Breach of warranty, concealment, § 83:20
  British law, role of, § 99:1
  Burden of proof, deviation, § 99:61
  Cargo
    Contraband goods, § 99:43
    Prohibited articles, § 99:43
    Stowage of cargo, § 99:44
    Tonnage of vessel, § 99:45
  Custom and usage, § 99:3
  Delay
    Reasonableness of length of delay, § 99:65
    Trade, delay for, § 99:66
  Deviation
    Burden of proof, § 99:61, 254:112
    Custom or usage, § 99:58
    Danger or capture, deviation to avoid, § 99:69
    Definition, § 99:54
    Express and implied provisions relating to deviation, § 99:55
    Liberty clauses, express permission in form of, § 99:59

MARINE INSURANCE—Cont’d
  Representations, warranties, and conditions as to marine risks—Cont’d
  Deviation—Cont’d
  Manner of preparing, shipping, or conducting voyage, § 99:67
  Necessity for deviation, § 99:57
  Overt action in addition to intent, need for, § 99:56
  Specific place, policies insuring voyages to and from, § 99:63
  Sufficiency of evidence, § 99:61
  Temporary deviation terminating before loss, § 99:60
  Time policies, § 99:64
  Voyage policies, generally, § 99:62
  Waiver and estoppel, § 99:61
  War, capture, and the like, conditions of, § 99:68, 99:69
  Disclosure, § 99:2, 99:3
  Facts versus opinion, § 99:5
  General principles, relationship to, § 99:1
  Intent of insured, § 99:6
  Knowledge of insured or insurer, § 99:3
  Location, route, or circumstances of travel, information concerning
    Approval of voyage or trip, § 99:47
    Commercial restrictions and regulations, § 99:46
    Lay-up of vessel, § 99:49, 99:50
    Named port, statement that vessel is in, § 99:48
    In port, statement that vessel is, § 99:48
    Removal for repairs and similar activity, § 99:50
    Restrictions on ports and areas of navigation, § 99:53
    Storage of vessel, § 99:49, 99:50

Index-415
MARINE INSURANCE—Cont’d
Representations, warranties, and conditions as to marine risks—Cont’d
Location, route, or circumstances of travel, information concerning—Cont’d
Time of sailing, § 99:51, 99:52
What constitutes sailing, § 99:52
Materiality, generally, § 99:5
Nationality and neutrality
Barratry, effect of, § 99:73
Belligerent goods on neutral ship, § 99:79
Concealment of documents, § 99:84
Contraband goods, transportation of, § 99:77
Destruction of documents, § 99:84
Documents and insignia required, § 99:72
False documents as to nationality and neutrality, carrying, § 99:83
Neutral goods on belligerent ship, § 99:78
Neutral purchaser of belligerent vessel, § 99:81
Neutrals and belligerents, trade between, § 99:76
Neutral status, enforceability of agreement to claim, § 99:75
Neutral vessel in belligerent service, § 99:80
Partial interest in belligerents status of entities with, § 99:74
Resisting lawful search by combatant, § 99:85
Sailing under the flag or protection of the belligerent, § 99:82
Seized neutral vessel, seizure of, § 99:86
Source and nature of warranty, § 99:70
Spoliation of documents, § 99:84

MARINE INSURANCE—Cont’d
Representations, warranties, and conditions as to marine risks—Cont’d
Nationality and neutrality—Cont’d
Time as to which warranty relates, § 99:71
Questions of law or fact, § 99:8
Stowage of cargo, § 99:44
Time to which statements relate, § 99:4
Vessel, owner, or crew, information concerning
Age of ship, § 99:9
Belligerent status, § 99:11
Experience of officers or crew, § 99:12
Overall state and condition of ship, § 99:9
Prohibition against chartering vessel, § 99:15
Purposes for which vessel used, § 99:14, 99:15
Registry fire certificate, § 99:13
Title and interest, § 99:10
Unoccupancy of vessel, § 99:16
Value of ship, § 99:9
Waiver and estoppel, § 99:7
Representations, warranties, and conditions as to marine risks
Seaworthiness (this index)
Rescue, § 221:22, 221:40, 221:42, 221:43
Restitution, decree of, § 183:45
Restraints and detentions, § 183:47, 183:48
Retardation of voyage, § 183:34
Risks, generally, § 137:1 to 137:119
Sacrifices, generally, § 221:16 et seq.
Safety, § 221:25
Sail and spars, sacrifice of, § 221:35
Sale of vessel or cargo
Generally, § 183:182 et seq., 221:38, 221:58
Admiralty decree, sale under, § 183:197
Calling in wreckers or salvors, effect of, § 183:189
INDEX

MARINE INSURANCE—Cont’d
Sale of vessel or cargo—Cont’d
Capture, sale of cargo, § 183:43, 183:187
Cargo, generally, § 183:183 et seq., 221:38, 221:58
Co-owner, sale of vessel by, § 183:193, 183:194
Decree, admiralty decree, sale under, § 183:197
Insurer, sale by, § 183:195
Intermediate port, sale of cargo by master at, § 183:184
Justification for sale of vessel, § 183:191
Liens, salvage lien, effect of sale of cargo upon, § 183:188
Master, duty to notify owner and insurer of sale of vessel, § 183:192
Master, sale by, § 183:183 to 183:185, 183:190, 183:191
Notice, duty to give, sale of cargo by master at, § 183:185
Notice, master, duty to notify owner and insurer of sale of vessel, § 183:192
Owner, sale of cargo by, § 183:186
Owner, sale of vessel by, § 183:193, 183:194
Parties in interest, effect of, § 183:194
Public authority, sale by, § 183:196
Refuge, port of, § 183:203
Salvage lien, effect of sale of cargo upon, § 183:188
Salvors, calling in, § 183:189
Vessel, generally, § 183:190 et seq.
Wreckers, calling in, § 183:189
Salvage
see also salvage (this index)
Abandonment, § 183:57, 183:111
Effect of, § 183:9
Lien, effect of sale of cargo upon, § 183:188
Measure of damages, § 183:129
Proceeds, distribution between concurrent insurers, § 183:111

MARINE INSURANCE—Cont’d
Salvors, calling in, § 183:189
Seaman, § 221:91
Seaworthiness (this index)
Secured transaction, status of, § 183:99
Seizure, § 221:65
Separate insurance for vessel and freight, § 183:209, 183:210
Severability of contract, § 23:8
Ship and cargo insured together, § 183:21
Spars, sacrifice of, § 221:35
Special charges, § 221:82
Standard nonwaiver clause, § 183:179
Stranding, § 183:36, 183:37, 221:16 to 221:18
Strict interpretation, § 183:18
Submersion, § 183:36, 183:37
Subrogation (this index)
Substituted expenses, § 221:67
Substituted port rule, § 221:78
Substituted voyage, freight earned by transshipping or on new or substituted voyage, § 183:219
Successive insurance policies, § 219:26
Successive losses, § 183:120
Successive passages, freight earned at successive ports or by successive passages, § 183:218
Successive ports, freight earned at successive ports or by successive passages, § 183:218
Success of sacrifice, § 221:14
Sue and labor clause
Generally, § 183:162 et seq.
Abandonment, § 183:90, 183:167
All-risk policies, § 183:170
Average, warranty free from average, § 183:168
Cargo, transshipping cargo, § 183:175, 183:176
Contribution, § 183:165
Extent of liability, § 183:163
Freight insurance, § 183:177

Index-417
MARINE INSURANCE—Cont’d
Sue and labor clause—Cont’d
Hull insurance, § 183:171, 183:172, 183:180
Legal expenses, transshipping cargo, § 183:176
Liability insurance, § 183:178
Litigation expenses, hull insurance, § 183:172
Obligation of insurer to repair, § 183:164
Preserving and reconditioning cargo, cargo insurance, § 183:174
Reconditioning cargo, cargo insurance, § 183:174
Repair, obligation of insurer to repair, § 183:164
Standard nonwaiver clause, § 183:179
Total loss only, § 183:166
Transshipping cargo, § 183:175, 183:176
Waiver and estoppel, § 183:179 to 183:181
Warranty free from average, § 183:168
Sue and labor costs, § 183:59
Sufficiency of evidence of stranding or submersion, § 183:37
Sufficiency of repairs, § 183:136, 183:137
Superstructure, § 221:32, 221:33
Surrender, liability for freight as affected by abandonment or, § 183:113
Surveys, incidental expenses, § 183:139
Taking possession as implied acceptance, § 183:89 to 183:91
Taking title to vessel, § 183:92
Taking to port, expenses of, § 183:58
Temporary and permanent repairs, § 183:55
Temporary repairs, § 183:154, 221:53
Time
Determinaton of, § 221:77 to 221:79

MARINE INSURANCE—Cont’d
Time—Cont’d
Impossibility of calculating expense of repairs within time allowed for abandonment, § 183:71
Loss as within period of coverage Generally, § 102:33 to 102:37
Attachment of risk, § 102:34, 102:35
Continuation of time risk while at sea or on a passage, § 102:37
Termination of voyage and mixed policies, § 102:36
Types of duration provisions, § 102:33
Title, taking title to vessel, § 183:92
Total loss, generally, § 183:5 et seq.
Total loss only, § 183:166
Towing, § 137:103
Transfer, provisions specifying, § 183:24
Transferring of interest, § 183:95
Transshipment
Abandonment, § 183:62
Cargo insurance, § 183:204
Expenses, § 221:59
Freight insurance, § 183:219
Mitigation of damages, § 183:198 to 183:200
Sue and labor clause, § 183:175, 183:176
Tribute, § 221:70
Trigger, § 191:64
Types of policies and coverage provisions
Generally, § 137:10 to 137:16
All-risks policy, § 137:15, 137:16
Charters, provisions as to, § 137:13
Illegal trade exceptions, § 137:14
Overview of marine insurance coverage schemes, § 137:11
Seaworthiness and other warranties, relationship of coverage clauses to, § 137:12
Unavoidable loss, § 221:12
Unliquidated claim, § 221:76

Index-418
INDEX

MARINE INSURANCE—Cont’d
Unreasonable delay, § 183:74
Unsoundness or decay of vessel, § 183:141
Use, distinction between freight on goods and freight for use of vessel, § 183:206
Validity, § 183:25, 183:104, 183:105
Value and valuation
Generally, § 219:25, 221:80
Cargo insurance, § 183:202
Freight insurance, § 183:214, 183:215
General average
Generally, § 221:71 et seq.
Freight, § 221:73
Place of adjustment rule, § 221:79
Substituted port rule, § 221:78
Time and place as determination of, § 221:77 to 221:79
Unliquidated claim, § 221:76
Valued policy on cargo, § 221:74
York-antwerp rule g, § 221:77
York-antwerp rule xix: undeclared and wrongfully declared cargo, § 221:75
York-antwerp rule xvii: contributory values, § 221:80
York-antwerp rule xviii: damage to ship, § 221:72
Mitigation of damages, § 183:140
Valued policies, § 183:4
Vessels, partial loss, § 183:118
Voluntary loss, § 221:12
Voluntary stranding, § 221:16, 221:17, 221:18
Wages, § 221:48, 221:49, 221:51, 221:64
Waiver and estoppel
Sue and labor clause, § 183:179 to 183:181
Warranty, § 83:20, 183:168
Wreck, § 221:33
Wreckers, calling in, § 183:189
York-antwerp rule, § 221:17

MARINE INSURANCE—Cont’d
York-antwerp rule f: substituted expenses, § 221:67
York-antwerp rule g, § 221:77
York-antwerp rule iii: extinguishing fire on shipboard, § 221:20
York-antwerp rule ii: loss or damage by sacrifice for common safety, § 221:25
York-antwerp rule i: jettison of cargo, § 221:28
York-antwerp rule iv: cutting away wreck, § 221:33
York-antwerp rules, § 221:4
York-antwerp rule vii: damage to machinery and boilers, § 221:41
York-antwerp rule viii: expenses lightening ship when ashore, and consequent damage, § 221:31
York-antwerp rule x: expenses at port of refuge, § 221:47
York-antwerp rule xi: wages and maintenance of crew and other expenses bearing up for and in a port of refuge, § 221:48, 221:49
York-antwerp rule xii: expenses at port of refuge, § 221:57
York-antwerp rule xiii: deductions from cost of repairs, § 221:55
York-antwerp rule xiv: temporary repairs, § 221:53
York-antwerp rule xiv: wages and maintenance of crew and other expenses bearing up for and in a port of refuge, § 221:48, 221:49
York-antwerp rule xiv: undeclared and wrongfully declared cargo, § 221:75
York-antwerp rule xvii: contributory values, § 221:80
York-antwerp rule xviii: damage to ship, § 221:72
York-antwerp rule xix: interest on losses made good in general average, § 221:86
York-antwerp rule xx: treatment of cash deposits, § 221:85

Index-419
MARINE INSURANCE—Cont’d
York-antwerp rule xx: provision of funds, § 221:68

MARINE VESSELS
See Ships, Vessels, Cargo, Stores, and the Like (this index)

MARITAL PRIVILEGE
Generally, § 250:43

MARITAL STATUS
See Husband and Wife (this index)

MARITIME COLLISION CASES
Property insurance, § 152:9

MARKET VALUE
Actual Cash Value (this index)
Automobiles (this index)
Buildings and similar structures, § 177:24
Deductions and offsets, § 178:5, 178:6
General merchandise, § 177:39
Household furniture, § 177:35
Machinery and supplies, § 177:43
Personal effects, § 177:35

MARRIAGE
Generally, § 1:64
See also Husband and Wife (this index)
Assignment, promise to marry as consideration, § 36:25
Presumption of continuation of, § 254:160

MASSAGE THERAPY
Medical insurance, § 181:46

MASTER AND SERVANT
See Employer and Employee (this index)

MASTER OF SHIP
See Marine Insurance (this index)

MASTER POLICIES
Certificate and master policy distinguished, § 253:14
Costs of action, § 233:42, 233:43
Group insurance, termination, § 8:59 to 8:61

MASTER POLICIES—Cont’d
Limitation of actions, § 235:85 to 235:87
Proof of existence and contents of, § 255:6

MATERIAL ALTERATION
Modification of contract, § 25:24

MATERIAL INTENT
Accident and life insurance, § 140:73

MATERIALITY
See Representations, Warranties, Conditions, and Concealment (this index)

MATERIALMEN
Contractors’ Bonds (this index)
Contractors’ payment bonds, materialmen as claimants within coverage, § 165:21
Contractors’ Performance Bonds (this index)
Labor and Material Bonds (this index)
Mechanics’ Liens (this index)

MATURITY
Crops, § 153:35, 177:55
Mortgages and deeds of trust, § 65:94
Premiums and assessments, maturity of notes, § 73:45 to 73:49

MCCARRAN-FERGUSON ACT
Generally, § 2:4, 2:5
Abstention, § 2:4, 2:5

MEAL BREAKS
Workers’ compensation, § 135:46

MEASURE OF DAMAGES
Generally, § 175:63 et seq.
Absence of value test, § 175:80
Actual loss, § 175:63
Automobiles, restoration to use test, § 175:78
Building regulations, § 175:66 to 175:68
Buildings, restoration to use test, § 175:77
Burden of proof, § 175:82, 175:92

Index-420
MEASURE OF DAMAGES—Cont’d

Burial Insurance or Associations
(this index)

Business Interruption Insurance
(this index)
Composite test, § 175:79

Construction Contract Guaranties
(this index)
Damage defined, § 175:63
Demolition of surviving part, loss of
identity test, § 175:73

Evidence
Generally, § 175:92, 175:93
Burden of proof, § 175:92
Questions of law or fact, § 175:93
Total loss, § 175:82 to 175:84
Exceeding policy amount, loss as,
§ 175:86
Exclusions, § 175:67
Extensions, § 175:67
Government controls, § 175:89
Identity test, loss of, § 175:70 to
175:73
Limitations, § 175:66 to 175:68
Machinery and supplies, § 177:47,
177:48

Marine Insurance (this index)
Mistake in overpaying premiums,
§ 175:91
Ordinances, § 175:66 to 175:68
Overpayments, mistake in overpay-
ing premiums, § 175:91
Partial loss, § 175:85 to 175:88
Personal property, loss of identity
test, § 175:71

Polygraph Tests (this index)
Preexisting inferior condition,
§ 175:69
Preexisting non-conforming use,
§ 175:69
Preserve property after loss, failure
to, § 175:88
Public officials’ bonds, § 184:51
Questions of law or fact, § 175:82,
175:93
Reasonable certainty requirement,
§ 175:64

MEASURE OF DAMAGES—Cont’d

Remnant cannot be restored require-
ment, restoration to use test,
§ 175:74
Rent loss insurance, § 185:28 to
185:31
Replacement cost provisions,
§ 176:58
Restoration limited or precluded by
ordinances or building regulat-
tions, § 175:66 to 175:68
Restoration-use test, § 175:74 to
175:78
Salvage, value of, § 175:81
Separately, policy insuring items
separately, § 175:90
Statutes, § 175:67, 175:68, 175:72,
175:87
Sufficiency of evidence, § 175:83

Title Insurance (this index)
Total loss
Generally, § 175:65 et seq.
Absence of value test, § 175:80
Automobiles, restoration to use
test, § 175:78
Buildings, restoration to use test,
§ 175:77
Burden of proof, § 175:82
Composite test, § 175:79
Demolition of surviving part, loss
of identity test, § 175:73
Evidence, § 175:82 to 175:84
Exclusions, § 175:67
Express policy provisions, restora-
tion to use test, § 175:75
Extensions, § 175:67
Identity test, loss of, § 175:70 to
175:73
Personal property, loss of identity
test, § 175:71
Preexisting inferior condition,
§ 175:69
Preexisting non-conforming use,
§ 175:69
Questions of law or fact, § 175:82
Remnant cannot be restored
requirement, restoration to
use test, § 175:74
MEASURE OF DAMAGES—Cont’d
   Total loss—Cont’d
      Restoration, § 175:66 to 175:68, 175:74 to 175:78
      Salvage, value of salvage as factor, § 175:81
      Statutes, § 175:67, 175:68, 175:72
      Sufficiency of evidence, § 175:83
      Value, § 175:80, 175:81
      Valued policy statute, § 175:68, 175:72, 175:76
      Waiver and estoppel, § 175:84
      Value and valuation, difference between before and after injury, § 175:85, 175:86
      Valued policies or statutes, § 175:96

MECHANICAL FAILURE
   Automobile property insurance, § 156:26, 156:27, 156:77, 157:76
   Boiler and machinery insurance, § 150:31
   Fire insurance, § 149:29
   Marine insurance, § 137:34
   Property insurance, § 155:40
   Testing, mechanical, § 253:305

MECHANICS
   Automobile property insurance, § 156:27
   Description of subject matter, § 20:47
   Disability provisions, § 147:140
   Representations, warranties, and conditions, § 96:23 to 96:27

MECHANICS’ LIENS
   Generally, § 66:5
   See also Contractors’ Payment Bonds (this index)
   Insurable interest, § 42:41
   Title insurance, § 159:31

MEDIATION
   Subrogation, § 223:77

MEDICAID EXPANSION
   Affordable care act, § 144:15

MEDICAL ADVICE
   Workers’ compensation, § 173:82

MEDICAL AGENTS
   Good health of insured, § 87:28

MEDICAL AND DISABILITY INSURANCE
   Subrogation, § 225:202

MEDICAL AND DRUG-RELATED LIABILITY INSURANCE
   Combining or stacking of coverages, § 169:111

MEDICAL AND ECONOMIC LOSS
   No-fault coverage, § 214:46

MEDICAL AND HEALTH INSURANCE
   Jurisdiction, § 228:41

MEDICAL CARE AND TREATMENT
   Accident and Life Insurance (this index)
      Automobile liability coverage, § 242:3
      Demonstrative evidence, admissibility of records as, § 253:238 et seq.
   Disability Insurance (this index)
      General liability insurance, § 172:18
      Incontestability clause, § 240:70
      Judicial notice of nature of disease, § 254:269
      Limitation of actions, § 237:81
   Representations, Warranties, Conditions, and Concealment (this index)

MEDICAL CARE PROVIDER
   No-fault coverage, § 242:11, 242:12

MEDICAL CONDITION OF INSURED
   See Good Health of Insured (this index)

MEDICAL EQUIPMENT AND RELATED COSTS
   Workers’ compensation, § 174:25
MEDICAL EXAMINATION
Agents and brokers, examining physicians, § 49:28
Blood testing, § 253:303
Conditions, claimant’s or insured’s right to impose, § 196:57
Date, designation of, § 196:56
Demonstrative evidence, admissibility of records as, § 253:238 et seq.
Estoppel and waiver, § 194:41
Evidentiary use, § 253:129
Fees, payment of, § 196:57
Foreign insurers, § 3:14
Independent medical examination
Generally, § 196:55 et seq.
Condition, breach of, § 196:76, 196:78
Condition precedent, § 196:75
Conditions, claimant’s or insured’s right to impose, § 196:57
Cooperation clause, breach of, § 196:77
Court order requesting examination
Generally, § 196:55 et seq.
Demand, insurers entitled to make, § 196:59
Discretion of court, § 196:58
Good cause, § 196:63, 196:64
Injury during examine, liability for, § 196:67
Medical report, demand for, § 196:60
Medical reports, demand for, § 196:61
Reasonable time, § 196:60
Re-examination, § 196:68, 196:73
Scope of physical examination, generally, § 196:65 to 196:67
Self-incrimination, § 196:74
Time, designation of, § 196:56
Location, designation of, § 196:56
Neuropsychological testing, § 253:304
Physician, designation of, § 196:56
Psychological testing, § 253:304
Representations, warranties, conditions, and concealment, § 81:54 to 81:57, 87:23, 87:30, 87:31, 87:55
Riders and endorsements, § 18:22
Scope of physical examination, generally, § 196:65 to 196:67
Time, designation of, § 196:56
MEDICAL EXAMINERS
Agents and brokers, § 45:24, 48:70, 48:71
MEDICAL EXPENSES
See also No-Fault Insurance (this index)
Income taxes, § 63:6
Subrogation, § 223:79, 223:80
Uninsured and underinsured motorist coverage, § 171:44

MEDICAL HISTORY
Agents and brokers, § 49:32
Judicial notice, § 254:271

MEDICAL INSURANCE
See also Health Insurance (this index)
Generally, § 144:1 et seq., 144:18, 180:1 et seq.
See also Health Insurance (this index)
Ability to pay as factor, § 180:12
Accident, hospitalization within stated period after, § 145:10
Accident requirement, § 207:60
Accommodations, limits on accommodations, § 180:36
Accreditation requirements, § 145:14
Actually incurred expenses, § 180:5
Acupuncture, § 181:41
Adopted children, § 144:33
Advice, treatment termination against medical advice, § 180:7
Affordable care act, § 144:13 to 144:16
Aggravation or progression of condition, § 144:93
Aids, § 144:22, 144:28, 181:21
Air conditioning unit, § 181:58
Alcohol and drug dependency, § 144:61, 144:62
Alcohol and drug treatment facilities, exclusion of, § 145:22
Alternative medicine
Generally, § 181:41 et seq.
Acupuncture, § 181:41
Chelation therapy, § 181:42
Chiropractic, § 181:43
Environmental therapy, § 181:44
Laetrile treatments, § 181:45
Massage therapy, § 181:46

MEDICAL INSURANCE—Cont’d
Alternative medicine—Cont’d
Nutritional therapies, § 181:47
Ambiguity in policy terms, breast cancer, § 181:17
Ambulance services, § 181:64
Americans With disabilities act, § 144:21, 144:22, 180:16, 181:14
Anesthesia, hospitalization expenses, § 181:50
Antineoplastons cancer treatment expenses, § 181:33
Artificial heart, § 181:23
Automobiles, specially equipped motor vehicles, § 181:61
Background, generally, § 144:6 et seq.
Bed patient facilities, § 181:17
Blue cross & blue shield plans, § 144:7
Brain stem injury, long-term team integrated rehabilitation for brain stem injury, § 181:55
Breast cancer, § 181:15 to 181:18
Breast reduction or augmentation, § 144:68
Breast surgery, § 181:26
Burden of proof, § 144:97, 180:14
Bypass, intestinal bypass surgery, § 181:28
Bypass surgery, § 145:27
Cancer, evidence of existence of disease, § 144:79
Caps, generally, § 180:15 et seq.
Chelation therapy, § 181:42
Child abuse, § 144:96
Childbirth, § 144:48 to 144:51
Children, § 144:31 to 144:34
Chiropractor, § 181:40, 181:43
Chronic conditions or diseases, § 144:43
Chronic debilitating disease, § 181:52
Cobra, § 144:17
Coinsurance
Generally, § 180:21, 220:44 et seq.
MEDICAL INSURANCE—Cont’d
Employer requirements, affordable care act, § 144:16
Employment status, change of, § 144:35
Environmental therapy, § 181:44
Equipment and prosthetics
   Generally, § 181:58 et seq.
   Air conditioning unit, § 181:58
   Automobiles, specially equipped motor vehicles, § 181:61
   Dental implants, § 181:63
   Elevator, home elevator, § 181:59
   Home elevator, § 181:59
   Manual wheelchair, § 181:60
   Specially equipped motor vehicles, § 181:61
   Wheelchair, manual wheelchair, § 181:60
   Wigs, § 181:62
   Equitable remedies, § 232:139, 232:164
Erisa
   Federal regulations, § 144:12
   Medical necessity, § 181:6
   Private insurance versus federal employee plans, § 180:3
   Vesting of coverage, § 144:101
   Erroneous verification of coverage, § 180:8
   Error, payments made in, § 180:9
   Evidence, § 144:78, 144:79, 144:97, 144:98
   Exceptions, § 144:5, 145:24
   Excess clause, § 220:51
Exclusions
   Generally, § 144:39 et seq., 144:56 to 144:59
   Alcohol and drug dependency, § 144:61
   Bypass surgery, § 145:27
   Chronic conditions or diseases, § 144:43
   Complication of diseases, § 144:44
   Congenital conditions, § 144:44
   Custodial care, § 145:28
   Delayed payment or nonpayment, § 207:59
   Diagnostic services, § 145:29

MEDICAL INSURANCE—Cont’d
Exclusions—Cont’d
   Diseases, chronic conditions or diseases, § 144:43
   Diseases, complication of diseases, § 144:44
   Dread disease insurance, § 144:77
   Fertility and infertility, § 144:53
   Gender, diseases not common in both, § 144:46
   High-dose chemotherapy, § 181:18
   Hospitalization insurance, § 145:22, 145:23
   Intoxication, § 144:47
   Observation, § 145:29
   Past conditions, § 144:45
   Preexisting disease, § 144:77
   Pregnancy and childbirth, § 144:50, 144:51
   Services furnished without charge, § 180:6
   Traumatic injuries, § 144:74
   Experimental treatments, § 181:4
   Facilities requirements, § 145:16 to 145:18
   Federal employee plans versus erisa versus private insurance, § 180:3
   Federal regulations
      Generally, § 144:11 et seq., 180:3
      Aids, americans with disabilities act, § 144:22
      americans with disabilities act, § 144:21, 144:22
      Cobra, § 144:17
      Continuation of coverage legislation, § 144:17 to 144:19
      Disabilities, § 144:21, 144:22
   Discrimination provisions
      Generally, § 144:20 et seq.
      Aids, americans with disabilities act, § 144:22
      americans with disabilities act, § 144:21, 144:22
      Pregnancy, title vii and pregnancy coverage, § 144:23
      Title vii and pregnancy coverage, § 144:23

Index-426
MEDICAL INSURANCE—Cont’d
Federal regulations—Cont’d
Erisa, § 144:12
Health insurance portability and accountability act (hipaa), § 144:18
Portability legislation, § 144:17 to 144:19
Pregnancy, title vii and pregnancy coverage, § 144:23
Title vii and pregnancy coverage, § 144:23
Fertility and infertility, § 144:52, 144:53
Gastroplasty for treatment of morbid obesity, § 181:27
Gender, § 144:25, 144:46
Geographic limitations, § 180:20
Health and accident insurance, relationship to, § 144:1
Health insurance portability and accountability act (hipaa), § 144:18
Health maintenance organizations (hmo), § 144:9
Heart, artificial heart, § 181:23
Hernia, § 144:71
High-dose chemotherapy
Generally, § 181:7 et seq.
Aids, § 181:21
Ambiguity in policy terms, breast cancer, § 181:17
Americans with disabilities act, § 181:14
Autologous bone marrow transplant, generally, § 181:8
Breast cancer, § 181:15 to 181:18
Common usage or efficacy, breast cancer, § 181:16
Disabilities, americans with disabilities act, § 181:14
Exclusion from list of covered conditions, breast cancer, § 181:18
Hiv, § 181:21
Limitations on coverage, § 181:9
Mandated coverage, § 181:13
Multiple myeloma, § 181:19
Partial recovery, § 181:10

MEDICAL INSURANCE—Cont’d
High-dose chemotherapy—Cont’d
Peripheral stem cell rescue, generally, § 181:8
Promissory estoppel, § 181:12
Reasonable expectations, § 181:12
Two policies, treatment spanning, § 181:11
Historical development, generally, § 144:6 et seq.
Hiv, § 181:21
Home elevator, § 181:59
Home uterine monitoring service, § 181:35
Hospitalization expenses, § 181:49, 181:50
Hospitalization insurance
Generally, § 145:1 et seq.
Accident, hospitalization within stated period after, § 145:10
Accreditation requirements, § 145:14
Alcohol and drug treatment facilities, exclusion of, § 145:22
Bed patient facilities, § 145:17
Confinement, necessity of, § 145:5
Continuous confinement, § 145:8
Convalescent facilities, exclusion of, § 145:23
Definitions, § 145:12
Delays, § 145:9, 145:11
Emergencies, exception for, § 145:24
Exception for emergencies, § 145:24
Exclusion of types of facilities, § 145:22, 145:23
Facilities requirements, § 145:16 to 145:18
Illness or injury, threshold coverage requirements, generally, § 145:3
In-patient facilities, § 145:17
Licensing requirements, § 145:13
Maximum stay provisions, § 145:9
Member hospital requirements, § 145:15
Membership requirements, § 145:14
MEDICAL INSURANCE—Cont’d
Hospitalization insurance—Cont’d
Minimum stay, § 145:7
Nursing and rest homes, exclusion of, § 145:23
Nursing staff requirements, § 145:21
Personnel requirements, § 145:19 to 145:21
Physician requirements, § 145:20
Rehabilitation facilities, exclusion of, § 145:23
Rehospitalization for same condition, § 145:6
Rest homes, exclusion of, § 145:23
Surgery, delays specific to surgery or particular disease, § 145:11
Surgical facilities, § 145:18
Time restrictions on coverage
Generally, § 145:6 et seq.
Accident, hospitalization within stated period after, § 145:10
Continuous confinement, § 145:8
Delay between hospitalizations, § 145:9
Delays specific to surgery or particular disease, § 145:11
Maximum stay provisions, § 145:9
Minimum stay, § 145:7
Rehospitalization for same condition, § 145:6
Surgery, delays specific to surgery or particular disease, § 145:11
Hospital, limitations on hospital stays, § 180:34
Hospitals, provisions specific to, § 180:33 to 180:36
Hyperbaric oxygen therapy, § 181:36
Illness, threshold triggers of coverage, generally, § 144:36
Immunoaugmentation therapy, § 181:37
Individual mandate, affordable care act, § 144:14
Injunctions, preliminary, § 181:6

MEDICAL INSURANCE—Cont’d
In-patient facilities, § 145:17
Intestinal bypass surgery, § 181:28
Intoxication, § 144:47, 207:51
Investigative treatments, § 181:4
Involuntarily committing insured for treatment, § 181:65
Jaw disorders, § 144:66, 144:67
Knowledge of condition, § 144:81, 144:82
Laetrile treatments, § 181:45
Legal concerns, medical versus, § 180:4
Liability insurance recovery, § 180:24
Licensing requirements, § 145:13
Life, health, and disability insurance, § 207:49
Limitation of actions, § 236:67
Limitations
Accommodations, § 180:36
Alcohol and drug dependency, § 144:61
Geographic limitations, § 180:20
High-dose chemotherapy, § 181:9
Hospital stay, § 180:34
Per diem limitations, § 180:35
Preexisting conditions, § 144:79, 144:80
Surgeons, number of, § 180:38
Time limitations, § 180:19
Visit limitations, § 180:18
Liver surgery, § 181:24
Long-term team integrated rehabilitation for brain stem injury, § 181:55
Lung surgery, § 181:25
Managed care, § 144:8
Mandatory coverage provisions, § 144:26 to 144:29
Manifestation of condition, § 144:84, 144:88 to 144:96
Manual wheelchair, § 181:60
Marital status, § 144:25
Massage therapy, § 181:46
Maximum stay provisions, § 145:9
Medicaid expansion, affordable care act, § 144:14

Index-428
MEDICAL INSURANCE—Cont’d

Medical necessity
Generally, § 181:1 et seq.
Construction and interpretation, § 181:5
Educational treatments, § 181:4
Erisa standard of review, § 181:6
Experimental treatments, § 181:4
Injunctions, preliminary injunctions, § 181:6
Investigative treatments, § 181:4
Preliminary injunctions, § 181:6
Preventive (prophylactic) treatments, § 181:3
Prophylactic treatments, § 181:3
Review, erisa standard of review, § 181:6
Standards and criteria, § 181:2
Medical versus legal concerns, § 180:4
Medicare, § 180:29 to 180:32, 207:49
Medigap policies, § 180:32
Member hospital requirements, § 145:15
Membership requirements, § 145:14
Mental illness
Generally, § 144:55 et seq.
Construction and interpretation, § 144:59
Exclusion, § 144:56 to 144:59
Physical component, § 144:58
Mental or emotional disorders, § 181:66
Minimum stay, § 145:7
Monetary caps, § 180:15, 180:16
Monitoring service, home uterine monitoring service, § 181:35
Morbid obesity, § 181:27
Multiple myeloma, § 181:19
Multistage illness, § 144:95
Myopia, § 181:30
Narcotics, hospitalization expenses, § 181:50
Necessity, threshold triggers of coverage, § 144:38
Newborns, § 144:32

MEDICAL INSURANCE—Cont’d

No-fault and uninsured motorist insurance, § 180:28
Nursing and rest homes, exclusion of, § 145:23
Nursing services, § 181:51 to 181:54
Nursing staff requirements, § 145:21
Nutritional therapies, § 181:47
Obesity, § 144:72, 181:27
Observation, § 145:29
Offsets for recovery
Generally, § 180:22 et seq.
Liability insurance recovery, § 180:24
Medicare, § 180:29 to 180:32
Medicare part a versus medicare part b, § 180:30
Medigap policies, § 180:32
No-fault and uninsured motorist insurance, § 180:28
Social security, § 180:23
Statutes, effect of, § 180:31
Supplemental medicare insurance, § 180:32
Tort insurance recovery, § 180:24
Uninsured motorist insurance, § 180:28
Workers’ compensation, § 180:23
One illness rule, § 180:17
Out-of-network care exclusion, § 207:52
Outpatient treatment, § 181:67
Overriding right-recovery, § 180:7 to 180:9
Partial recovery, § 181:10
Past conditions, § 144:45
Patient protection and affordable care act, § 144:13 to 144:16
Per diem limitations, § 180:35
Personnel requirements, § 145:19 to 145:21
Persons covered, generally, § 144:30 et seq.
Physical component, § 144:58
Physician, qualified physician or surgeon, § 145:26
Physician requirements, § 145:20
Portability legislation, § 144:17 to 144:19
MEDICAL INSURANCE—Cont’d
Post-loss changes in coverage,
§ 144:100, 144:101
Postoperative care, § 181:54
Preexisting conditions
Generally, § 144:76 et seq., 207:48
Aggravation or progression of condition, § 144:93
Avoidance of coverage
Generally, § 144:88 et seq.
Aggravation or progression of condition, § 144:93
Child abuse, § 144:96
Contracted requirements, § 144:91, 144:92
Diagnose, ability or inability to, § 144:90
Different illness or disease, § 144:94
Manifestation of condition, § 144:88 to 144:94
Manifested requirements, § 144:91, 144:92
Multistage illness, § 144:95
Progression of condition, § 144:93
Sufficiency of evidence as to manifestation, § 144:89, 144:90
Treatment requirement, § 144:92
Burden of proof, § 144:97
Child abuse, § 144:96
Construction and interpretation of limitations, § 144:79, 144:80
Contracted requirements, § 144:91, 144:92
Delay of coverage
Generally, § 144:83 et seq.
Dependents, disabled dependents, § 144:87
Disabled dependents, § 144:87
Manifestation of condition, § 144:84
Reinstatement of policy, § 144:86
Time period, computation of, § 144:85

MEDICAL INSURANCE—Cont’d
Preexisting conditions—Cont’d
Dependents, disabled, § 144:87
Diagnose, ability or inability to, § 144:90
Disabled dependents, § 144:87
Evidence, § 144:97, 144:98
Exclusions, generally, § 144:76 et seq.
Knowledge of condition, § 144:81, 144:82
Limitations, construction and interpretation of limitations, § 144:79, 144:80
Manifestation of condition, § 144:84, 144:88 to 144:96
Multistage illness, § 144:95
Progression of condition, § 144:93
Questions of law or fact, § 144:98
Reinstatement of policy, § 144:86
Restrictions on use of provisions, § 144:78
Sickness versus disease, § 144:80
Sufficiency of evidence as to manifestation, § 144:89, 144:90
Time period, computation of, § 144:85
Treatment requirement, § 144:92
Preexisting disease, § 144:77
Preferred provider organizations (ppo), § 144:77
Pregnancy and childbirth, § 144:23, 144:50, 144:51
Preliminary injunctions, § 181:6
Prescription drugs, § 181:67
Preventive tonsillectomy, § 181:29
Preventive (prophylactic) treatments, § 181:3
Private insurance versus erisa versus federal employee plans, § 180:3
Private nurse services, § 181:52 to 181:54
Progression of condition, § 144:93
Promissory estoppel, § 181:12
Prophylactic treatments, § 181:3
Qualified physician or surgeon, § 145:26
Questions of law or fact, § 144:98
### MEDICAL INSURANCE—Cont’d

<table>
<thead>
<tr>
<th>Topic</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Radial keratotomy for treatment of myopia</td>
<td>§ 181:30</td>
</tr>
<tr>
<td>Reasonable expectations</td>
<td>§ 181:12</td>
</tr>
<tr>
<td>Regular and customary charges</td>
<td></td>
</tr>
<tr>
<td>Generally, § 180:10 et seq.</td>
<td></td>
</tr>
<tr>
<td>Ability to pay as factor</td>
<td>§ 180:12</td>
</tr>
<tr>
<td>Burden of proof</td>
<td>§ 180:14</td>
</tr>
<tr>
<td>Construction and interpretation</td>
<td>§ 180:11, 180:12</td>
</tr>
<tr>
<td>Rehabilitation facilities, exclusion of</td>
<td>§ 145:23</td>
</tr>
<tr>
<td>Rehabilitative care</td>
<td>§ 181:55 to 181:57</td>
</tr>
<tr>
<td>Rehospitalization for same condition</td>
<td>§ 145:6</td>
</tr>
<tr>
<td>Reimbursement</td>
<td>§ 226:32</td>
</tr>
<tr>
<td>Reinstatement of policy</td>
<td>§ 144:86</td>
</tr>
<tr>
<td>Release of insurer by insured of further liability</td>
<td>§ 207:56</td>
</tr>
<tr>
<td>Rest homes, exclusion of</td>
<td></td>
</tr>
<tr>
<td>Restrictions on use of provisions</td>
<td>§ 144:78</td>
</tr>
<tr>
<td>Retiree benefits, changes in</td>
<td>§ 144:102, 144:103</td>
</tr>
<tr>
<td>Reversal of sterilization</td>
<td>§ 181:31</td>
</tr>
<tr>
<td>Review, erisa standard of review</td>
<td>§ 181:6</td>
</tr>
<tr>
<td>Sex-change operation</td>
<td>§ 181:32</td>
</tr>
<tr>
<td>Sickness, threshold triggers of coverage, generally</td>
<td>§ 144:36</td>
</tr>
<tr>
<td>Sickness versus disease</td>
<td>§ 144:80</td>
</tr>
<tr>
<td>Social security</td>
<td>§ 180:23</td>
</tr>
<tr>
<td>Specially equipped motor vehicles</td>
<td>§ 181:61</td>
</tr>
<tr>
<td>Speech therapy</td>
<td>§ 181:56</td>
</tr>
<tr>
<td>Standards and criteria</td>
<td>§ 181:2</td>
</tr>
<tr>
<td>State regulations</td>
<td></td>
</tr>
<tr>
<td>Generally, § 144:11 et seq.</td>
<td></td>
</tr>
<tr>
<td>AIDS, mandatory coverage provisions</td>
<td>§ 144:28</td>
</tr>
<tr>
<td>Classes of insureds, mandatory coverage provisions</td>
<td>§ 144:26</td>
</tr>
<tr>
<td>Continuation acts</td>
<td>§ 144:26</td>
</tr>
<tr>
<td>Disability</td>
<td>§ 144:24</td>
</tr>
<tr>
<td>Discrimination provisions</td>
<td>§ 144:24, 144:25</td>
</tr>
<tr>
<td>Gender</td>
<td>§ 144:25</td>
</tr>
</tbody>
</table>

### MEDICAL INSURANCE—Cont’d

<table>
<thead>
<tr>
<th>Topic</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>State regulations—Cont’d</td>
<td></td>
</tr>
<tr>
<td>Mandatory coverage provisions</td>
<td>§ 144:26 to 144:29</td>
</tr>
<tr>
<td>Marital status</td>
<td>§ 144:25</td>
</tr>
<tr>
<td>Statutes</td>
<td>§ 180:31, 220:46</td>
</tr>
<tr>
<td>Sterilization</td>
<td>§ 144:54, 181:31</td>
</tr>
<tr>
<td>Students</td>
<td>§ 144:34</td>
</tr>
<tr>
<td>Subrogation</td>
<td>§ 222:26, 222:35</td>
</tr>
<tr>
<td>Sufficiency of evidence as to manifestation</td>
<td>§ 144:89, 144:90</td>
</tr>
<tr>
<td>Suicide, death within suicide exclusion</td>
<td>§ 207:50</td>
</tr>
<tr>
<td>Supplemental medicare insurance</td>
<td>§ 180:32</td>
</tr>
<tr>
<td>Surgeon, qualified physician or surgeon</td>
<td>§ 145:26</td>
</tr>
<tr>
<td>Surgery</td>
<td></td>
</tr>
<tr>
<td>Generally, § 181:22 et seq.</td>
<td></td>
</tr>
<tr>
<td>Artificial heart</td>
<td>§ 181:23</td>
</tr>
<tr>
<td>Breast surgery</td>
<td>§ 181:26</td>
</tr>
<tr>
<td>Bypass, intestinal bypass surgery</td>
<td>§ 181:28</td>
</tr>
<tr>
<td>Delays</td>
<td>§ 145:11</td>
</tr>
<tr>
<td>Exclusions</td>
<td>§ 145:27</td>
</tr>
<tr>
<td>Gastoplasty for treatment of morbid obesity</td>
<td>§ 181:27</td>
</tr>
<tr>
<td>Heart, artificial heart</td>
<td>§ 181:23</td>
</tr>
<tr>
<td>Intestinal bypass surgery</td>
<td>§ 181:28</td>
</tr>
<tr>
<td>Liver</td>
<td>§ 181:24</td>
</tr>
<tr>
<td>Lung</td>
<td>§ 181:25</td>
</tr>
<tr>
<td>Morbid obesity, gastoplasty for treatment of morbid obesity</td>
<td>§ 181:27</td>
</tr>
<tr>
<td>Myopia, radial keratotomy for treatment of myopia</td>
<td>§ 181:30</td>
</tr>
<tr>
<td>Obesity, gastoplasty for treatment of morbid obesity</td>
<td>§ 181:27</td>
</tr>
<tr>
<td>Postoperative care</td>
<td>§ 181:54</td>
</tr>
<tr>
<td>Preventive tonsillectomy</td>
<td>§ 181:29</td>
</tr>
<tr>
<td>Radial keratotomy for treatment of myopia</td>
<td>§ 181:30</td>
</tr>
<tr>
<td>Reversal of sterilization</td>
<td>§ 181:31</td>
</tr>
<tr>
<td>Sex-change operation</td>
<td>§ 181:32</td>
</tr>
<tr>
<td>Sterilization, reversal of sterilation</td>
<td>§ 181:31</td>
</tr>
<tr>
<td>Tonsillectomy, preventive tonsillectomy</td>
<td>§ 181:29</td>
</tr>
<tr>
<td>Surgical facilities</td>
<td>§ 145:18</td>
</tr>
</tbody>
</table>
MEDICAL INSURANCE—Cont’d
Surgical fee schedules, § 180:37
Surgical policies, provisions specific to, § 180:37, 180:38
Temporomandibular joint (tmj) disorders, § 144:66
Termination of disability, § 207:58
Termination of policy, coverage after, § 144:99
Termination, treatment termination against medical advice, § 180:7
Time
   Generally, § 144:85, 207:55
   Limitations, § 180:19
Title vii and pregnancy coverage, § 144:23
Tonsillectomy, preventive, § 181:29
Tort insurance recovery, § 180:24
Traumatic injuries, § 144:65, 144:73, 144:74
Two policies, treatment spanning, § 181:11
Uninsured motorist insurance, § 180:28
Uterine, home uterine monitoring service, § 181:35
Validity, § 220:45
Verification, erroneous verification of coverage, § 180:8
Vesting of coverage
   Generally, § 144:99 et seq.
   Contractual agreement, § 144:103
   Erisa policies, § 144:101
   Post-loss changes in coverage, § 144:100, 144:101
   Retiree benefits, changes in, § 144:102, 144:103
   Termination of policy, coverage after, § 144:99
Visit limitations, § 180:18
Visual therapy, § 181:57
In vitro fertilization, § 181:38
Wheelchair, manual, § 181:60
Wigs, § 181:62
Workers’ compensation, § 180:23, 207:49

MEDICAL NECESSITY
See Medical Insurance (this index)

MEDICAL PAYMENTS
Generally, § 158:1 et seq., 185:100 et seq.
See also Combining or Stacking of Coverages (this index)
Accident insurance, relationship to, § 158:4
Alighting from vehicle, § 158:36 to 158:38
Automobile defined, § 158:28
Automobile insurance
   Alighting from vehicle, § 158:36 to 158:38
   Automobile defined, § 158:28, 158:29
   Boarding vehicle, § 158:36 to 158:38
   Boat, § 158:38
   Connection to vehicle, § 158:15
   Entering vehicle, § 158:39
   Furnished for regular use, § 158:31, 158:32
   Guests, permissive guests and users, § 158:18, 158:19
   Household, § 158:17, 158:33
   Impact of vehicle, § 158:41, 158:42
   Location or circumstance of injury, generally, § 158:35 et seq.
   Motor vehicle defined, § 158:28, 158:29
   Occupying automobile, § 158:43
   Owned by insured, § 158:30
   Passengers or occupants, § 158:20
   Pedestrians, § 158:21
   Permissive guests and users, § 158:19
   Persons covered, generally, § 158:15
   Premises liability policies, § 158:18
   Relative or member of household, vehicles owned by, § 158:33
   Relatives, § 158:16
   Replacement vehicle, § 158:34

MEDICAL MALPRACTICE
INDEX

MEDICAL PAYMENTS—Cont’d
Automobile insurance—Cont’d
Residents of same household, § 158:17
Struck by vehicle, § 158:41
Two-wheeled vehicles, § 158:28
Upon vehicle, § 158:36 to 158:38
Use of vehicle, § 158:40
In vehicle, § 158:36 to 158:38
Automobile liability insurance, § 170:21, 170:22
Boarding vehicle, § 158:36 to 158:38
Boat, § 158:38
Bodily injury exclusions, § 158:6
Business invitees to premises, § 158:22
Collateral sources, reimbursement from, § 158:12
Definitions, § 158:28, 158:29
Delayed payment or nonpayment
Generally, § 207:47 et seq.
Accident requirement, § 207:60
Claimant not within coverage, § 207:47
Condition or disorder not covered, § 207:54
Criminal activity, harm involved, § 207:60
Death within suicide exclusion, § 207:50
Disability or continuing disability, § 207:57 to 207:59
Exclusion, disability within, § 207:59
Intoxication, injury resulting from, § 207:51
Medically necessary services and therapies, § 207:53
Medicare exclusion, claimant within, § 207:53
Out-of-network care exclusion, § 207:52
Preexisting condition, § 207:48
Release of insurer by insured of further liability, § 207:56
Suicide, death within suicide exclusion, § 207:50
Termination of disability, § 207:58
MEDICAL PAYMENTS—Cont’d
Delayed payment or nonpayment—Cont’d
Time of loss or expense as outside period of policy, § 207:55
Workers’ compensation exclusion, claimant within, § 207:49
Dependents, § 158:11
Entering vehicle, § 158:39
Exclusions, § 158:6, 158:24
Family members who pay expenses, § 158:26
Fault of insured or victim irrelevant, § 158:2
Funeral expenses, § 185:105
Funeral expenses, exclusion of bodily injury, § 158:6
Furnished for regular use, § 158:31, 158:32
Guests, permissive guests and users, § 158:18, 158:19
Health insurance, relationship to, § 158:4
Household, § 158:17, 158:33
Immediate expenses, § 185:101, 185:102
Impact of vehicle, § 158:41, 158:42
Imperative expenses, § 185:101, 185:102
Intentional actions and injuries, § 158:9
Invitees, § 158:22
Liability insurance, § 158:4, 158:7
Limitations, § 158:13, 185:100, 185:101 et seq.
Mandatory coverage, § 158:3
Medicare, reimbursement from, § 158:12
Military, services rendered to members of military or dependents, § 158:11
Military, united states’ recovery as to servicemen, § 158:27
Motor vehicle defined, § 158:28
Necessary expenses, § 185:103 to 185:105
No-fault insurance, § 191:77
Occupying automobile, § 158:43
Offsets, § 185:107 to 185:109

Index-433
MEDICAL PAYMENTS—Cont’d
Other coverages under same policy, § 185:108
Owned by insured but not insured by particular policy, § 158:30
Passengers or occupants, § 158:20
Pedestrians, § 158:21
Permissive guests and users, § 158:18, 158:19
Personal injury protection (pip) benefits, exhaustion of, § 158:5
Persons covered, generally, § 158:14 et seq.
Premises, § 158:44, 158:45
Premises liability insurance
Automobile insurance, § 158:18
Business invitees to premises, § 158:22
Invitees, business invitees to premises, § 158:22
Permissive guests and users, § 158:18
Receipt of payments, § 158:25 to 158:27
Reimbursement, § 158:12, 185:106, 226:29
Relatives, § 158:16, 158:33
Replacement vehicle, § 158:34
Residents of same household, § 158:17
Same policy, other coverages under same policy, § 185:108
Services, § 158:11, 158:25
Statutes, § 158:3
Struck by vehicle, § 158:41
Subrogation, § 222:76, 222:77, 225:5
Threshold requirements, generally, § 158:8 et seq.
Time, limitation to expenses incurred, § 158:13
Two-wheeled vehicles, § 158:28
United states’ recovery as to servicemen, § 158:27
Upon vehicle, § 158:36 to 158:38
Use of vehicle, § 158:40
In vehicle, § 158:36 to 158:38
Vehicles covered, generally, § 158:28 et seq.
Voluntary coverage, § 158:3

MEDICAL PAYMENTS—Cont’d
Workers’ compensation, § 158:12, 158:23, 158:24

MEDICAL REPORTS
Equitable remedies, § 232:149
Physical or independent medical examination, § 196:60, 196:61

MEDICAL TESTIMONY
Disability provisions, § 147:33, 147:34

MEDICARE
Delayed payment or nonpayment, § 207:49
Life, health, and disability insurance, § 207:49
Medical insurance, § 180:29 to 180:32
Medical payments, § 158:12
Subrogation, § 223:144

MEDICINES
Accident and life insurance, § 141:86 to 141:89
Contractors’ payment bonds, § 165:94
Good health of insured, § 87:22
Judicial notice of nature of, § 254:269

MEDIGAP POLICIES
Generally, § 180:32

MEMBER, LOSS OF
Disability insurance, § 147:52 to 147:54

MEMBERS AND MEMBERSHIP
Disability Insurance (this index)
Life insurance, insurable interests of religious organization members, § 43:30
Medical insurance, § 145:14, 145:15
Mutual Insurance and Insurance Companies (this index)
Premiums and Assessments (this index)
Workers’ compensation, § 173:17, 173:18, 173:56
MEMORANDUM ARTICLES
Marine insurance, § 183:30, 183:61

MENSTRUATION
Good health of insured, § 88:79

MENTAL ANGUISH
Third-party claims, § 205:88

MENTAL CONDITION
Hearsay exclusion and exceptions, § 249:30
Medical insurance, § 181:66
Witnesses, § 252:70 to 252:72

MENTAL DISTRESS
See also Group Insurance (this index)
General liability insurance, § 172:31
Third-party claims, § 206:53
Uninsured and underinsured motorist coverage, § 171:7

MENTAL OR PHYSICAL INCAPACITY—Cont’d
Notice and proof of loss—Cont’d
Intoxication, § 192:78
Property insurance, § 192:81
Uninsured/underinsured motorist coverage, § 192:71

MERCHANDISE
See Goods, Wares, and Merchandise (this index)

MERCHANTS
Witnesses, § 252:55, 252:56

MERGER
Consolidation or Merger (this index)
Parol Evidence (this index)

MERIT
Interpleader, § 232:80, 232:81, 232:82
Jurisdiction of federal proceedings, § 229:85, 229:100
Prior Judgment (this index)
Sanctions, § 251:49
Venue, § 230:7 to 230:9

MERIT RATING
Workers’ compensation and employers’ liability insurance, § 69:23

MESSENGER
Property insurance, § 151:80 to 151:82

METAL ORES
Buyers and sellers of, risks covered under policies, § 131:48
Contractors’ payment bonds, § 165:110
Property insurance, § 148:43

MICROFILM
See Documentary Evidence (this index)

MILITARY CLAIMS ACT
Subrogation, § 225:196

MILITARY SERVICE
See Armed Forces (this index)
MILLER ACT
Contractors' bonds, § 163:25, 163:78, 164:114
Venue, § 230:100

MILLS
See Manufacturers and Manufacturing (this index)

MINER
Disability provisions, § 147:141

MINERAL RIGHTS
Representations, warranties, and conditions, § 91:72
Title insurance, § 159:34

MINISTERIAL ACTS
Beneficiaries, consent to change of, § 60:35

MINORITY RIGHTS
Consolidation or merger, § 5:3

MINORS
See Children (this index)

MISAPPROPRIATED FUNDS
Automobile property insurance, § 157:23
Commercial liability insurance, § 201:54
Commissioner of insurance, § 242:208
Fidelity insurance, § 161:21, 161:40
Insolvent insurer, § 242:208
Premiums, payment of, § 74:37 to 74:39
Subrogation, § 225:291

MISCARRIAGE
Good health of insured, § 88:82

MISCONDUCT
Fidelity Bonds and Insurance (this index)

MISDESCRIPTION
See Description or Identification (this index)

MISJOINER OF ACTIONS
Demurrer, § 244:86

MISJOINDER OF PARTIES
See Joinder of Parties (this index)

MISREPRESENTATION
See Fraud and Deceit (this index)

MISSING POLICIES
See Loss of Policy (this index)

MISTAKES
Accident and Life Insurance (this index)
Agents and Brokers (this index)
Arbitration awards, § 213:66, 213:67
Assignment (this index)
Automobiles (this index)
Beneficiaries (this index)
Cancellation and Rescission (this index)
Commercial liability insurance, § 201:63
Contractors' performance bonds, § 164:50
Cooperation, § 199:45, 199:129
Defects and Irregularities (this index)
Description or Identification (this index)
Disability insurance, § 146:54, 146:55, 146:56
Fidelity insurance, § 161:60
Fraud, § 197:27 to 197:29
General liability insurance, § 172:73
Group insurance eligibility, § 8:41
Instructions to jury, § 246:75
Insured, generally, § 39:5
Limitation of actions, § 237:84
Measurement of degree of loss, § 175:91
Medical insurance, § 180:8, 180:9
Modification of contract, § 25:15
Notice and proof of loss, § 192:99 to 192:102, 195:82
Parol evidence rule, applicability to evidence of, § 253:89
Premiums and Assessments (this index)
Public official and appointed fiduciary bonds, § 166:34
Recoupment (this index)
MISTAKES—Cont’d
Reformation (this index)
Release, § 216:60, 216:61
Settlement and compromise of claim, § 215:59
Severability of contract, § 23:7
Subrogation, § 222:97, 225:104, 225:105
Third-party claims, § 206:20 to 206:22
Verdicts, § 247:45

MITIGATION OF DAMAGES
Generally, § 178:9 et seq.
See also Marine Insurance (this index)
Accident and life insurance, § 140:52, 140:53
Automobiles, towing of vehicles, § 178:12
Business interruption insurance, § 185:10
Common law, § 178:10
Investigations, structural repairs and investigations, § 178:14
No-fault insurance, § 171:56
Potential loss as within coverage, § 178:11
Repairs, structural repairs and investigations, § 178:14
Storage expenses, § 178:13
Structural repairs and investigations, § 178:14
Towing of vehicles, § 178:12

MIXED CLAIMS
Limitation of actions, § 234:6
Third-party claims, § 205:52, 205:74, 205:78

MOBILE EQUIPMENT
Property insurance, § 154:97

MOBILE HOMES
Property insurance, § 154:102
Valued policies or statutes, § 175:112

MODEL POLICIES
Limitation of actions, § 235:30 to 235:32

MODELS AS EVIDENCE
See Documentary Evidence (this index)

MODIFICATION OF CONTRACT
Generally, § 25:1 et seq.
See also Change or Modification (this index)
Agents of insured, § 25:21
Burden of proof as to notice and consent, § 25:27
Cancellation and rescission, limitation of agent’s authority to make changes in policy, § 31:50
Completion, modification before, § 25:9
Consent, § 25:15, 25:27
Consideration, § 25:25, 25:26
Construction and interpretation
Generally, § 25:5
Limits on construction of contract, § 21:21
Effective date, § 25:6
Endorsements, § 51:55 et seq.
Estoppel, § 25:7, 51:58
Evidence, § 25:27, 25:27
Fidelity insurance, § 160:24 to 160:26
Future changes, restrictions on, § 25:4

Group Insurance (this index)
Insurance agents
Generally, § 25:20, 51:47 et seq., 57:7
Cancellation and rescission, limitation of agent’s authority to make changes in policy, § 31:50
Compensation, § 57:22
Intent, § 25:15
Limitations and restrictions
Cancellation and rescission, limitation of agent’s authority to make changes in policy, § 31:50
Construction of contract, § 21:21
Future changes, § 25:4
Material alteration, § 25:24
Mistake, § 25:15

Index-437
MODIFICATION OF CONTRACT — Cont’d
Notice, § 25:15, 25:27
Parol evidence rule, applicability to evidence of, § 253:91
Parol modification, § 25:11 to 25:14
Permits, § 51:55 et seq.
Public policy, § 25:2
Questions of law and fact, § 25:28, 51:54
Reformation (this index)
Reinstatement and revival, § 33:34
Renewal, § 29:41
Silence, § 25:19
Soliciting agents, § 51:53
Strict compliance with formal requirements, § 51:49, 51:50
Threshold principles, § 25:1 to 25:7
Time
Generally, § 25:8, 25:9
Effective date, § 25:6
Unilateral attempts to modify, § 25:23, 25:24
Waiver and estoppel, § 25:7, 51:58

MOLD
Property insurance, § 153:86

MONEY OR CASH — Cont’d
Cash Surrender Value (this index)
Contractors’ performance bonds, § 164:16 to 164:18
Delayed payment or nonpayment, § 207:69, 207:74 to 207:79
Fidelity insurance, § 185:42
General liability insurance, § 172:23
Income, § 177:58
Interest on Money (this index)
Iron safe clauses, cash and credit sales, § 97:55
Limitations and restrictions, § 175:11, 175:12
Loans, cash dividends, § 80:40
Marine insurance, § 221:85
Medical insurance, § 180:15, 180:16
No-fault coverage, § 214:39 to 214:41
Premiums and Assessments (this index)
Property insurance, § 148:41
Royalties, § 177:59
Wills, bequests of money, § 67:9

MONITORING SERVICE
Medical insurance, § 181:35

MONOPOLIES
See Antitrust Legislation (this index)

MOOTNESS
See Justiciability (this index)

MORAL HAZARDS
Representations, warranties, conditions, and concealment, increase of moral hazard, § 81:98

MORBID OBESITY
Medical insurance, § 181:27

MORTALITY TABLES
Judicial notice, § 254:273
Premises and assessments, § 77:87

MORTGAGE INSURANCE
Unfair or deceptive trade practices acts, § 242:167

MORTGAGES AND DEEDS OF TRUST
Generally, § 40:20, 65:1 et seq.
Actual cash value, § 175:55
Adjustment of losses, § 65:31, 65:61
Agents, mortgagees as, § 44:16 to 44:18
Alienation of interest, § 65:29, 65:30, 65:58, 65:59
Arbitration, appraisal, or submission agreements, § 210:18, 210:19, 210:56
Arson, § 65:26
Automobiles, operating outside territorial limits of coverage, § 65:63
Beneficiary, third-party, § 242:65, 242:66
Breach of contract, generally, § 92:35, 92:36
INDEX

MORTGAGES AND DEEDS OF TRUST—Cont’d
Burden of proving encumbrance, § 254:109
Cancellation and Rescission (this index)
Change of ownership, notice of, § 65:78, 65:79
Clauses, generally, § 65:8 et seq.
Coinsurance, § 220:12
Common law, § 204:34
Compromise or settlement of claim, § 65:31, 65:61
Consent, § 242:64, 242:71, 245:52
Construction and interpretation
Generally, § 65:10, 65:15 et seq.
Foreclosure clauses, § 65:10, 65:15 et seq.
Construction contract guaranties, § 184:27
Contract to maintain insurance, breach of, § 242:60
Contractual basis of mortgagee’s rights, generally, § 65:2, 65:3
Contribution, § 218:12
Custom and usage, § 65:4
Default
Generally, § 65:41, 65:51
Premiums, § 74:17
Defendant, mortgagee as, § 242:72
Defenses, § 65:24, 65:49
Destruction of insured property, § 65:26, 65:57 to 65:59
Disability insurance, § 242:66
Disclaimer of mortgagee, § 242:68
Discontinuance of proceedings, § 92:93
Due care required of insuring mortgagee, § 65:7
Equitable lien on proceeds, § 65:82 et seq.
Equitable remedies, § 232:186
Equity, § 242:61
Estoppel and waiver
Generally, § 92:40, 92:47
Payment, § 238:26, 238:58
Proceeds, waiver of rights to, § 65:19
Foreclosure (this index)

MORTGAGES AND DEEDS OF TRUST—Cont’d
Foreign insurers, § 3:16
Forfeiture of rights, § 65:93
Fraud and misrepresentation, § 65:27, 65:65
Good faith and due care required of insuring mortgagee, § 65:7
Group credit life or disability policy, § 242:66
Illegal activity, § 65:64
Increase of risk, § 65:28, 65:66
Insurable interest, § 42:28 to 42:36, § 65:12
Intent with which insured was procured as affecting existence of lien, § 65:84
As interest may appear clause, § 65:17
Judicial sales, § 65:73
Lessor’s rights as against mortgagee, § 65:69
Life insurance, § 242:66, 243:65
Limitation of actions
Commencement of period, § 236:24, 236:45
Contractual limitation periods, § 235:16, 235:20, 235:117
Tolling of limitation period, § 237:15
Limitations on alienation of interest, § 65:30
Location of mortgage clauses within policy, § 65:11
Maintaining insurance, § 242:60
Maturity of debt, § 65:94
Merger, discharge of debt by, § 65:37, 65:38
Misdescription of interest of mortgagor, § 65:67
Mutual companies, mortgagee clause, § 39:34
Notice and proof of loss
Generally, § 65:60, 187:105, 189:74
Reasonableness, § 190:43
Satisfying obligation, § 187:35
Notice or knowledge
Generally, § 65:74 et seq.
MORTGAGES AND DEEDS OF TRUST—Cont’d
Notice or knowledge—Cont’d
Breach of contract, generally, § 92:36
Cancellation of policy, § 65:52, 65:75
Default, § 65:51
Foreclosure clauses, § 92:97 to 92:99
Other insurance, § 65:28, 65:54 to 65:56, 219:15
Parties, § 65:21 et seq., 242:59 et seq.
Penalties, fees and similar consequences, § 204:77
Personal property mortgages, § 65:44
Premiums
Generally, § 74:5 to 74:17
Nonpayment, § 65:53
Return of premiums, § 79:18
Privity, § 65:23
Property insurance
Consent of mortgagee, § 245:52
Joinder of parties, § 243:44 to 243:46
Redemption, § 92:93
Reformation, § 27:33 to 27:36
Refusal to sue by mortgagee, § 242:73
Release of mortgage debt, § 65:18, 65:37, 65:38
Repair or replace, option to, § 176:26
Replacement of property, § 65:95, 176:26
Representations, warranties, and conditions, generally, § 91:86 et seq.; 92:61 to 92:64, 92:86 et seq.
Restoration of property, § 65:62, 65:95
Sales transactions, § 243:50
Salvage operations, § 65:61
Second mortgages, § 65:68
Simple mortgage clause, § 224:25

MORTGAGES AND DEEDS OF TRUST—Cont’d
Standard or union mortgage clause
Generally, § 65:9, 65:10, 65:32 et seq.
Assignment, § 35:7
Foreclosure sales, § 92:90
Parties, generally, § 242:76
Subrogation, § 224:26 to 224:28
Subrogation (this index)
Successive mortgagees and other third parties, effect on rights between, § 65:68 to 65:73
Termination of risk, § 65:35
Terms of mortgage clauses, § 65:16, 65:45 to 65:47
Third parties, § 65:68 to 65:73, 93:30 to 93:32
Third-party beneficiary, mortgagor’s rights as, § 242:65, 242:66
Time
Foreclosure sales, § 92:92, 92:99
Notice, § 65:77
Standard or union mortgage clauses, § 65:34, 65:35, 65:47
Title insurance
Generally, § 159:6, 159:90, 185:77
Defects, terms of deed of trust, § 159:64
Holder of deed of trust, § 159:18
Transfer of equity and interest in policy, § 242:61
Trustee, mortgagor’s rights as, § 242:67
Truth-in-lending act, § 65:81
Validity of mortgage clauses, § 65:11, 65:16, 65:33
Vesting of rights, § 65:20
Void ab initio, effect of policy being, § 65:80
Voluntary transfer, insurable interest after, § 42:31
Waiver and estoppel, § 65:19, 194:59

MOTIONS
Attack on judgment or verdict, § 248:3
Directed verdicts, § 247:27, 247:28
Judgments, § 248:3
INDEX

MOTIONS—Cont’d
Pleadings, § 244:76 to 244:78
Summary judgment, § 247:24

MOTIVE
Accident and life insurance, § 140:76
Fire insurance, § 149:59
Unilateral cancellation, § 31:2

MOTOR CARRIER’S CARGO INSURANCE
See Property Insurance (this index)

MOTORCYCLES
Accident and life insurance, § 142:16, 142:17, 142:72, 142:73, 142:78
Automobile insurance, § 116:18, 116:19
Non-owned vehicle, § 118:15
Uninsured and underinsured motorist coverage, § 171:34

MOTOR VEHICLES
See Automobiles (this index)

MULTIPLE ACCIDENTS OR INJURIES
See Automobile Liability Insurance (this index)

MULTIPLE ACTIONS
Jurisdiction and venue, § 227:20

MULTIPLE BOND COVERAGE
Fidelity insurance, § 185:46

MULTIPLE BUILDINGS
Vacancy of property, § 94:141

MULTIPLE CAUSATION
Automobile property insurance, § 156:22

MULTIPLE CHEMICAL SENSITIVITY
Disability provisions, § 147:96
Good health of insured, § 136:58

MULTIPLE CLAIMANTS
See also General Liability Insurance (this index)
Automobile liability insurance, § 170:27 to 170:30

MULTIPLE CLAIMANTS—Cont’d
Construction contract guaranties, § 184:18
Costs of action, § 233:67
State indemnification funds, § 171:76
Uninsured and underinsured motorist coverage, § 171:34

MULTIPLE CLAIMS
Venue, § 230:46

MULTIPLE CONDITIONS
Reinstatement and revival, § 33:46

MULTIPLE CONTRACTS
Contractors’ performance bonds, § 164:86

MULTIPLE COVERAGES
See also Combining or Stacking of Coverages (this index)
Automobile property insurance, § 156:5
Combining or stacking of coverages, § 169:107
Fraud, § 197:41
Loan value, § 80:8
Notice, § 192:114
Property insurance, § 191:79
Uninsured and underinsured motorist coverage, § 171:34

MULTIPLE DEFENDANTS
General liability insurance, § 172:61
Impedent, § 243:7 to 243:10
Third-party claims, § 205:25, 205:40
Venue, § 230:47, 230:48

MULTIPLE EMPLOYER WELFARE ARRANGEMENTS
(MEWA)
See Group Insurance (this index)

MULTIPLE INSURANCE
See also Recoupment (this index)
Joinder of parties, § 243:80
Notice, § 187:32
Penalties, fees and similar consequences, § 204:67
Subrogation, § 224:37

Index-441
MULTIPLE INSUREDS
Recoupment, § 226:87

MULTIPLE INSURERS
Equitable remedies, § 232:123
General liability insurance, § 172:6, 172:66
Liability insurance, § 243:31 to 243:33
Marine insurance, § 183:16
Property coverages, § 243:42
Repair or replace, option to, § 176:39
Settlement and compromise of claim, § 215:48
Subrogation, § 223:97 to 223:100

MULTIPLE LIMBS
Disability provisions, § 147:54

MULTIPLE MYELOMA
Medical insurance, § 181:19

MULTIPLE OCCUPATIONS
Disability provisions, § 147:44
Workers’ compensation, § 173:44

MULTIPLE OCCURRENCES
Deductions and offsets, § 178:2

MULTIPLE PAYEES
Recoupment, § 226:81

MULTIPLE PRIMARY INSURANCE
Defense, § 200:35 to 200:37

MULTIPLE PROOFS
Interest on money, § 178:39
Limitation of actions, § 236:72

MULTIPLE PURPOSES
Automobile property insurance, § 157:73

MULTIPLE RELATED INSUREDS
Fidelity insurance, § 160:46

MULTIPLE RELEVANT COVERAGES
Public official and appointed fiduciary bonds, § 166:48, 166:49

MULTIPLE SALES OR UNITS OF SAME PRODUCT
General liability insurance, § 172:19

MULTIPLE SCORIOSIS
Good health of insured, § 88:65

MULTIPLE STATUTES
Service of process, § 231:83

MULTIPLE STRUCTURES
Coinsurance, § 220:21

MULTIPLE SUBAGENTS
Compensation, § 57:18

MULTIPLE SURETIES
Bank deposit guaranty, § 184:3
Fidelity insurance, § 185:70, 185:71

MULTIPLE TRIGGERS
Limitation of actions, § 236:4

MULTIPLE UNINSURED MOTORISTS
Limits of liability, § 171:17

MULTIPLE VEHICLES
See Combining or Stacking of Coverages (this index)

MULTIPLICITY OF ACTIONS
Equitable remedies, § 232:114
Jurisdiction of federal proceedings, § 229:47

MULTISTAGE ILLNESS
Medical insurance, § 144:95

MULTISTATE LIQUIDATION
Statutory deposits, § 6:25

MUNICIPAL CORPORATIONS AND OTHER POLITICAL SUBDIVISIONS
Generally, § 132:31 to 132:39
See also Ordinances (this index)
Assessments and like activities, § 132:34
Building code enforcement and like activities, § 132:34
Exclusion for injury to employees, § 132:32, 132:33

Index-442
MUNICIPAL CORPORATIONS
AND OTHER POLITICAL
SUBDIVISIONS—Cont’d
Fidelity bonds and insurance, § 242:129, 242:130
Government insurance, § 10:16
Insured, generally, § 40:22
Operation as utility, § 132:39
Persons covered as insureds, § 132:31
Police operations, § 132:35
Risks covered under policies, generally, § 132:31 to 132:39
Streets, roads, sidewalks, and the like, conditions of
Generally, § 132:36, 132:37
Exception restoring coverage for construction, maintenance, and repair, § 132:37
Title insurance, § 159:35 to 159:38
Trash collection and like activities, § 132:38
Workers’ compensation laws, § 132:33
MURDER
See also Homicide (this index)
Beneficiaries, § 61:34, 62:1 et seq.
Defenses, § 245:84
Incontestability clause, § 240:83
Interpleader, § 232:85
Prior judgment, § 239:62
MUSCLES
See Disability Insurance (this index)
MUSCULOSKELETAL SYSTEM
Generally, § 136:27 to 136:30
Good health of insured, § 88:59 to 88:61
MUTUAL ASSOCIATION
Venue, § 230:35
MUTUAL BENEFIT
CERTIFICATES—Cont’d
Master policy distinguished, § 253:14
MUTUAL BENEFIT INSURANCE
Accident as trigger, § 191:71
Mental or physical incapacity, § 192:75
Trigger, § 191:70 to 191:71
MUTUAL BENEFIT SOCIETY
POLICIES
See also Jurisdiction (this index)
Penalties, fees and similar consequences, § 204:105
MUTUAL CONSENT
Agents and brokers, termination, § 44:59 to 44:6157
MUTUAL INSURANCE AND
INSURANCE COMPANIES
Generally, § 1:32, 39:15 to 39:45
Advance-premium mutuals, § 39:16
Agents, § 45:13, 48:52
Bylaws, § 39:23, 39:24, 39:27
Capital and funds, § 39:18 to 39:21
Cash surrender value, § 39:33
Change or modification
Bylaws, amendment of, § 39:24
Membership classification, § 39:26
Rates, § 39:25
Defenses available in actions between member and company, § 39:42
Demutualization, § 39:43 to 39:45
Directors and officers, § 39:22
Duration of membership, § 39:38
Extended insurance, § 39:32
Fixed loan value, § 39:33
Geographic limitation of business activity, § 39:29
Guaranty funds, § 39:20
Limitations and restrictions
Geographic limitation of business activity, § 39:29
Policy obligations, § 39:31
Loss payable clause, § 39:34
MUTUAL INSURANCE AND INSURANCE COMPANIES
—Cont’d
Members and membership
Classification, change of, § 39:26
Demutualization, § 39:45
Mortgagee clause, § 39:34
Nonforfeitable insurance, § 39:32
Organization, § 39:22 to 39:27
Paid-up insurance, § 39:32
Premiums and assessments
Generally, § 39:19
Advance-premium mutuals, § 39:16
Assessment mutuals, § 39:17
Notes payable, § 73:33
Reinsurance, § 39:35
Risks, selection of, § 39:30
Special purpose funds, § 39:21
Stock companies, § 39:8
Waiver of policy obligations, § 39:36

MUTUAL INTENT
Fidelity insurance, § 160:24

MUTUALLY EXCLUSIVE
Conflict of interest, § 202:29
Subrogation, § 225:72

MUTUAL MISTAKE
Reformation, § 27:1 to 27:28
Release, § 216:60

MUTUAL RESCISSION AND CANCELLATION
Generally, § 31:47 to 31:64, 31:127, 32:85

MYOPIA
Medical insurance, § 181:30

MYSTERIOUS DISAPPEARANCE
Automobile property insurance, § 157:33
Fidelity insurance, § 161:31
Property insurance, § 154:73

NAME
Beneficiaries, designation of, § 59:18
Representations, warranties, conditions, and concealment, § 86:46

NARCOtICS
See Drugs or Narcotics (this index)

NARRATION OF PAST EVENTS
Hearsay exclusion and exceptions, § 249:40

NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS (NAIC)
Model acts, § 204:49
Private action, right to, § 204:51
Single violation, § 204:52
Statutes and regulations, § 204:48 to 204:52
Unfair claims settlement practices act, § 204:50

NATIONAL FLOOD INSURANCE ACT
Limitation of actions, § 236:86
Venue, § 230:102

NATIONALITY
See Marine Insurance (this index)

NATIONALIZED ALIEN INSURERS
Insolvency, distribution of local assets, § 6:16

NATIONAL SERVICE LIFE INSURANCE
Government insurance, § 10:18

NATIONWIDE SERVICE
Generally, § 231:94, 231:95

NATURAL FORCES
See also Property Insurance (this index)
Damage insurance, § 1:38
Description or identification, property carried from location by natural forces, § 20:14
General liability insurance, § 172:20
Judicial notice of rules of nature, § 254:280
Property insurance, § 153:3

NEARSIGHTEDNESS
Disability provisions, § 147:61
NECESSARY PARTIES
Arbitration, appraisal, or submission agreements, § 210:24
Cancellation and rescission, § 31:61
Joinder of parties, § 243:3
Jurisdiction and venue, § 227:19

NECK INJURY
Disability provisions, § 147:80, 147:81

NEGLIGENCE
Accident and life insurance, § 141:82, 141:97
Accident insurance, § 139:52, 139:54
Agents and Brokers (this index)
Assault and battery, § 201:19
Automobile insurance, § 109:25
Automobile property insurance, § 157:68
Bodily injury expected or intended, § 201:20, 201:21
Commercial liability insurance, § 201:58, 201:64
Contractors’ bonds, § 163:82 to 163:85
Criminal acts, § 201:25
Criminal judgment, § 201:23
Declaratory judgments, § 232:66
Delivery of policy, failure of, § 234:59
Due Care or Diligence (this index)
Exclusion as to intentional acts, § 201:18
Fidelity Bonds and Insurance (this index)
Fire insurance, § 149:65 to 149:69
General liability insurance, § 172:16
Governing law, negligent delay in acting on application, § 24:32
Indemnity, § 201:25
Insurance agents, § 242:209
Intentional tort, § 201:24
Judgment, § 201:23
Judgment as to intentional tort, § 201:24
Limitation of actions
Generally, § 234:66
Commencement of period, § 236:157

NEGLECTIVE—Cont’d
Limitation of actions—Cont’d
Handling of application, § 234:59
Payment of proceeds, § 234:60
Tolling of limitation period, § 237:82 to 237:84
Marine insurance, § 183:39
Notice and proof of loss, § 192:120
Property damage either expected or intended from standpoint of insured, § 201:22
Property Insurance (this index)
Proximate Cause (this index)
Public policy, § 201:25
Recoupment, § 226:109
Reformation (this index)
Repair or replace, option to, § 176:33
Third-party claims, § 205:51, 206:6
Threshold requirements
Generally, § 201:17 et seq.
Assault and battery, § 201:19
Bodily injury expected or intended, § 201:20, 201:21
Criminal judgment, § 201:23
Exclusion as to intentional acts, § 201:18
Judgment as to intentional tort, § 201:24
Property damage either expected or intended from standpoint of insured, § 201:22
Public policy against indemnity for intentional or criminal acts, § 201:25
Title insurance, § 159:11, 159:12, 159:54
Uninsured/underinsured motorist coverage, § 214:23
Use and occupancy, § 94:9
Watchmen or guards, § 96:4, 96:5

NEGOTIABLE INSTRUMENTS
See Bills and Notes (this index)

NEGOTIATION
Admissions (this index)
NEGOTIATION—Cont’d
Arbitration, appraisal, or submission agreements, § 210:73
Estoppel and Waiver (this index)
Formation of contracts, § 17:2
Governing law, where contract negotiated by agent, § 24:11
Jury trial, § 246:47
Limitation of actions, § 237:76 to 237:78
Premiums and assessments, § 74:10
Reinstatement and revival, estoppel and waiver, § 33:100
Representations, warranties, conditions, and concealment, § 81:71
Third-party claims, § 206:26, 206:29, 206:33
Waiver and estoppel, § 194:70, 194:71, 194:72

NEIGHBORING BUILDINGS
See Adjoining Buildings (this index)

NEOPLASMS
Accident and life insurance, § 141:46

NEPHEWS AND NIECES
Life insurance, insurable interests, § 43:9

NEUROLOGIC AND SENSORY SYSTEMS
Good health of insured, § 88:62 et seq.

NEURO-MUSCULO-SKELETAL SYSTEM CONDITIONS
See Disability Insurance (this index)

NEUROPSYCHOLOGICAL TESTING
Generally, § 253:304

NEWBORNS
Medical insurance, § 144:32

NEWLY-DISCOVERED EVIDENCE
New trial, § 248:29 to 248:31

NEW TRIAL—Cont’d
Diligence in discovering evidence, § 248:30
Discovery, § 248:29 to 248:31
Evidence
Improper ruling on evidence, § 248:25
Newly-discovered evidence, § 248:29 to 248:31
Sufficiency of, § 248:19
Verdict contrary to weight of evidence, § 248:22, 248:23
Harmless error, § 248:14
Improper ruling on evidence, § 248:25
Injustice, § 248:21
Instructions to jury, § 248:28
Jury misconduct, § 248:26, 248:27
Limitation of actions, § 248:16
Misconduct, jury, § 248:26, 248:27
Newly-discovered evidence, § 248:29 to 248:31
New theory, § 248:20
Verdict contrary to weight of evidence, § 248:22, 248:23
Waiver, § 248:27
Weight of evidence, § 248:22, 248:23

NEXT OF KIN
See Decedents’ Estates (this index)

90 DAYS
Notice and proof of loss
No-fault insurance, § 190:57, 190:59
Uninsured and underinsured motorist coverage, § 190:55

NITROGLYCERINE
Use and occupancy, § 95:18

NO ACTION CLAUSE
Generally, § 232:14
Conditions of policy, § 245:71
Contractors’ payment bonds, § 165:160
Declaratory judgments, § 232:54
Defense, § 202:10
Governing law, no action clause in liability policy, § 24:42
INDEX

NO ACTION CLAUSE—Cont’d
Limitation of actions, § 237:103, 237:104
Title insurance, § 185:79

NO BENEFIT TO BAILEE PROVISIONS
Property insurance, § 155:39

NO CAUSE OF ACTION
Subrogation, § 225:140

NO COVERAGE
Third-party claims, § 205:73, 205:93

NO-FAULT ACT
Limitation of actions, § 236:87

NO-FAULT INSURANCE—Cont’d
Arbitration—Cont’d
Value of claim determined at time arbitration requested, § 214:41
Waiver of claim in excess of maximum, § 214:40
Arbitration award, review of, § 214:51
Assignment to medical care providers, § 242:11
Attorneys’ fees, § 171:49, 171:73, 214:47
Automobile liability insurance, § 170:24
Bad faith, § 242:161
Beneficiaries, third-party, § 242:15 to 242:18
Burden of proof
Generally, § 254:59
Valuation, § 254:80
Children, parent of injured child, § 242:16
Chiropractic care, § 171:63
Collateral estoppel, § 214:48 to 214:50
Conditions precedent, § 214:43
Conflict between statute and policy, § 125:17
Contrary and statute, relationship between
Generally, § 125:15 to 125:18
Conflict between statute and policy, § 125:17
Statutory amendments, effect of, § 125:18
Strict versus liberal construction, § 125:16
Voluntary versus mandatory coverage, conflict between statute and policy, § 125:17
Coordination of benefits and double recoveries, § 171:68
Coverage of no-fault plans
Generally, § 125:15 to 125:50
Aircraft, § 125:26
Extraterritorial application, § 125:21

NO-FAULT INSURANCE—Cont’d
Arbitration—Cont’d
Value of claim determined at time arbitration requested, § 214:41
Waiver of claim in excess of maximum, § 214:40
Arbitration award, review of, § 214:51
Assignment to medical care providers, § 242:11
Attorneys’ fees, § 171:49, 171:73, 214:47
Automobile liability insurance, § 170:24
Bad faith, § 242:161
Beneficiaries, third-party, § 242:15 to 242:18
Burden of proof
Generally, § 254:59
Valuation, § 254:80
Children, parent of injured child, § 242:16
Chiropractic care, § 171:63
Collateral estoppel, § 214:48 to 214:50
Conditions precedent, § 214:43
Conflict between statute and policy, § 125:17
Contrary and statute, relationship between
Generally, § 125:15 to 125:18
Conflict between statute and policy, § 125:17
Statutory amendments, effect of, § 125:18
Strict versus liberal construction, § 125:16
Voluntary versus mandatory coverage, conflict between statute and policy, § 125:17
Coordination of benefits and double recoveries, § 171:68
Coverage of no-fault plans
Generally, § 125:15 to 125:50
Aircraft, § 125:26
Extraterritorial application, § 125:21

Index-447
NO-FAULT INSURANCE—Cont’d
Coverage of no-fault plans—Cont’d
Forklifts and similar vehicles or equipment, § 125:33
Governmental vehicles, § 125:25
Motor homes, § 125:30
Pedestrians, § 125:38, 125:39
Personal injury protection coverage, § 125:20

Persons covered
Generally, § 125:34 to 125:44
Common carriers, § 125:42
Members of household, § 125:37
Motorcyclists, § 125:44
Named insured, § 125:37
Non-residents of state where accident occurs, § 125:43
Occupants, § 125:41, 125:42
Owners and drivers, § 125:34 to 125:36
Passengers, § 125:40
Pedestrians, § 125:38, 125:39
Public transportation, § 125:42
Self-insureds, § 125:34
Uninsured vehicles, § 125:35, 125:36
Trains, § 125:32
Uninsured vehicles, § 125:35, 125:36

Uses or causes of loss covered
Generally, § 125:45 to 125:50
Involved in accident requirement of vehicle, § 125:47
Permission, use with, § 125:49
Physical contact with vehicle, requirement of, § 125:48
Violation of law, effect of, § 125:50

Vehicles covered
Generally, § 125:22 to 125:33
Agricultural vehicles or equipment, § 125:27
Aircraft, § 125:26
Carriers and like classes, § 125:24
Classes of vehicles, § 125:24, 125:25

NO-FAULT INSURANCE—Cont’d
Coverage of no-fault plans—Cont’d
Vehicles covered—Cont’d
Commercial vehicles and like classes, § 125:24
Forklifts and similar vehicles or equipment, § 125:33
Governmental vehicles, § 125:25
Modified street vehicles, § 125:28
Motorcycles, § 125:29
Motor homes, § 125:30
Non-scheduled vehicles, exclusion of, § 125:23
Off-road vehicles, § 125:31
Rail-riding vehicles, § 125:32
Recreational vehicles, § 125:31
Trains, § 125:32
Trucks, § 125:33
Utility vehicles, § 125:31

Death, § 171:55

Deductions and setoffs
Generally, § 171:67 to 171:74
Attorneys’ fees and interest, § 171:73
Coordination of benefits and double recoveries, § 171:68
Double recoveries, coordination of, § 171:68
Duplication of no-fault recovery by workers’ compensation benefits, § 171:69
Federal employees health benefits act, § 171:74
Health insurance benefits, § 171:74
Interest on money, § 171:73
Medical expenses, § 171:74
Social security and disability benefits, § 171:70
Survivors’ benefits, § 171:72
Taxable percentage of lost wages recovered, § 171:72
Tortfeasor, amount received by, § 171:71
Uninsured motorist recoveries, § 171:70
Wages, taxable percentage of lost wages recovered, § 171:72
Notice and proof of loss—Cont’d
As soon as practicable, § 190:56, 190:61
As soon as practical, § 190:61
As soon as reasonably practicable, § 190:57
Statutory requirements, § 190:60
30 days, within, § 190:58

Timelines
Generally, § 190:56 et seq.
Immediate, § 190:64
90 days, within, § 190:57, 190:59
Prompt, § 190:63
As reasonably possible, § 190:62
As soon as possible, § 190:62
As soon as practicable, § 190:60, 190:61
As soon as practical, § 190:61
As soon as reasonably practicable, § 190:57
Statutory requirements, § 190:60
30 days, within, § 190:58

Occupational training, rehabilitative occupational training, § 171:51
Occurrence of accident, § 214:45

Optional added coverage
Generally, § 125:51 to 125:76
Accident after election, effect of, § 125:58
Expressly rejected, requirement that optional coverage must be, § 125:53
Mailing of offer, proof of, § 125:56
Offer, generally, § 125:54 to 125:56
Proof of mailing and receipt of offer, § 125:56
Reinstatement, need to renew offer upon, § 125:59
Rejection, sufficiency of, § 125:57
Renewal of offer, § 125:59
To whom optional coverage must be offered, § 125:52
Written offer, need for, § 125:54

Optional personal injury protection
Generally, § 125:1 to 125:76

Background and development of no-fault, § 125:1

Financial responsibility act, distinctions from, § 125:3

Illustrative features, § 125:3

Liability coverage, distinctions from, § 125:3

Nature of no-fault, § 125:3

Property damage coverage, § 125:6

Purposes of no-fault, § 125:4

Types of plans, § 125:5, 125:6

Uninsured motorist coverage, distinctions from, § 125:3

Pain and suffering, § 171:47

Parent of injured child as party, § 242:16

Parties, generally, § 242:10 et seq.

Passenger, § 242:17

Payments, § 191:77, 242:12, 242:14

Pedestrians, § 125:38, 125:39

Peer review determination that treatment unnecessary, § 242:13

Policy limits, § 214:40

Prejudice, § 193:37, 193:54

Prescribed treatment, reasonable relation to, § 171:61

Qualifications of providers, § 171:61

Reasonable relation to treatment prescribed, § 171:61

Reduced payment by insurer to medical care provider, § 242:12

Reemployment, § 171:55

Reference to workers’ compensation or other schedule of payments for physicians, § 171:59

Rehabilitation, § 171:51

Rehabilitative occupational training, § 171:51

Replacement services, § 171:50

Review of award, § 214:51

Schedule of payments for physicians, § 171:59

Service provider, § 242:18

Social security and disability benefits, § 171:70
NO-FAULT INSURANCE—Cont’d
Wages or earnings lost—Cont’d
Unemployment, § 171:55
Waiver of claim in excess of maximum, § 214:40
Workers’ compensation Generally, § 171:69
Medical expenses, § 171:59

NO-FAULT OR PERSONAL INJURY PROTECTION (PIP) COVERAGES
See Combining or Stacking of Coverages (this index)

NO-FAULT STATUTE
Limitation of actions, § 236:109

NO LIMITS TEST
Settlement and compromise, § 203:25

NOLO CONTENDERE
Admissions, pleas and confessions constituting, § 254:241

NOMINAL AND COLLUSIVE PARTIES
Jurisdiction of federal proceedings, § 229:76

NOMINAL BENEFICIARIES
Life insurance, § 243:55, 243:58, 243:64

NOMINAL DAMAGES
Public officials’ bonds, § 184:54

NOMINAL PAYMENT
Release, § 216:20

NONACTION
Cooperation, § 199:31

NONCANCELLABLE CLAUSE
Cancellation and rescission, § 30:15

NONCANCELLATION
Incontestability clause, § 240:22

NONCONFORMING POLICY
Cancellation and rescission, § 31:72

NONDELIVERY
See Delivery (this index)

NONFORFEITURE PROVISIONS
Loans, § 80:18
Mutual companies, § 39:32
Premiums and assessments, § 76:65, 77:25 et seq.

NONJOINER
See Joinder of Parties (this index)

NON-OWNED VEHICLE
Application of exclusions, § 118:63, 118:64
Borrowed vehicles, § 118:50
Business entity ownership as attributable to individuals, § 118:30
Business use, § 118:54
Common features and purposes, § 118:1
Continued ownership of automobile described in policy, § 118:18
Control of vehicle, § 118:49
Corporation as insured, § 118:24
Employer’s business, use in, § 118:44 to 118:47
Express permission, § 118:36
Extending to any liability imposed on insured, § 118:22, 118:23
Ignorance of substance of policy provisions, § 192:61
Implied permission, § 118:36
Independent contractors, § 118:46
Individual ownership as attributable to business entity, § 118:31
Insured’s use of other vehicle, § 118:19, 118:20
Lack of ownership as to other automobile, § 118:17
Limitation on use to certain insureds, § 118:41
Loaned vehicles, § 118:50
Minor, purchases by, § 118:29
Motorcycles, § 118:15
Nature and purpose of clauses, § 118:3, 118:4
Omnibus coverage, § 118:2
Other insurance clauses, § 219:35
NOTICE AND PROOF OF LOSS
Generally, § 186:1 to 197:38, 187:102 et seq., 187:122
See also Limitation of Actions (this index)
Absence of explicit writing requirement, § 188:23, 188:24
Accident insurance claims, causation proof, § 255:25 et seq.
Accident or accidental causal elements, § 189:21, 189:23, 189:79, 189:80, 190:108
Account and statement, detailed, § 189:75
Actual knowledge of insured
Generally, § 187:7 et seq.
Actual notice, § 187:10
Constructive notice preventing forfeiture for noncompliance, § 187:11
Forfeiture, § 187:8, 187:11
Written notice requirement, satisfying, § 187:9
Actual notice, § 187:10
Additional insureds, § 187:5, 187:12
Additional proofs, insurer authority to require, § 189:47
Adjuster, negligence of insured’s attorney or adjuster, § 192:120
Administrator, § 187:25, 187:104
Administrator, proof by, § 187:104
Affirmative proof, § 189:56 to 189:58
Age, before attaining specified age, § 190:117
Agents and Brokers (this index)
Alternative locations, notice to whom, § 187:70
Ambiguous, when requirement deemed, § 189:12
Amount due, sufficiency of information, § 189:33, 189:34
Amount of loss, fidelity insurance, § 189:95
Another policy
Generally, § 187:118, 189:44
Compliance with one policy obligation as, § 189:44

NOTICE AND PROOF OF LOSS—Cont’d
Another policy—Cont’d
Excuses, loss be covered under, § 192:95 to 192:98
General liability insurance, §§ 189:16
Life, health, and disability insurance, § 187:118
Arbitration, appraisal, or submission agreements, § 210:12, 210:27
Arbitration awards, § 213:69
Arbitrators, appraisers, and proceedings before them, § 211:11, 211:49 to 211:53
Assignee, § 187:40, 187:47
Attorneys (this index)
Authenticity
Generally, § 189:101 et seq.
Corporation, signature of, § 189:106
Explicit requirements, § 189:102
Modern provisions, § 189:103
Noncompliance, effect of, § 189:104
Partnership, signature of, § 189:106
Signature, § 189:105, 189:106
Sworn proof, § 189:101
Authority
Automobile liability insurance, § 187:21, 187:80
Excess insurance, § 187:98
Insurer or authorized agent, notice to whom, generally, § 187:71
Payment bonds, § 187:97
Property insurance, § 187:85
Uninsured and underinsured motorist coverage, § 187:83
Automobile Liability Insurance (this index)
Autopsy and Exhumation (this index)
Beneficiaries
Mutual benefit insurance, § 187:120
INDEX

NOTICE AND PROOF OF LOSS
—Cont’d
Beneficiaries—Cont’d
By or on behalf of, § 187:115, 187:116
Breaching party, § 187:89
Burden of proof, § 190:11, 190:12, 190:98, 192:4, 254:105
Burial insurance, § 187:54, 187:101, 189:36
Capacity. See Mental or Physical Incapacity (this index)
Cash value, § 190:122
Causation, establishing
Generally, § 255:15
Accident insurance claims, § 255:25 et seq.
Certainty, degree required, § 255:18
Death, § 255:26
Disability, § 255:29 et seq.
Disease, § 255:28
Expert opinion, § 255:17
Fidelity bond losses, § 255:37 et seq.
Health insurance claims, § 255:25 et seq.
Income, § 255:35
Lay testimony, § 255:19
Life insurance claims, § 255:25 et seq.
Lightning, § 255:21
Livestock loss or injury, § 255:24
Other losses, evidence of, § 255:16
Theft, § 255:22
Wind damage, § 255:23
Cause of disability, § 189:88
Certificate of physician, § 189:90 to 189:92, 192:121
Certificate, physician’s refusal to furnish certificate, § 192:121
Certified or registered mail, § 188:35
Character of loss, occurrence or accident. See Ignorance of Existence or Character of Loss, Occurrence or Accident (this index)

NOTICE AND PROOF OF LOSS
—Cont’d
Claims made liability policy requirement that claim be made within policy period, § 186:13
Clerical error or omission, § 192:112
Common-law bonds, § 186:56
Concusive proof, § 189:66
Condition of coverage, § 193:22
Conditions precedent or contracts stipulations
Generally, § 193:22, 193:24
Limiting coverage, § 186:41 to 186:43
Conditions precedent or contract stipulations
Generally, § 190:20 to 190:30
Automobile insurance
Generally, § 190:22 to 190:24
Liability, § 190:22
No-fault, § 190:24
Uninsured/underinsured motorist, § 190:23
Disability insurance, § 190:27
Fidelity insurance, § 190:25
General liability insurance, § 190:26
General rules, § 190:21
Health insurance, § 190:27
Life, health, and disability insurance, § 190:25
Life insurance, § 190:27
Marine insurance, § 190:28
Payment and performance bonds, § 190:29
Property insurance, § 190:30
Conduct warranting liability, § 204:127
Conflicting policy provisions, § 186:49, 186:50
Conflict of interest, § 202:22
Construction and interpretation
Generally, § 186:53, 190:92
Condition precedent, § 186:34, 186:41 to 186:43
Contract stipulations limiting coverage, § 186:41 to 186:43
Contractual provisions, generally, § 186:27 et seq.
NOTICE AND PROOF OF LOSS
—Cont’d
Construction and interpretation
—Cont’d
Disability insurance, § 186:30
Disability policies, § 186:38
Explicit provisions, § 190:92
Fidelity insurance, applied to,
§ 186:28
Government policies, § 186:39
Hail damage policies, § 186:39
Health insurance, § 186:30
Labor and material bonds,
§ 186:40
Liability insurance, § 186:29
Life insurance, § 186:30
Marine insurance, § 186:31
Phrases creating condition precedent, § 186:43
Property insurance, § 186:32
Provisions creating condition precedent, § 186:43
Reasonable, § 186:27
Statutory provisions directly addressing issue, § 186:46, 186:47
Strict versus substantial compliance
Generally, § 186:33 et seq.
Condition precedent, notice and proof as, § 186:34
Disability policies, § 186:38
Government policies, § 186:39
Hail damage policies, § 186:39
Labor and material bonds,
§ 186:40
Measure of substantial compliance, § 186:36
Time requirements, application to substantial compliance rule to, § 186:35
Time requirements, application to substantial compliance rule to, § 186:35
Words creating condition precedent, § 186:43
Construction of policy provisions
Generally, § 190:16 to 190:19
Applicable provision, § 190:17

NOTICE AND PROOF OF LOSS
—Cont’d
Construction of policy provisions
—Cont’d
Delay, provisions contemplating,
§ 190:18
Fidelity insurance provisions,
§ 190:19
Constructive notice preventing forfeiture for noncompliance,
§ 187:11
Contestability, expiration of period for, § 193:21
Contingent proof of loss, fidelity insurance, § 189:96
Continuance of disability, § 189:89, 190:115, 193:10
Contractors’ bonds, § 186:17, 188:13, 188:14, 193:11
Contractors’ payment bonds
Labor and material bonds,
§ 192:126, 192:127
Noncompliance, § 193:11
Oral versus written notice,
§ 188:13, 188:14
Surety, § 187:93, 187:95, 187:96
Contractual requirements, § 186:10
Contribution, § 218:20
Cooperation
Generally, § 199:64, 199:65, 199:145
Forwarding of suit papers versus notice, § 199:81
Pleadings and events of which notice must be given,
§ 199:88 to 199:93
Statutes requiring notice before judgment, § 199:92
Trial, § 199:91
Waiver and estoppel
Disclaimer, adequate notice of,
§ 199:68
Disclaimer, timely notice of,
§ 199:69
Corporation, signature of, § 189:106
Counterclaim, via, § 188:19
Creditor, notice by, § 187:45

Index-456
NOTICE AND PROOF OF LOSS
—Cont’d
Criminal proceedings associated with fidelity loss, § 192:117
Cumulative, supplemental and original proofs considered cumulative, § 189:50
Cure deficiencies in proof of loss, opportunity to, § 189:49
Dates labor and material provided, sufficiency of information, § 189:32
Death, affirmative proof, § 189:57
Death of, life, health, and disability insurance, § 189:53
Death, proof of, § 255:26
Death (this index)
Decisions, retroactive application of statutes and decisions, § 193:6
Default of payments, before, § 190:120
Deficiency in proof, duty to inform of, § 189:48
Delay
Generally, § 193:1 et seq.
Decisions, retroactive application of statutes and decisions, § 193:6
Excuse, failure to offer, § 193:4
Failure to offer excuse for, § 190:38
Provisions contemplating, § 190:18
Reasonable, § 193:2
Retroactive application of statutes and decisions, § 193:6
Statutes, § 193:5, 193:6
Unreasonable, § 193:3, 193:4
Without unnecessary delay, § 190:70
Delayed payment or nonpayment, § 207:41, 207:42
Deliberate coverage strategy as to multiple policies, insured’s, § 192:114
Delivery of notice
Generally, § 188:31 et seq.
Certified or registered mail, § 188:35

NOTICE AND PROOF OF LOSS
—Cont’d
Delivery of notice—Cont’d
Effective date of mailed notice, § 188:32
Effective date of mailing or receipt, § 188:36
Labor and material bonds, § 188:35 to 188:37
Mailing, § 188:31
Presumptions, § 188:33
Proper address, labor and material bonds, § 188:37
Question of fact, § 188:34
Receipt, § 188:36
Delivery of proof of loss, § 188:38 to 188:40
Description and identification, § 189:8, 189:9, 189:28, 189:29
Description of occurrence or claim, § 189:10
Designated agent or insurer, § 187:126
Direct actions, § 186:15
Direct and positive proof, § 189:67
Disability Insurance (this index)
Discovery of loss, specifying time after, § 190:111
Due diligence, need for, § 192:2
Due process
Generally, § 189:51 et seq.
Death of, life, health, and disability insurance, § 189:53
Disability of, life, health, and disability insurance, § 189:54
Life, health, and disability insurance, § 189:52 to 189:55
Due proof, § 189:84, 189:86, 189:87, 190:105, 190:106
At earliest practicable moment, § 190:72
Effective date, § 188:32, 188:36, 188:39
Employee dishonesty, fidelity insurance, § 189:94
Erisa, § 186:9
Estoppel and Waiver (this index)
NOTICE AND PROOF OF LOSS
—Cont’d
Evidence, use of proofs of loss as, § 253:126
Examination under oath, § 196:8, 196:9, 196:15
Excess insurance
Authorized agent, § 187:98
Burden of proof, § 190:12
Excuses, § 192:128
Immediate, § 190:86
Noncompliance, § 193:15
Prompt, § 190:85
Reasonable notice, § 190:34
Satisfying insured’s obligation, § 187:51 to 187:53
As soon as practicable, § 190:87
Sufficiency of information, § 189:37
Timeliness, § 190:85 to 190:86
To whom, § 187:98, 187:99
Excuses
Generally, § 192:1 et seq., 192:111
Adjuster, negligence of insured’s attorney or adjuster, § 192:120
Agent, conduct of, § 192:108 to 192:111
Another policy, loss be covered under, § 192:95 to 192:98
Attorney, negligence of insured’s attorney or adjuster, § 192:120
Automobile liability insurance, § 192:96, 192:100, 192:104, 192:122
Burden of proof, § 192:4
Certificate, physician’s refusal to furnish certificate, § 192:121
Clerical error or omission, § 192:112
Compiling proof, difficulty of, § 192:118, 192:119
Contractor knowledge of claimant activity, labor and material bonds, § 192:126
Contractor, privity with both prime contractor and subcontractor,

COUCH ON INSURANCE 3D
Index-458
NOTICE AND PROOF OF LOSS — Cont’d

Excuses — Cont’d

Property loss, fact that loss is total, § 192:124
Questions of law or fact, § 192:5
Statements on policy, § 192:115
Statements that notice unnecessary, conduct of agent, § 192:109, 192:110
Subcontractor, § 192:127
Total, fact that loss is, § 192:124
War, § 192:116
Executor, proof by, § 187:104
Failure of one party to give notice as affecting rights of other parties
Generally, § 187:65 et seq.
Automobile liability insurance, § 187:66
General liability insurance, § 187:68
Marine insurance, § 187:69
Uninsured and underinsured motorist insurance, § 187:67
Failure to provide proper form, § 188:28
Fear of legal action and other repercussions, § 192:103 to 192:107
Fidelity Bonds and Insurance (this index)
Financial Institution Blanket Bonds (this index)
Fire, time and origin of, § 189:71
First or second level excess insurer, notice by, § 187:53
Forfeiture, § 187:8, 187:11, 193:20
Forms
Generally, § 188:21 et seq.
Counterclaim, via, § 188:19
Disability insurance, sufficiency of form issues, § 188:18
Title insurance, § 188:20
Forthwith, § 190:69, 190:103, 190:104
Fraud and deceit, estoppel and waiver, § 195:77
Fraud and misrepresentation, § 189:7
Futility, § 192:113

Future losses followed by timely notice, fidelity insurance, § 193:13

General Liability Insurance (this index)
Good faith, § 198:34, 198:36, 198:45
Governmental authority, § 187:84
Governmental entity as obligee, § 187:96
Government insurance, § 186:39, 188:9
Government officials, § 187:87
Grace period, effect of, § 190:121
Grain grown, amount of, § 189:73
Guardian, § 187:39
Hail damage policies, § 186:39
Health and disability insurance, reasonable time, § 190:90
Health insurance, § 186:30
Health insurance claims, causation proof, § 255:25 et seq.
Hospital, § 187:31
Ignorance of Existence of Policy or Insurer Identity (this index)
Ignorance of Existence or Character of Loss, Occurrence or Accident (this index)
Ignorance of Substance of Policy Provisions (this index)
Immediate
Automobile liability insurance, § 190:48
Excess insurance, § 190:86
Fidelity insurance, § 190:74
Financial institution blanket bonds, § 190:74
Life, health, and disability insurance, § 190:78
No-fault insurance, § 190:64
Property insurance, § 190:68
Inaccuracies in information, effect of, § 189:7
Inadequate information, § 189:6
Incapacity of insured, § 187:4, 187:34
Information content, § 189:3
NOTICE AND PROOF OF LOSS
—Cont’d

Information, generally, § 189:41 et seq.

Insured, admissibility as evidence against, § 253:134

Intent to look to bond for payment, sufficiency of information, § 189:35

Inventory, § 189:76

Investigate, duty to, § 190:37, 192:2

Itemized accounts of loss, fidelity insurance, § 189:97

Labor and material bonds

Amount due, sufficiency of information, § 189:33, 189:34

Construction of contractual provisions, § 186:40

Dates labor and material provided, sufficiency of information, § 189:32

Delivery of notice, § 188:35 to 188:36

Description and identification, § 189:28, 189:29

 Differences in notice to different parties, effect of, sufficiency of information, § 189:27

Excuses, § 192:126, 192:127

Intent to look to bond for payment, sufficiency of information, § 189:35

Nature of labor and material provided, sufficiency of information, § 189:31

Oral versus written notice, § 188:14

Other claims included in same notice, sufficiency of information, § 189:26

Payment, intent to look to bond for payment, sufficiency of information, § 189:35

Sufficiency of information, generally, § 189:25 et seq.

Sworn statement, sufficiency of information, § 189:30

Lapse of policy, before, § 190:120

Letter as evidence of, § 253:120

Liability insurance, § 186:13, 186:29

NOTICE AND PROOF OF LOSS
—Cont’d

Liberal construction, § 186:27

Liens and encumbrances, § 186:55

Life, Health, and Disability Insurance (this index)

Life insurance claims

Generally, § 186:30, 190:97, 193:9

Causation proof, § 255:25 et seq.

Lightning, establishing, § 255:21

Livestock loss or injury, § 255:24

Marine Insurance (this index)

Medical Examination (this index)

Mental or Physical Incapacity (this index)

Minority, disability of, § 192:69

Mistake or inadvertence, § 192:99 to 192:102

Modification or change, § 186:11


Mortgagee in place of mortgagor, proof by, § 187:105

Mortgages and Deeds of Trust (this index)

Mortgages, generally, § 190:43

Mutual benefit insurance, § 187:120, 187:127, 189:99

Named insured versus mortgagee, measure of reasonableness, § 190:43

Negligence of insured’s attorney or adjuster, § 192:120

90 days, § 190:55, 190:57, 190:59

No-Fault Insurance (this index)

Noncompliance, generally, § 193:1 et seq.

Non-Waiver Agreement and Declaration (this index)

Notice as proof, § 189:42

Oath, § 189:11

Objection to proof by insurer

Generally, § 189:46 et seq.

Additional proofs, insurer authority to require, § 189:47

Cumulative, supplemental and original proofs considered cumulative, § 189:50

Index-460
NOTICE AND PROOF OF LOSS
—Cont’d
Objection to proof by insurer
—Cont’d
Cure deficiencies in proof of loss, opportunity to, § 189:49
Deficiency in proof, duty to inform of, § 189:48
Right to accept or reject, § 189:46
Supplemental and original proofs considered cumulative, § 189:50
Oral versus written notice
Automobile liability insurance, § 188:7
Contractor bonds, § 188:13, 188:14
Fidelity insurance, § 188:16
Financial institution blanket bonds, § 188:16
Forms, generally, § 188:3 et seq.
General liability insurance, § 188:11
Government, notification to, uninsured and underinsured motorist coverages, § 188:9
Labor and material bonds, § 188:14
Life, health, and disability insurance, § 188:12
No-fault insurance, § 188:10
Performance bonds, § 188:13
Proof of loss, § 188:21, 188:22
Property insurance, § 188:15
Question of fact, § 188:6
Uninsured and underinsured motorist coverages, § 188:8, 188:9
Oral, written versus oral, § 188:21, 188:22
Original contractor and owner or surety, § 187:94
Other insurance
Generally, § 187:55 et seq., 219:30
Automobile liability insurance, § 187:26, 187:57
General liability insurance, § 187:56

NOTICE AND PROOF OF LOSS
—Cont’d
Other insurance—Cont’d
Labor and material bonds, § 189:26
Life, health, and similar insurance, § 187:58, 187:59
Property insurance, § 187:60
 Sufficiency of notice from other entities, § 187:14
Other Insurance (this index)
Other parties, notice on behalf of one party as satisfying requirement for, § 187:61 to 187:64
Owner, payment bonds, § 187:94
Partnership, signature of, § 189:106
Passenger, by injured passenger, § 187:29
Payment bonds
Assignee, by, § 187:47
Authorized agent, § 187:97
Claimant, by, § 187:46
Conditions precedent or contract stipulations, § 190:29
Contractor, § 187:92, 187:94
Contractor and surety, § 187:93
Contractor, two parties from among surety, contractor, and obligee, § 187:95, 187:96
Governmental entity as obligee, § 187:96
Original contractor and owner or surety, § 187:94
Owner, § 187:94
Prime contractor, notice not required by those in privity with, § 187:49, 187:50
Privity with prime contractor, notice not required by those in, § 187:49, 187:50
Satisfying insured’s obligation, generally, § 187:46 et seq.
Surety, generally, § 187:91 et seq.
To whom
Generally, § 187:90 et seq.
Agent, authorized agent, § 187:97
Authorized agent, § 187:97
Contractor, § 187:92, 187:94

Index-461
NOTICE AND PROOF OF LOSS —Cont’d

Payment bonds—Cont’d
To whom—Cont’d
Contractor and surety, § 187:93
Contractor, two parties from among surety, contractor, and obligee, § 187:95, 187:96

Governmental entity as obligee, § 187:96
Obligee, governmental entity as obligee, § 187:96
Obligee, two parties from among surety, contractor, and obligee, § 187:95, 187:96

Original contractor and owner or surety, § 187:94
Owner, § 187:94
Surety, two parties from among surety, contractor, and obligee, § 187:95, 187:96
Two parties from among surety, contractor, and obligee, § 187:95, 187:96

Payment Bonds (this index)
Payments, default of, § 190:120
Performance bonds
Conditions precedent or contract stipulations, § 190:29
Oral versus written notice, § 188:13
Satisfying insured’s obligation, § 187:44, 187:45
Sufficiency of information, § 189:24
Timeliness, § 190:80 to 190:80
To whom, § 187:88, 187:89
Periodic reports of continuing disability, § 190:115
Permanent disability, § 189:87, 190:116
Personal representative, § 187:38, 187:117
Phrases creating condition precedent, § 186:43

NOTICE AND PROOF OF LOSS —Cont’d

Physician, § 187:42
Physician’s certificate, § 189:90, 189:91, 189:92, 192:121
Physician’s refusal to furnish certificate, § 192:121

Physicians (this index)
Pleadings, sufficiency of information provided by, § 189:15
Police, § 187:84, 187:86
Post-loss duties, generally, § 186:1 et seq.
Prejudice, § 189:45, 190:39, 190:44

Prejudice or Bias (this index)
Presumptions, § 188:33, 188:40, 189:78

Presumptions and Burden of Proof (this index)
Presumptions as to, § 254:203
Primary insurer, notice by, § 187:52
Prime contractor
Generally, § 187:49, 187:50
Excuses, § 192:127
Principal in place of insured agent, proof by, § 187:106
Prior surrender of policy for cash value, § 190:122

Privy
Generally, § 187:49, 187:50
Excuses, § 192:127

Production of documents and records, § 196:36

Promptness
Automobile liability insurance, § 190:47
Excess insurance, § 190:85
Marine insurance, § 190:82
No-fault insurance, § 190:63
Notice of claim requirement, distinguished, § 186:13
Uninsured and underinsured motorist coverage, § 190:52

Proof of facts
Generally, § 255:15
Accident insurance claims, § 255:25 et seq.
Certainty, degree required, § 255:18
NOTICE AND PROOF OF LOSS
—Cont’d
Proof of facts—Cont’d
Death, § 255:26
Disability, § 255:29 et seq.
Disease, § 255:28
Expert opinion, § 255:17
Fidelity bond losses, § 255:37 et seq.
Health insurance claims, § 255:25 et seq.
Income, § 255:35
Lay testimony, § 255:19
Life insurance claims, § 255:25 et seq.
Lightning, § 255:21
Livestock loss or injury, § 255:24
Other losses, evidence of, § 255:16
Theft, § 255:22
Wind damage, § 255:23
Proper address, labor and material bonds, § 188:37
Property Insurance (this index)
Property loss, fact that loss is total, § 192:124
Questions of law or fact
Generally, § 186:18, 187:76
Delivery of notice, § 188:34
Delivery of proof of loss, § 188:41
Excuses, § 192:5
Fidelity insurance issues, § 190:15
Oral versus written notice, § 188:6
Timeliness, § 190:14, 190:99
Questions of Law or Fact (this index)
Reasonable delay, § 193:2
Reasonable, liberal construction to achieve purpose requirement, § 186:27
Reasonable notice, § 190:32
Reasonable proof, § 189:64, 189:65
Reasonable time
Fidelity insurance, § 190:75
Financial institution blanket bonds, § 190:75
Marine insurance, § 190:84
Timeliness, § 190:5, 190:88, 190:89

NOTICE AND PROOF OF LOSS
—Cont’d
Within reasonable time
Fidelity insurance, § 190:75
Financial institution blanket bonds, § 190:75
Marine insurance, § 190:84
Reasonably possible, § 190:100 to 190:101
As reasonably possible, § 190:51, 190:62
Reasonably practicable, § 190:51, 190:62
Receipt, effective date of mailing or receipt, labor and material bonds, § 188:36
Reinsurance, § 190:34
Relative, § 187:37
Report, periodic, § 190:115
Retroactivity, § 186:53, 193:6
Rival claimants, § 187:116
Satisfactory proof, § 189:59 to 189:63
Second level, § 187:53
Settlement and compromise, § 203:40
Signature, § 189:105, 189:106
60 days, § 190:54
As soon as possible
Automobile liability insurance, § 190:49
Fidelity insurance, § 190:71
Financial institution blanket bonds, § 190:71
Marine insurance, § 190:83
No-fault insurance, § 190:62
Timeliness, § 190:100 to 190:101
Uninsured and underinsured motorist coverage, § 190:51
As soon as practicable
Automobile liability insurance, § 190:46
Excess insurance, § 190:87
Fidelity insurance, § 190:72
Financial institution blanket bonds, § 190:72
No-fault insurance, § 190:56, 190:61
Property insurance, § 190:67

Index-463
NOTICE AND PROOF OF LOSS
—Cont’d
As soon as practicable—Cont’d
Timeliness, § 190:100 to 190:101
Uninsured and underinsured
motorist coverage, § 190:50
As soon as practicable, no-fault insur-
ance, § 190:61
As soon as reasonably possible,
§ 190:77
As soon as reasonably practicable,
§ 190:57
Specific form, particular policy terms
as implying requirement for use
of, § 188:24
Specific forms, explicit requirement
as to
Generally, § 188:25 to 188:30
Failure to provide proper form,
effect of
By insured, § 188:30
By insurer
Generally, § 188:28
Property insurance, § 188:29
Loss, application to other provisions, § 188:27
Particular circumstances, compli-
ance under, § 188:26
Within specified period, fidelity
insurance, § 190:76
Specified place, proof to, § 187:123
Statements on policy, § 192:115
Statements, physician’s certificate or
statement, effect of, § 189:92
Statements that notice unnecessary,
conduct of agent, § 192:109,
192:110
Statute of limitations, § 190:96
Statutes
Generally, § 186:44 et seq.
Common-law bonds, contractor
bonds, § 186:56
Conflicting policy provisions,
§ 186:49, 186:50
Contractor bonds
Generally, § 186:52 et seq.
Common-law bonds, § 186:56
Conflict between statute and
bond, § 186:57
NOTICE AND PROOF OF LOSS
—Cont’d
Statutes—Cont’d
Contractor bonds—Cont’d
Construction, generally,
§ 186:53
Lien laws, relationship of bond
statute to, § 186:55
Retroactivity, § 186:53
Terms, specific terms in compli-
ance with statute, § 186:58
Delay, § 193:5, 193:6
Lien laws, relationship of bond
statute to, § 186:55
No-fault insurance, § 190:60
Retroactivity, § 186:53
Statutory provisions directly
addressing issue, § 186:46,
186:47
Terms, specific terms in compli-
ance with statute, § 186:50,
186:58
Timeliness, § 190:6, 190:7,
190:10, 190:95
To whom, § 187:71
Subcontractor, § 192:127
Subordinate lodge, § 187:121,
187:127
Substance of proof, generally,
§ 189:41 et seq.
 Sufficiency of information, § 189:13
et seq.
 Sufficiency of notice
Generally, § 187:12 et seq.
Additional insureds, § 187:12
Agents, injured claimant or agent
thereof, § 187:16
Attorney of insured, § 187:13
Employer, § 187:15
Injured claimant or agent thereof,
§ 187:16
Insurance agent, § 187:17
Other insurer, § 187:14
Supplemental and original proofs
considered cumulative, § 189:50
Surety
Payment bonds, § 187:91, 187:93
to 187:96
Performance bonds, § 187:88
NOTICE AND PROOF OF LOSS
—Cont’d
Surrender, prior surrender of policy
for cash value, § 190:122
Sworn proof, § 189:101
Sworn statement, sufficiency of inform-
ation, § 189:30
Terminal date of bond, after,
§ 190:76, 190:77
Terms, specific terms in compliance
with statute, § 186:50, 186:58
Theft, proof of, § 255:22
Third parties
Automobile liability insurance,
§ 193:17
General liability insurance,
§ 193:18
Injured third parties, noncompli-
ance of, generally, § 193:16 et
seq.
Noncompliance of injured third
parties, generally, § 193:16 et
seq.
Third-party beneficiary, § 187:27
Third-party claims
Conflict of interest, § 205:23
Defend, duty to, § 205:43
Denial of coverage and/or duty to
defend, § 205:18
Fees before notice of insurer,
§ 205:80
30 days, § 190:53, 190:58
Time
Generally, § 186:13, 186:35
Construction of contractual provi-
sions, § 186:35
Property insurance, § 189:71
Timeliness
Generally, § 190:1 et seq.
Burden of proof, § 190:11, 190:12
Compliance, generally, § 190:35
Contract, validity of contractual
terms, § 190:8 to 190:10
Delay, failure to offer excuse for,
§ 190:38
Delay, provisions contemplating,
§ 190:18
Excess insurance
Generally, § 190:85 to 190:86
NOTICE AND PROOF OF LOSS
—Cont’d
Timeliness—Cont’d
   Statutory regulations, § 190:6, 190:7
   Validity of contractual terms, § 190:8 to 190:10

Timeliness
   Automobile Liability Insurance (this index)
   Fidelity Bonds and Insurance (this index)
   Financial Institution Blanket Bonds (this index)
   Property Insurance (this index)
   Uninsured and Underinsured Motorist Coverage (this index)

Title insurance, § 188:20, 189:40
Total and permanent disability, § 189:83, 189:84
Total disability, § 189:85, 189:86
Total, fact that loss is, § 192:124
Trustee, proof by, § 187:104
Two parties from among surety, contractor, and obligee, § 187:95, 187:96
Unauthorized agent, § 187:43
Unexpected absence, death presumed from insured’s unexpected absence, § 189:78

Uninsured and Underinsured Motorist Coverage (this index)
Unreasonable, § 193:3, 193:4
Validity, § 186:12, 190:8 to 190:10, 190:94
Value and valuation, § 189:70, 190:122

War, excuses, § 192:116
By whom, generally, § 187:3 et seq., 187:102 et seq.
To whom, generally, § 187:70 et seq., 187:122 et seq.
Wind damage, proof of, § 255:23
Without unnecessary delay, property insurance, § 190:70
Words creating condition precedent, § 186:43
Worker’s compensation, § 189:100

NOTICE OF CLAIMS
   Automobile Insurance (this index)
   Commercial General Liability Policies (this index)
   Disability Insurance (this index)
   Homeowners’ Insurance (this index)
   Umbrella Policies (this index)

NOTICE OR KNOWLEDGE
   Acceptance or rejection of policy, § 16:6
   Agents and Brokers (this index)
   Answers, § 244:51
   Assignment (this index)
   Automobile Insurance (this index)
   Bank deposit guaranty, § 166:18
   Beneficiaries
      Change of, § 60:17, 60:20, 60:24, 60:34 to 60:37
   Beneficiaries
      Notice and Proof of Loss (this index)
   Cancellation and Rescission (this index)
   Commercial General Liability Policies (this index)
   Conditions of policy, § 245:69, 245:70
   Contractors’ Payment Bonds (this index)
   Contractors’ Performance Bonds (this index)
   Cooperation (this index)
   Custom and usage, presumption that insurer knew of, § 22:52
   Defenses, § 245:103 to 245:105
   Delivery of policy during good health of insured, § 15:8, 15:13
   Disability Insurance (this index)
   ERISA (this index)
   Estoppel and Waiver (this index)
NOTICE OR KNOWLEDGE
—Cont’d
Evidence, § 249:9
Fidelity bonds and insurance
Generally, § 160:75, 162:22, 185:50
Proof of loss, notice of, § 187:119, 189:94 to 189:97, 192:117
Fidelity Bonds and Insurance (this index)
Fraud, § 232:89
Fraud and Deceit (this index)
Gift of policy, § 38:13
Good Health of Insured (this index)
Group Insurance (this index)
Hearsay exclusion and exceptions, § 249:31
Homeowners’ Insurance (this index)
Instructions to jury, § 246:97
Iron Safe Clauses (this index)
Justiciability, § 227:50
Liens and encumbrances, § 93:49 to 93:52, 186:55
Limitation of Actions (this index)
Loans, notice of forfeiture, § 80:49
Mail and Mailing (this index)
Marine insurance
Generally, § 183:28
Notice of proof of loss, § 189:98
Marine Insurance (this index)
Medical insurance, § 144:81, 144:82
Modification of contract, § 25:15, 25:27
Mortgages and Deeds of Trust (this index)
Notice and Proof of Loss (this index)
Occupation of insured, change of, § 86:35
Other Insurance (this index)
Pleadings, generally, § 244:15
Premiums and Assessments (this index)
Presumptions and Burden of Proof (this index)
Prior judgment, § 239:91
Proceeds, knowledge of adverse claims, § 61:11

NOTICE OR KNOWLEDGE
—Cont’d
Reformation (this index)
Reinstatement and Revival (this index)
Renewal, § 29:7, 29:8
Repair or replace, option to, § 176:18, 176:21
Representations, Warranties, Conditions, and Concealment (this index)
Sales (this index)
Sanctions, § 233:97
Service of process, § 231:71
Subrogation (this index)
Third-Party Claims (this index)
Title and ownership, knowledge of breach, § 91:96 to 91:98
Title insurance, § 159:80 to 159:82, 188:20, 189:40
Umbrella Policies (this index)
Use and Occupancy (this index)
Witnesses, § 252:7, 252:83

NOVATION
Defenses, § 245:94

NUMBERS AND NUMBERING
See also Amount (this index)
Beneficiaries, number of times beneficiary may be changed, § 60:5
Class actions, § 232:31
Use and occupancy, number of motor vehicle users, § 94:83

NURSE
Disability provisions, § 147:119

NURSE’S AIDE
Disability provisions, § 147:119

NURSING AND REST HOMES
Medical insurance, § 145:23

NURSING SERVICES
Medical insurance, § 181:51 to 181:54

NURSING STAFF
Medical insurance, § 145:21
NUTRITIONAL DISORDERS
Good health of insured, § 88:34 et seq.

NUTRITIONAL THERAPIES
Medical insurance, § 181:47

OATH
See also Examination Under Oath (this index)
Arbitrators, appraisers, and proceedings before them, § 211:47
Estoppel and waiver, § 194:42, 238:44
Fraud, § 197:19
Notice, § 189:11, 189:30, 189:101

OBAMACARE
Affordable Care Act (this index)

OBESITY
Good health of insured, § 88:99
Medical insurance, § 144:72, 181:27

OBJECTIONS
Appeals, § 248:36 to 248:38
Arbitration Awards (this index)
Arbitrators, appraisers, and proceedings before them, § 211:39
Assignment (this index)
Autopsy and exhumation, § 196:103, 196:104
Cancellation and rescission, objection to agent’s cancellation of insurance, § 46:8
Contract, existence of, § 244:97
Contractors’ performance bonds, § 164:42
Costs of action, § 233:86
Examination under oath, § 196:16
Expert witnesses, § 252:37
Iron safe clauses, objections as to inventory or method of bookkeeping, § 97:41
Jurisdiction (this index)
Jury trial, § 246:21, 246:51
Notice and proof of loss, estoppel and waiver, § 195:1, 195:7, 195:58
Notice or Knowledge (this index)

OBJECTIONS—Cont’d
Physical or independent medical examination
Manner of examination, § 196:69
Physician, § 196:71
Place of examination, § 196:70
Re-examination, § 196:73
Scope of physical examination, § 196:72
Premiums and assessments, actions to recover or contest assessments, § 70:34
Privileged information, § 250:60, 250:61
Production of documents and records, § 196:40, 196:41
Rehabilitation, conservation, and reorganization, § 244:9
Representations, warranties, conditions, and concealment, limitation of actions for objection, § 81:53
Service of process, § 231:18, 231:19
Subrogation, § 225:139
Variance between pleading and proof
Generally, § 244:95 et seq.
Cause of loss, § 244:99
Contract, existence of, § 244:97
Coverage, § 244:98
Waiver, § 244:100
Venue, § 230:5, 230:6
Waiver, § 244:100

OBSTRUCTION
Cooperation, § 199:23

OCCASIONAL NON-CONFORMING USE
Accident and life insurance, § 142:13

OCCASIONAL USE
Automobile property insurance, § 157:71, 157:73
Motor vehicles, § 94:87, 94:96

OCCUPANCY
Burden of proving nonoccupancy, § 254:113
Use and Occupancy (this index)
INDEX

OCCUPATION

Accident and Life Insurance (this index)
Accident insurance, § 139:55
Agents and brokers, knowledge of occupation of insured, § 49:33
Change of occupation, § 86:29 et seq., 86:39
Construction and interpretation, § 86:22 to 86:25
Defenses, § 245:121
Definition of occupation, § 86:19
Disability Insurance (this index)
Estoppel and waiver, § 86:37
Extrahazardous occupations, § 86:26 to 86:28
Fraud, § 86:40
Hazardous occupations, § 86:26 to 86:28, 86:30, 86:37
Incontestability clause, § 240:71, 240:72
Instructions to jury, § 246:84
Liquor sales, activities connected with, § 86:23
Management, activities connection with, § 86:22
Military service, § 86:24, 86:27
No-fault insurance, § 171:51
Notice of change of occupation, § 86:35
Presumptions and burden of proof, § 254:107
Questions of law or fact, § 86:38 to 86:40
Recreational activities, § 86:34
Reformation, § 27:50
Representations, warranties, conditions, and concealment, generally, § 86:1, 86:19 et seq.
Retroactivity, extrahazardous occupations, § 86:26
Supervision, activities connection with, § 86:22
Temporary employment, § 86:33
Temporary interruption of regular occupation, § 86:31, 86:32
Time to which statements refer, § 86:21
Unemployment, § 86:31

OCCUPATION—Cont’d
Vacations, § 86:32

OCCURRENCE

See also Trigger of Events (this index)
Assault and battery as occurrence, § 127:21
Automobile accident, occurrence of, § 201:21
Bodily injury as result of occurrence, § 201:7
Burden of proof, § 254:53
Coinurance contracts, number of occurrences, effect of, § 220:26
Deductions, multiple occurrences, § 178:2
General liability insurance, manufacturing occurrences, § 191:17
Law of place where accident occurred as controlling, § 104:57
Limits, per occurrence versus per person limits under liability insurance, § 183:122
Per occurrence limits, § 175:17
Pollution occurrence requirement, § 127:4
Property damage as result of occurrence, § 201:9
Threshold principles, occurrence of accident, § 201:6, 201:7

OCEAN MARINE INSURANCE
Inland marine insurance, relationship to, § 154:5

OFFENSES

See Crimes and Offenses (this index)

OFFER

Actual cash value, § 175:22
Applications (this index)
Automobile liability insurance, § 170:54
Cancellation and Rescission (this index)
Contribution, § 218:31
Costs of action, § 233:61 to 233:64
OFFER—Cont’d
Counteroffers (this index)
Disability provisions, § 147:46
Estoppel and waiver, § 194:63 to § 194:65, 238:57
Limitation of actions, § 234:53
Premiums and Assessments (this index)
Reinstatement and Revival (this index)
Renewal, § 29:16 to § 29:19
Settlement and Compromise (this index)
Third-party claims
  Delayed offer of settlement, § 206:27
  Delayed response to offer, § 206:28
  Disparity between offer and judgment as evidence of bad faith, § 206:30
  Notice, § 206:33
  Sufficiency of, § 206:25
OFFICE CLERKS
  Adjusters, § 48:69
OFFICERS AND DIRECTORS OF INSURANCE COMPANIES
  Agents and Brokers (this index)
  Arbitrators, appraisers, and proceedings before them, § 211:36
  Assignment, consent to, § 36:56
  Commercial liability insurance, § 201:58, 201:59
  Incontestability clause, § 240:85
  Liability insurance
    Life insurance, § 243:68
    Limitation of actions, § 236:120
  Mutual companies, § 39:22
  Premiums and Assessments (this index)
    Stock companies, § 39:5
    Subrogation, § 225:274
    Witnesses, § 252:15
OFFICERS OF GOVERNMENT
  See Public Officers and Employees (this index)

OFFICIAL ACTS
  Burden of proof, § 254:142

OFFICIAL BONDS
  Impleader, § 243:9

OFFSETS
  See Deductions (this index)

OIL WELLS
  Generally, § 177:86
  Property insurance, § 154:98
  Public official and appointed fiduciary bonds, § 166:97

OMISSIONS
  Agents and brokers, omission of information on application on agent’s advice or interpretation, § 51:4
  Errors and Omissions Policies (this index)
    Iron safe clauses, § 97:59, 97:60
    Parol evidence rule, applicability to evidence of, § 253:90
  Premiums and assessments, § 70:20
  Reformation, omitting part of property, § 27:57

OMNIBUS COVERAGE
  See also Automobile Insurance (this index)
  Automobile liability coverage, § 242:2
  Automobile liability insurance, § 170:5
  Aviation-related policies, § 132:14
  Bad faith, § 242:149
  Burden of proof, § 254:55
  Cooperation, § 199:96
  Costs of action, § 233:31
  Ignorance of substance of policy provisions, § 192:47
  Liability insurance, § 201:34
  Negligence in handling claim, § 242:149
  Other insurance clauses, § 219:20
  Self-insurance, § 10:5
  Third-party claims, § 206:22

Index-470
100-MILE PROVISION
Service of process, federal rules of civil procedure, § 231:93

100-MILE RADIUS RULE
Jurisdiction, § 228:22

ONE ILLNESS RULE
Medical insurance, § 180:17

ONE-THIRD NEW FOR OLD RULE
See Marine Insurance (this index)

OPINION OR BELIEF
Generally, § 252:21 et seq.
Admissions, opinion vs. fact statements, § 254:209
Expert Testimony (this index)
Fraud, § 197:27
Good Health of Insured (this index)
Hypothetical questions, § 252:50
Lay opinion, § 252:48 to 252:51
Notice and proof of loss, estoppel and waiver, § 195:55
Representations, warranties, conditions, and concealment, § 81:39 to 81:46, 83:17
Settlement and compromise, § 203:24
Value and cost of insured property, § 93:2
Weight, § 252:51
Witnesses (this index)

OPPORTUNITIES LOST
Jurisdiction of federal proceedings, § 229:45

OPTIONS
See Election or Choice (this index)

ORDERS
Appeals, § 248:39, 248:40
Arbitration and appraisal, § 209:34
Arbitration awards, § 213:72
Automobile liability insurance, § 170:29
Costs of action, § 233:11, 233:86
Defense, § 200:48
Discovery, orders compelling, § 251:38, 251:39

ORDERS—Cont’d
Divorce or separation, § 64:18 et seq.
Equitable remedies, § 232:190, 232:191
Fidelity insurance, § 162:43
Hearsay exclusion and exceptions
Preclusive orders, § 249:43 to 249:46
Propriety of order restricting evidence, § 249:44
Protective orders, § 249:43 to 249:46
Medical Examination (this index)
Premiums and assessments, order on third party, § 73:17 to 73:22
Property insurance, burglary, theft, and larceny, § 151:19

ORDINANCES
Construction and interpretation, § 21:20
Contract, municipal ordinances as part of, § 19:13
Measurement of degree of loss, § 175:66 to 175:68
Repair or replace, option to, § 176:5

ORDINARY AGENT
Process and Service of Process and Papers (this index)

ORDINARY AND POPULAR MEANING
Construction and interpretation, § 22:38

ORGANIZATION
Automobile liability coverage, § 242:6
Examination under oath, § 196:7
Liability insurance, § 201:29

ORGANS
Autopsy and exhumation, § 196:100

ORIGINAL RECORDS
See Best Evidence Rule (this index)

OSTENSIBLE AUTHORITY
Agents and brokers, § 48:12 to 48:20

OSTEOPATHIC SERVICES
Workers’ compensation, § 174:17
OTHER CLAIMS
Estoppel and waiver, § 194:15
Evidence of on question of cause of loss, § 255:16
Notice, § 189:26
Release, § 216:31
Settlement and compromise of claim, § 215:52 to 215:54

OTHER INSURANCE
Generally, § 219:1 et seq.
Additional insured, clauses also apply to, § 219:7
Agents and brokers, knowledge of, § 49:42
Automobile Insurance (this index)
Burden of proof, § 254:38
Canceled policy, § 219:13
Cancellation and rescission, § 30:28
Change or increase of risk, § 59:19 et seq.
Coinsurance, § 220:40 to 220:42
Collectible requirements, § 219:9, 219:10
Combining or stacking of coverages, relationship to other insurance clause, § 169:9
Compulsory insurance, § 219:46
Contractors' performance bonds, § 164:112
Contribution and apportionment, § 217:10, 217:19
Cooperation, § 199:130
Delayed payment or nonpayment, § 207:46

Escape clauses
Generally, § 219:36 to 219:39, 219:50
Reconciling clauses
Excess clause versus escape clause, § 219:53
Excess clause versus excess escape clause, § 219:55
Excess clause versus super escape clause, § 219:54
Pro rata clause versus escape clause, § 219:56
Pro rata clause versus excess escape clause, § 219:57

OTHER INSURANCE—Cont’d
Excess clause
Generally, § 219:33 to 219:35
Reconciling clauses
Versus escape clause, § 219:53
Versus excess clause, § 219:47 to 219:49
Versus excess escape clause, § 219:55
Versus pro rata clause, § 219:51
Versus super escape clause, § 219:54
Excess escape clause, § 219:55, 219:57
Excess policy, § 219:18, 219:24
Financial responsibility bond, § 219:19
Financial responsibility laws, § 219:32
Fraud, § 197:35
Identity of subject matter or risk, § 219:14 to 219:16
Increased value policy, § 219:25
Insolvency of other insurer, § 219:12
Intent, § 219:49, 219:52
Lapsed policy, § 219:13
Limitations, § 219:11
Mandatory, § 219:38
Marine Insurance (this index)
Maximum, § 219:31
Medical payments provisions, § 185:108
Mortgages and deeds of trust, § 65:28, 65:54 to 65:56, 219:15
Non-owned and uninsured vehicle coverage, § 219:35
Notice and proof of loss
Automobile liability insurance, § 187:26, 187:57
General liability insurance, § 187:56
Labor and material bonds, § 189:26
Life, health, and similar insurance, § 187:58, 187:59
Property insurance, § 187:60
OTHER INSURANCE—Cont’d
Notice and proof of loss—Cont’d
Satisfying insured’s obligation, notice from other entities as, § 187:26
Sufficiency of notice from other entities, § 187:14
Omnibus coverage, § 219:20
Premiums, return of, § 79:37
Presumptions and burden of proof, § 254:108
Primary insurance, § 219:44 et seq., 219:48
Principal insured, clauses only apply to, § 219:6
Pro rata clause
Interaction with financial responsibility laws, § 219:32
Reconciling clauses
Versus escape clause, § 219:56
Excess clause versus pro rata clause, § 219:51
Versus excess escape clause, § 219:57
Versus pro rata clause, § 219:45, 219:46
Sample, § 219:28
Triggered by lack of notice to insurer, § 219:30
Proration, relationship to policy maximum, § 219:31
Ratification of unauthorized policy by insured’s agent as other insurance, § 44:33, 44:34
Reconciling clauses
Generally, § 219:44 et seq.
Compulsory insurance, § 219:46
Escape clause
Generally, § 219:47 to 219:49
Versus escape clause, § 219:50
Excess clause versus, § 219:53
Excess clause versus escape clause, § 219:55
Excess clause versus excess escape clause, § 219:55
Excess clause versus super escape clause, § 219:54
Pro rata clause versus escape clause, § 219:56
OTHER INSURANCE—Cont’d
Reconciling clauses—Cont’d
Escape clause—Cont’d
Pro rata clause versus excess escape clause, § 219:57
Excess clause
Versus excess escape clause, § 219:55
Pro rata clause versus, § 219:51
Super escape clause versus, § 219:54
Excess escape
Excess clause versus excess escape clause, § 219:55
Pro rata clause versus excess escape clause, § 219:57
Primary policies with dissimilar other insurance clauses, generally, § 219:51 et seq.
Primary policies with similar clauses, generally, § 219:44 et seq.
Super escape, § 219:54
Total policy insuring intent test, § 219:49, 219:52
Vehicle owner’s policy as primary, excess clause versus excess clause, § 219:48
Reformation, § 27:59
Representations, warranties and conditions
Generally, § 98:1 to 98:66
Allowing or requiring other insurance
Generally, § 98:15 to 98:34
Coinsurance requirement, § 98:20, 98:21
Competing clauses, § 98:18
Construction, § 98:15
Mutual repugnancy doctrine, § 98:19
Policy requiring other insurance, § 98:16
Routinely included, § 98:17
Validity of coinsurance clause, § 98:21
OTHER INSURANCE—Cont’d
Representations, warranties and conditions—Cont’d
Amount of other insurance as factor, § 98:4
Breach of other insurance provisions
Generally, § 98:53 to 98:58
Existence of other insurance at time of application, § 98:53
Misrepresentation statutes, effect of, § 98:56
Proof of materiality or contribution to loss, § 98:56
Questions of law or fact, § 98:58
Subsequent insurance, procurement of, § 98:54, 98:55
Temporary breach, effect of, § 98:57
Character of other insurance contract, § 98:51, 98:52
Conflicting and multiple provisions, § 98:10
Effectiveness of other insurance contract
Generally, § 98:47 to 98:50
Effect of valid or invalid clause, § 98:50
Incomplete or ineffective insurance, § 98:47
Voidable policy, § 98:49
Void policy, § 98:48
Effect of other insurance clauses in both policies, § 98:5
Endorsement of insurer’s consent-other insurance, requiring
Generally, § 98:26 to 98:29
Endorsement of insurer’s consent to other insurance, requiring
Breach provision, effect of, § 98:28
Degree of compliance required, § 98:27
Questions of law or fact, § 98:29
Identity of interest
Generally, § 98:39 to 98:44
Mortgage, application of interests under, § 98:40 to 98:44

OTHER INSURANCE—Cont’d
Representations, warranties and conditions—Cont’d
Identity of perils insured
Generally, § 98:45, 98:46
Excess (floating) policy, § 98:46
Identity of subject matter
Generally, § 98:35 to 98:38
After-acquired property, § 98:38
Building and contents, policy on, § 98:36
Different property, § 98:35
Property excluded from one policy, § 98:37
Intent of insured, § 98:11
Knowledge
Existence of clause by insured, § 98:7
Existence of other insurance unknown to insured, § 98:12
Prerequisite, other insurer or its agent as, § 98:60, 98:61
Same insurer, other insurance with, § 98:61
Subsequent knowledge of other insurance, § 98:13, 98:14
Waiver and estoppel, § 98:60, 98:61
Materiality of statement, § 98:3, 98:4
Maximum of other insurance allowed
Generally, § 98:22 to 98:25
Permissive condition implied from terms of policy, § 98:23
Stated as limiting extent of recovery in case of other insurance, § 98:24
Stated in terms of prohibiting overinsurance, § 98:25
Mutual repugnancy doctrine, § 98:19
Notice-insurer of other insurance
Generally, § 98:30 to 98:34
Notice to insurer of other insurance
Breach of notice provision, effect of, § 98:31
OVERDUE PREMIUMS—Cont’d
Notice and proof of loss, estoppel and waiver, § 195:17, 195:18
Reinstatement and revival, § 33:47

OVERINSURANCE
See Other Insurance (this index)

OVERLAPPING DISABILITIES
See Workers’ Compensation (this index)

OVERPAYMENTS
See also Contractors’ Performance Bonds (this index)
Equitable remedies, § 232:119
Limitation of actions, § 234:54 to 234:57, 235:112
Measurement of degree of loss, § 175:91
Recoupment, § 226:117
Subrogation, § 225:105, 225:106

OVERRIDING RIGHT-RECOVERY
Medical insurance, § 180:7 to 180:9

OVERRIDING RIGHT TO RECOVERY
Venue, § 230:15

OVERSTATED VALUE
Delayed payment or nonpayment, § 207:70

OVERTIME PAY
Workers’ compensation, § 173:47

OVERTURNING AND UPSET
Automobile property insurance, § 156:31
Property insurance, § 154:56, 154:57, 154:93

OVERVALUATION
Fraud and Deceit (this index)
Premiums, return of, § 79:23

OWNERSHIP
See Title and Ownership (this index)
Notice, § 187:94
Proof of, § 255:109
Settlement and compromise of claim, § 215:51

OWNERSHIP—Cont’d
Vehicle ownership, § 255:110

OWN VOLTION
Prior judgment, § 239:69

PAID-UP INSURANCE
Mutual companies, § 39:32
Premiums and assessments, forfeiture for nonpayment, § 76:78 to 76:82, 77:36 et seq.

PAIN AND SUFFERING
Disability provisions, § 147:36
No-fault insurance, § 171:47

PAINT AND PAINTING SUPPLIES
Contractors’ payment bonds, § 165:111

PAINTER
Disability provisions, § 147:142

PAIN THERAPY
Workers’ compensation, § 174:21

PAMPHLETS
Riders and endorsements, § 18:21

PAN AMERICAN CASE
Property insurance, § 152:19

PARACHUTE JUMPS
Accident and life insurance, § 142:117

PARACHUTES
Accident and life insurance, § 142:113

PARALYSIS AND WEAKNESS
Disability provisions, § 147:87
Good health of insured, § 88:66

PARAMOURS
Life insurance, insurable interest, § 43:24

PARENTS
See Children (this index)

PARKING LOTS
Risks covered under policies, § 132:60
Index

PAROL BINDER
Estoppel and waiver, § 238:73

PAROL CONTRACTS
Generally, § 13:17 to 13:23
Agents and Brokers (this index)
Assignment, § 36:32, 37:32, 37:41
Binders and binding receipts, § 13:3
Cancellation and rescission, § 30:5
Evidence, § 13:22, 186:20
Existence and contents of oral contracts, proof of, § 255:5

Frauds, Statute of (this index)
Implied terms, § 13:20
Merger into written contract, § 13:21
Modification of contract, § 25:11 to 25:14
Renewal, § 29:24 to 29:29, 51:37
Sales, § 91:39
Validity, § 13:17, 13:19

PAROL EVIDENCE
Generally, § 253:46 et seq.
Admissions as exceptions to rule, § 253:84
Ambiguous agreements
Generally, § 21:15, 253:93 et seq.
Defining ambiguity, § 253:96
Determining ambiguity, § 253:94
Applications for insurance, § 253:60
Assignments, application to, § 253:61
Balancing of interests analysis, § 253:49
Beneficiaries
Change of, § 253:103
Identification, § 253:107 et seq.
Beneficiary, changes of, § 253:103
Best evidence rule distinguished, § 253:4
Collateral agreements as extrinsic evidence, § 253:73
Conditional delivery of policy, § 253:104
Consideration evidence as exception to rule, § 253:85
Construction rules, generally, § 253:50
Contracts subject to rule, § 253:59

PAROL EVIDENCE—Cont’d
Contradictory evidence defined, § 253:72
Coverage, extent of, § 253:103
Coverage of policy, generally, § 253:46 et seq.
Coverage questions as extrinsic evidence, § 253:74
Criticisms of rule, § 253:48
Cure, § 244:128
Custom and usage evidence as extrinsic, § 253:75
Date of policy
Generally, § 253:105
Evidence of as extrinsic, § 253:77
Description or identification, § 253:106 et seq.
Documentary evidence, generally, § 253:46 et seq.
Drafting history evidence as extrinsic, § 253:76
Enforceability of contract, evidence of as exception to rule, § 253:86
Erisa benefit disputes, application to, § 253:53
Estoppel, § 253:92
Estoppel to enforce rule against, § 253:58
Exceptions to rule, § 253:83 et seq.
Existence of contract, evidence of as exception to rule, § 253:86
Extrinsic evidence subject to rule, § 253:72
Fraud evidence of as exception to rule, § 253:87
General rules of contract construction, § 253:50
Historical background, § 253:48
Identification of parties, § 253:106 et seq.
Impeachment of factual claims, evidence of as extrinsic, § 253:81
Insurance contracts, application to, § 253:51
Integration
Generally, § 253:65
Full integration, § 253:65
Merger clause, § 253:68
Partial integration, § 253:65
PAROL EVIDENCE—Cont’d
Integration—Cont’d
Presumption of integration, § 253:66

Proof of integration, § 253:67

Intentions of parties
Ambiguous agreements, § 253:93 et seq.

Unambiguous agreements, § 253:54 et seq.

Letters, application to, § 253:59

Mistake, evidence of as exception to rule, § 253:89

Modification, evidence of as exception to rule, § 253:91

Omission from policy, evidence of as exception to rule, § 253:90

Party identification, § 253:106 et seq.

Policy coverage, extent of, § 253:103

Post contract actions and communications, § 253:100

Premium illustrations, evidence of as extrinsic, § 253:79

Premium payment terms, evidence of as extrinsic, § 253:78

Public official and appointed fiduciary bonds, § 166:77

Reason for purchase of insurance, evidence of as extrinsic, § 253:80

Rebuttal of factual claims, evidence of as extrinsic, § 253:81

Receipts, application to, § 253:62

Releases, application to, § 216:9, 253:63

Settlements, application to, § 253:63

Specific terms, § 253:101

Subsequent agreement, evidence of as exception to rule, § 253:91

Surety agreements, application to, § 253:52

Technical terms, § 253:102

Unambiguous agreements, intentions of parties, § 253:54 et seq.

Uses of admissible extrinsic evidence, § 253:99 et seq.

Varying evidence defined, § 253:72

Waiver, § 253:92

Who may invoke rule, § 253:70

PAROL EVIDENCE—Cont’d
Writing subject to rule, § 253:59

PAROL NOTICE
Cancellation and rescission, parol notice, § 32:19

Cooperation, § 199:106, 199:127

Estoppel and waiver, § 195:8, 195:13

Written versus, § 188:21, 188:22

PAROL PARTITION
Coownership and joint tenancy, § 91:70

PAROL TRUSTS
Generally, § 67:25

PAROL WAIVER
See Agents and Brokers (this index)

PARTIAL ASSIGNMENT
Generally, § 37:21

Parties, generally, § 241:21

PARTIAL AWARD
Arbitration awards, § 213:20

PARTIAL CANCELLATION
Generally, § 30:4

PARTIAL CAUSE OF ACTION
Venue, § 230:51

PARTIAL COVERAGE OF SINGLE POLICY
Subrogation, § 224:38 to 224:41

PARTIAL DELIVERY
Property insurance, § 154:49

PARTIAL DISABILITY
Generally, § 147:3, 147:7

PARTIAL DISMISSAL
Voluntary dismissal, § 247:8

PARTIAL LIQUIDATION
Interest on money, § 178:30

PARTIAL LOSS
Actual cash value, § 175:41

Adjustment of losses, § 178:59

Automobiles and other motor vehicles, § 177:8
INDEX

PARTIAL LOSS—Cont’d
Buildings and similar structures, § 177:28
Coinsurance, § 220:19
Delayed payment or nonpayment, § 207:68
Marine insurance, § 183:32, 183:117 to 183:119
Measurement of degree of loss, § 175:85 to 175:88
Replacement cost provisions, § 176:62
Title insurance, § 185:82 to 185:85
Valued policies or statutes, § 175:97
Workers’ compensation, § 173:18

PARTIAL OR BIFURCATED ELECTION
Repair or replace, option to, § 176:20

PARTIAL PAYMENT
Estoppel and waiver, § 194:56, 238:57, 239:125
Facility of payment clause, § 61:28
Limitation of actions, § 237:79 to 237:81
Premiums and assessments, § 76:41, 76:42, 77:10, 77:11
Reinstatement and revival, part payment of overdue premiums, § 33:51
Release, § 216:21
Settlement and compromise of claim, § 215:31 to 215:33
Subrogation, § 223:22 to 223:24, 225:16, 225:272, 225:304
Tender back of partial payment, § 232:17

PARTIAL RECOVERY
Disability provisions, § 147:165
Medical insurance, § 181:10

PARTIAL RENUNCIATION
Jurisdiction of federal proceedings, § 229:87

PARTIAL SUBROGATION
Health insurance, § 242:111

PARTIAL SUBROGATION—Cont’d
Joiner of parties
Partially subrogated insurer as necessary party, § 243:120 to 243:123
Partially subrogated insurer is not necessary party, generally, § 243:124 et seq.
Loan receipt transactions, § 241:52
Parties, generally, § 241:34 to 241:37, 241:45 to 241:49
Workers’ compensation, § 225:167, 225:168

PARTIES
Generally, § 241:1 et seq.
Absence of real party in interest rule, § 241:44
Actions, generally, § 241:53 to 241:55
Appeals, § 248:33
Assignment (this index)
Associations, § 241:9, 241:10
Assumed name, policy procured in, § 241:27
Authority to do business, capacity of insurer, § 245:14
Automobile Liability Insurance (this index)
Automobile Property Insurance (this index)
Bad faith
Generally, § 242:149 et seq.
Agreement for suit by insured, § 242:151
Assignee of insured, § 242:150, 242:154
Automobile liability policies, § 242:149 to 242:151
Bankruptcy of insured, § 242:155
First-party coverage, generally, § 242:156 et seq.
Judgment creditors, § 242:153
Lessee not generally entitled to sue on lessor’s policy, § 242:156
Lessor-lessee principles from subrogation field inapplicable, § 242:157
No-fault policies, § 242:161
Omnibus insured, § 242:149

Index-479
PARTIES—Cont’d
Bad faith—Cont’d
  Other parties, claims of, § 242:158
  Passengers, § 242:159, 242:160
  Passenger’s spouse, no-fault policies, § 242:161
  Proper parties, § 242:152
  Property insurance, § 242:156, 242:157
  Standing, § 242:159, 242:160
  Third parties, § 242:153 to 242:155
  Third-party coverage, generally, § 242:149 et seq.
  Third-party victim, § 242:150, 242:151
  Uninsured/underinsured motorist policies, § 242:158 to 242:160
  Bankruptcy of insured, § 242:155
  Beneficial interest, § 241:4
  Beneficiaries, § 60:64 to 60:68, 241:24 to 241:26
Cancellation and Rescission (this index)
  Cancellation of policy, § 242:190, 242:191
  Capacity of insurer, § 245:13 to 245:15
  Capacity-sue and be sued, § 241:9 to 241:11
  Collateral, assignment for, § 241:23
  Collection, assignment for, § 241:22
  Consent to, § 241:14
  Consolidation of actions, § 232:19
  Construction and interpretation
    Generally, § 21:7
    Intent of parties, § 22:7 to 22:13
    Presumption that parties understand policy, § 21:6
  Subrogation actions, § 241:51
Contracts (this index)
  Contribution between joint tortfeasors, § 241:59
  Corporate entity, capacity of insurer, § 245:15
  Costs of action, § 233:44, 233:50 et seq.
  Cure, § 244:121 to 244:124

PARTIES—Cont’d
Declaratory Judgments (this index)
  Deductible amount, § 241:46
  Defendants as real party in interest, § 241:5
  Defenses, action by either insurer or insured, § 241:55
  Depository bonds, § 242:146
  Direct action claimants, § 245:19
Direct Actions (this index)
  Estoppel and waiver, § 238:74, 239:102
Federal Courts (this index)
  Fictitious name, suit prosecuted in, § 241:28
  Fidelity bonds and insurance, § 242:127 et seq.
  Form, sufficiency of, § 241:15
Fraud and Deceit (this index)
Governing Law (this index)
  Group insurance, agency of specific parties, § 8:13 to 8:18
Health Insurance (this index)
  Identity, generally, § 245:11 et seq.
Impleeader (this index)
  Include insurer’s claim, failure to, § 241:48
  Incompeints, § 241:11
Intent of Parties (this index)
  Intent of third-party beneficiaries, § 241:25
Intervention (this index)
Joiner of Parties (this index)
  Joint tortfeasors, § 241:59
  Judgment creditors, § 242:153
Judicial review, § 2:15
Jurisdiction, § 228:60
Labor and material bonds, § 242:141 to 242:143
Landlord-tenant relationship, § 242:156, 242:157
Liability Insurance (this index)
Life Insurance (this index)
  Lloyd’s associations, § 241:10
Loans (this index)
PARTIES—Cont’d
Minors, § 241:11
Mortgages and deeds of trust, § 65:21 et seq., 242:59 et seq.
Negligence in handling claim
Generally, § 242:149 et seq.
Agreement for suit by insured, § 242:151
Assignee of insured, § 242:150, 242:154
Automobile liability policies, § 242:149 to 242:151
Bankruptcy of insured, § 242:155
First-party coverage, generally, § 242:156 et seq.
Judgment creditors, § 242:153
Lessee not generally entitled to sue on lessor’s policy, § 242:156
Lessor-lessee principles from subrogation field inapplicable, § 242:157
No-fault policies, § 242:161
Omnibus insured, § 242:149
Other parties, claims of, § 242:158
Passengers, § 242:159, 242:160
Passenger’s spouse, no-fault policies, § 242:161
Proper parties, § 242:152
Property insurance, § 242:156, 242:157
Standing, § 242:159, 242:160
Third parties, § 242:153 to 242:155
Third-party coverage, generally, § 242:149 et seq.
Third-party victim, § 242:150, 242:151
Uninsured/underinsured motorist policies, § 242:158 to 242:160

No-Fault Insurance (this index)
Nonstatutory bonds, § 242:142
Omnibus insured, § 242:149
Optional forms of action, generally, § 241:53 et seq.
Other parties, claims of, § 242:158
Owner or vendor, action by, under policy issued to other entity, § 242:147

PARTIES—Cont’d
Partial assignment, § 241:21
Partial subrogation, § 241:34 to 241:37, 241:45 to 241:49, 241:52
Payment Bonds (this index)
Payments, § 241:39
Performance Bonds, Guaranties, Suretyship, and Like Arrangements (this index)
Premiums and assessments, actions to recover or contest assessments, § 70:35
Presumption that parties understand policy, § 21:6
Prior judgment
Declaratory judgment as binding in later action between same parties, § 239:70, 239:71
Declaratory judgment as binding on injured parties and their insurers, § 239:68, 239:69
Identity of parties, § 239:16
Same parties, later action between, § 239:87
Prohibition of assignment, § 241:13
Proper party, generally, § 241:3 et seq.
Purchasers, action by, under policy issued to lender, § 242:148
Real party in interest
Generally, § 241:3 et seq.
Beneficial interest, § 241:4
Defendants, § 241:5
Standing, § 241:6
Subrogation actions
Insured as, generally, § 241:43 et seq.
Insurer as, generally, § 241:31 et seq.
Transfer of right to sue, § 241:8
Waiver or transfer of right to sue, § 241:8
Real Party in Interest (this index)
PARTIES—Cont’d
Reasonable and natural construction of intent of parties, § 22:10, 22:17
Reasonable expectations, construction of intent of parties, § 22:11
Reassignment of claim to insured, effect of, § 241:41
Receipts, § 241:50 to 241:52
Recoupment, § 226:55
Reformation (this index)
Refunding bonds, § 242:144
Refusal to sue, insured’s, § 241:47
Reimbursement of insurer, workers’ compensation, § 241:62
Release or assignment of insured’s rights, § 241:40
Right to sue, § 241:8
Risks (this index)
Sanctions, § 233:99
Secret or unexpressed intent, construction of, § 22:12
Service of process, § 231:58
Settlement with tortfeasor, § 241:49
Spouse of passenger, § 242:161
Status, generally, § 245:11 et seq.
Statutes
Generally, § 241:59 to 241:62
Bonds, § 242:141, 242:145
Penalty bonds, § 242:145
Third-party beneficiaries, § 241:26
Subrogation (this index)
Suit in name of insured, § 241:56 to 241:58
Third Persons (this index)
Timing, sufficiency of, § 241:16
Title insurance, § 242:147, 242:148
Transfer of right to sue, § 241:8
Understanding of Parties (this index)
Unfair or Deceptive Trade Practices Acts (this index)
Unincorporated associations, § 241:9
Vendor, § 242:147

PARTIES—Cont’d
Reasonable and natural construction of intent of parties, § 22:10, 22:17
Reasonable expectations, construction of intent of parties, § 22:11
Reassignment of claim to insured, effect of, § 241:41
Receipts, § 241:50 to 241:52
Recoupment, § 226:55
Reformation (this index)
Refunding bonds, § 242:144
Refusal to sue, insured’s, § 241:47
Reimbursement of insurer, workers’ compensation, § 241:62
Release or assignment of insured’s rights, § 241:40
Right to sue, § 241:8
Risks (this index)
Sanctions, § 233:99
Secret or unexpressed intent, construction of, § 22:12
Service of process, § 231:58
Settlement with tortfeasor, § 241:49
Spouse of passenger, § 242:161
Status, generally, § 245:11 et seq.
Statutes
Generally, § 241:59 to 241:62
Bonds, § 242:141, 242:145
Penalty bonds, § 242:145
Third-party beneficiaries, § 241:26
Subrogation (this index)
Suit in name of insured, § 241:56 to 241:58
Third Persons (this index)
Timing, sufficiency of, § 241:16
Title insurance, § 242:147, 242:148
Transfer of right to sue, § 241:8
Understanding of Parties (this index)
Unfair or Deceptive Trade Practices Acts (this index)
Unincorporated associations, § 241:9
Vendor, § 242:147

PARTITION
Coownership and joint tenancy, § 91:70
PARTNERSHIP
Generally, § 40:13, 40:14, 68:31 et seq.
See also Assignment (this index)
Agent, partner as, § 44:9, 48:72
Automobile insurance, § 120:10, 120:48
Estate taxes, § 63:50
Fidelity insurance, § 160:36
Fire insurance, § 149:52
Insurable interest, § 42:8, 42:9, 43:12
Jurisdiction of federal proceedings, § 229:23
Life insurance, § 68:34
Notice, § 189:106
Premiums and assessments, § 74:29
Property insurance, § 242:39 to 242:41
Reformation, mistaken description, § 27:52
Representations, warranties, and conditions, § 91:82 to 91:84
Service of process, § 231:87
Termination of business, § 92:73, 92:74
Venue, § 230:107
Workers’ compensation, § 134:21

PART-TIME EMPLOYMENT
Homeowners’ insurance, business pursuit exclusion, § 128:17
Workers’ compensation, § 173:38

PARTY WALLS
Fire insurance, § 149:38
Property loss, generally, § 177:70
Representations, warranties, and conditions, § 91:72
PASSENGER ELEVATORS
See Accident and Life Insurance (this index)
PASSENGERS
Accident and Life Insurance (this index)
Accident insurance, § 245:33
Aircraft and aviation, § 142:122, 142:123, 142:124
Automobile Insurance (this index)
Automobile property insurance, § 156:90, 157:60
Bad faith, § 242:159, 242:160
Criminal activity, injury or death sustained during, § 140:23
Health insurance, § 245:33
Life insurance, § 245:33
Medical payments, § 158:20
Negligence in handling claim, § 242:159 to 242:161
No-fault coverage, § 242:17
Notice, § 187:29
Spouse of passenger, § 242:161
PAST PRACTICES
State insurance boards, commissioners, and similar authorities, estoppel based on past practices, § 2:13
PATENT AMBIGUITIES
Latent ambiguities distinguished, § 21:12
PATENT AND PROPRIETARY MEDICINES
Good health of insured, § 87:22
PATIENT PROTECTION AND AFFORDABLE CARE ACT
Affordable Care Act (this index)
PAYMENT
Accident and life insurance, § 142:24
Admission, payment of claim as
Generally, § 254:236
Lienholder’s claim, § 254:237
Agents and Brokers (this index)
Arbitration, § 212:22
Arbitration, appraisal, or submission agreements, § 210:74, 210:79
PAYMENT—Cont’d
Automobile Insurance (this index)
Automobile liability coverage, § 242:3
Bailments, § 242:82
Common law, § 204:34
Complaints, petitions, and declarations, § 244:31
Conditions of policy, § 245:66 to 245:68
Contractors’ bonds, § 163:12 to 163:14
Contribution and Apportionment (this index)
Defense
Duty to pay distinguished, § 200:3
Estoppel and waiver, § 202:73
Refusal to defend, § 202:11
Termination of duty, § 200:51
Withdrawal from defense, § 200:56
Delayed Payment or Nonpayment (this index)
Directed verdicts, § 247:40
Disability insurance, § 182:27, 242:116
Equitable remedies
Specific performance, § 232:168
Estoppel and Waiver (this index)
Facility of payment clause, burden of proving, § 254:132
Fidelity bonds and insurance, § 191:91, 242:133
Foreign insurers, payment of losses, § 3:17
Fraud and Deceit (this index)
Future payments, § 232:43, 232:44
Health insurance, § 242:110
Incontestability clause, § 240:84
Indemnity insurance, § 232:16
Investigation, payment of expenses of, § 208:24 to 208:27
Joinder of parties, § 243:153
Judgments, § 247:54
PAYMENT—Cont’d
Jurisdiction
Federal courts, § 229:49, 229:53
State proceedings, § 228:29, 228:31, 228:32, 228:50
Justiciability, § 227:27
Life insurance, § 242:95, 242:104, 243:54
Limitation of Actions (this index)
Lump-sum payment as penalty,
§ 207:76
Marine insurance, § 221:60, 221:65
No-fault insurance, § 191:77, 242:12, 242:14
Nonpayment. See Delayed Payment or Nonpayment (this index)
Notice
Default of payments, before,
§ 190:120
Estoppel and waiver, § 195:53
Intent to look to bond for payment, sufficiency of information,
§ 189:35
Partial Payment (this index)
Payment Bonds (this index)
Payment into Court (this index)
Performance Bonds, Guaranties, Suretyship, and Like Arrangements (this index)
Precondition to suit on indemnity insurance, § 232:16
Premiums and Assessments (this index)
Presumptions and Burden of Proof (this index)
Prior judgment, § 239:90, 239:91
Proceeds (this index)
Property insurance, § 242:33, 242:51, 242:57
Receipt book, § 255:14
Release, § 216:20
Repair or replace, option to,
§ 176:29, 176:30
Sales transactions, § 242:93
Service of process, § 231:38
Settlement and compromise of claim, § 215:26, 215:68 to 215:70
Subrogation (this index)

PAYMENT—Cont’d
Tender back of partial payment,
§ 232:17
Third-party claims, § 205:50, 205:58, 206:4, 206:42
Venue, § 230:28, 230:63
War and civil disturbances, § 239:148
Witnesses, § 252:89
Wrongful or ineligible party,
§ 242:192, 242:194

PAYMENT BONDS
Construction Contract Guaranties (this index)
Contractors’ bonds, § 163:10, 163:11
Limitation of actions, § 234:44
Notice and proof of loss
Agent, authorized, § 187:97
Authorized agent, § 187:97
Conditions precedent or contract stipulations, § 190:29
Governmental entity as obligee, § 187:96
Original contractor and owner or surety, § 187:94
Owner, § 187:94
Two parties from among surety, contractor, and obligee,
§ 187:95, 187:96
To whom, generally, § 187:90 et seq.
Subrogation (this index)

PAYMENT INTO COURT
Assignment, § 35:14
Beneficiaries, waiver by insurer of compliance with change of beneficiary requirements, § 60:61
General liability insurance, § 172:57

PAYROLL
Description of subject matter, § 20:70
Disability provisions, § 147:15
Property insurance, § 148:41
Watchmen or guards, payroll protection, § 96:20
INDEX

PEACE OFFICER’S BOND
See Public Official and Appointed Fiduciary Bonds (this index)

PECUNIARY MATTERS
See Financial Matters (this index)

PEDESTRIAN
Accident and life insurance, § 142:59
Combining or stacking of coverages, § 169:59
Medical payments, § 158:21

PEER REVIEW
No-fault coverage, § 242:13

PELLAGRA
Good health of insured, § 88:40

PENAL LIABILITY BOND
Public official and appointed fiduciary bonds, § 166:69

PENAL SUM
Automobile liability insurance, § 170:3
Construction contract guaranties, § 184:39
Contractors’ bonds, § 163:9

PENALTIES, FEES, AND SIMILAR CONSEQUENCES
Generally, § 204:56 et seq.
Adverse claimants, § 204:74
Agents and brokers, § 47:5, 47:24
American rule, § 233:10
Appeals, § 204:96, 204:97
Assignability of penalties, § 204:69
Assignor, § 204:75
Beneficiaries, § 204:71
Burden of proof, § 204:108, 204:109
Cancellation of policy, actions defending, § 204:93
Cash surrender value of policy, actions for, § 204:98
Compensatory damages, § 204:62
Conduct, generally, § 204:101 et seq.
Contractors’ payment bonds, § 165:67
Contractors’ performance bonds, § 164:13, 164:15

PENALTIES, FEES, AND SIMILAR CONSEQUENCES—Cont’d
Contractual agreements as requiring, allowing, or prohibiting fees, § 233:14 to 233:16
Costs and Expenses (this index)
Costs of Action (this index)
Counterclaims, §§ 204:90, 204:92
Cross-claims, § 204:90
Declaratory judgments, §§ 204:91, 204:92, 233:23, 233:24
Defense, §§ 204:59, 204:89, 204:93
Delayed payment or nonpayment, § 207:74 to 207:79
Endowment policy, § 204:81
Executors and administrators, § 204:72
Federal laws versus state laws, § 204:106
Fee orders made outside of pure fee shifting context, § 233:11
Fee recipient be unpaid party, requirement that, § 233:50
Fees defined, § 233:3
Fee shifting, § 233:11
Foreign insurance, §§ 204:83, 204:86
Forfeitures (this index)
General liability insurance, § 172:42
Good faith, § 204:59
Heirs, § 204:73
Income taxes, § 63:23
Initial penalty, distinguished from appeal, § 204:97
Injured claimants, § 204:76
Insolvency, guarantees associations, § 6:31
Interpleader actions, § 204:95
Jurisdiction, §§ 228:59, 229:56
Liability, generally, §§ 204:56 et seq.
Local statutes, §§ 204:104
Mandatory character, § 204:64
Mortgagees and secured creditors, § 204:77
Multiple claims, § 204:68
Multiple policies, § 204:67
Mutual benefit society policies, § 204:105
Persons, generally, §§ 204:70 et seq.
Pleadings, §§ 204:107 to 204:111

PENALTIES, FEES, AND SIMILAR CONSEQUENCES—Cont’d
Premiums, § 69:53, 204:99
Presuming availability of defense of good faith, § 204:59
Proof, § 204:107 to 204:111
Public officials’ bonds, § 184:55
Questions of law or fact, § 204:110
Recoupment, § 226:121, 226:122
Recoverable fees, segregation of, § 233:81
Reform policy, actions to, § 204:94
Reinsurance, § 204:82
Remission of penalty, § 204:111
Retroactive application, § 204:63
Review, § 204:111
Secured creditors, § 204:77
Settlement, actions enforcing duty to settle, § 204:89
State laws versus federal laws, § 204:106
Statutes and regulations, generally, § 204:56 et seq.
Statutory penalty bonds, § 242:145
Strict construction, § 204:60, 204:78
Subrogation, § 223:103
Third-parties, § 204:89, 205:103 to 205:106
Validity, § 204:58
Workers’ Compensation (this index)

PENDENT JURISDICTION
See Federal Courts (this index)

PENDING ACTIONS—Cont’d
on application to reinstate, § 33:18
War and civil disturbances, § 239:145

PENDING ACTS AND MATTERS
See Limitation of Actions (this index)

PENDING DAMAGES
Repair or replace, option to, § 176:13

PENDING ISSUANCE OF POLICY
Life insurance, § 179:5

PENDING POLICY
Life insurance, § 179:6

PENSION BENEFITS
See also Group Insurance (this index)
Contractors’ payment bonds, § 165:20, 165:83
Workers’ compensation, § 173:62, 173:63

PER DIEM LIABILITY
Business interruption insurance, § 185:4 to 185:6

PER DIEM LIMITATIONS
Medical insurance, § 180:35

PERFECTION
Subrogation, § 225:305, 225:315

PERFORMANCE
Agents and brokers, delegation of performance, § 46:12
Beneficiaries, right to enforce or exercise policy options as necessary to performance, § 58:25
Burial insurance, § 167:64
Del credere agents, § 44:23
Governing law, § 24:13
Limitation of actions, § 236:135
Performance Bonds, Guaranties, Suretyship, and Like Arrangements (this index)
Specific Performance (this index)
INDEX

PERFORMANCE—Cont’d
Venue, § 230:29, 230:63

PERFORMANCE BONDS,
GUARANTIES, SURETYSHIP,
AND LIKE ARRANGEMENTS
Generally, § 1:12 to 1:18, 163:1 et seq.
Administrator’s bond, § 184:57
Admissions, statements constituting, § 254:254
Appointed fiduciary bonds. See Public Official and Appointed Fiduciary Bonds (this index)
Assignment, § 242:137
Attachment bond, § 166:100
Automobile dealer’s bond, § 184:60 Bank Deposit Guaranty (this index)
Bid bond, § 166:101, 166:102, 184:58
Brokers, real estate brokers bond, § 184:61
Construction Contract Guaranties (this index)
Contractors’ Bonds (this index)
Contractors’ Payment Bonds (this index)
Contractors’ Performance Bonds (this index)
Contribution, § 218:14, 218:15
Costs of action, § 233:27
Dealer’s bond, § 184:59, 184:60
Default as trigger of notice requirement, § 191:33
Deposit guaranty. See Bank Deposit Guaranty (this index)
Fidelity insurance, § 1:16, 160:1, 185:45
Fiduciary bonds. See Public Official and Appointed Fiduciary Bonds (this index)
Financial Institution Blanket Bonds (this index)
Governmental unit obligee, § 242:136
Guaranty, generally, § 1:17
Heir’s refunding bond, § 166:103
Historical development of law, § 163:2
Injunction bonds, § 166:104

INSURANCE
Guaranty, generally, § 1:17
Insolvency, guarantee associations, § 6:27 to 6:34
Insurable interest
Guarantee insurance, § 41:29
LIfe insurance, §§ 43:20 to 43:23
Sureties and co-obligors, § 42:43
Joiner of parties, §§ 243:76, 243:77
Lender, § 242:139
Limitation of actions, §§ 234:44, 235:47 to 235:50, 235:70
Mutual companies, guaranty funds, § 39:20
Notice
Conditions precedent or contract stipulations, § 190:29
Oral versus written notice, § 188:13
Satisfying insured’s obligation, §§ 187:44, 187:45
Sufficiency of information, § 189:24
Timeliness, §§ 190:80, 190:81
To whom, §§ 187:88, 187:89
Parol evidence rule, application to, § 253:52
Performance and payment bonds
Assignment, § 242:137
Governmental unit obligee, § 242:136
Lender, § 242:139
Obligee, § 242:135 to 242:137
Parties, generally, § 242:127 et seq.
Successor to obligor, § 242:140
Prejudice, §§ 193:55, 193:56
Premiums and assessments, guaranty funds, § 77:13, 77:14
Prior judgment, §§ 239:90, 239:91
Public Official and Appointed Fiduciary Bonds (this index)
Public Officials’ Bonds (this index)
Questions of law or fact, trigger concept, § 191:34
Real estate brokers bond, § 184:61
Refunding bond, heir’s, § 166:103

Index-487
PERFORMANCE BONDS,
GUARANTIES, SURETYSHIP,
AND LIKE ARRANGEMENTS
—Cont’d
Subrogation (this index)
Successor to obligor, § 242:140
Surety and guaranty agreements, generally, § 163:1 et seq.
Suretyship, generally, § 1:14
Title insurance, § 159:8, 159:9
Trigger concept, § 191:33, 191:34
Value, results, income, and the like, guarantees of, § 1:62

PERFORMANCE COUNTY
Venue, § 230:62 to 230:65

PERILS AT SEA
See Marine Insurance (this index)

PERIPHERAL STEM CELL
RESCUE
See Medical Insurance (this index)

PERITONITIS
Accident and life insurance, § 141:63

PERMANENT DISABILITY
See Disability Insurance (this index)

PERMANENT EMPLOYMENT
Fidelity insurance, § 160:30

PERMANENT OR RETAINED
COUNSEL
Delayed payment or nonpayment, § 207:87

PERMANENT PARTIAL
DISABILITY
See Workers’ Compensation (this index)

PERMANENT REPAIRS
Marine insurance, § 183:55, 183:134

PERMANENT RESIDENTS
Property insurance, § 148:8

PERMANENT TOTAL DISABILITY
See Workers’ Compensation (this index)

PERMISSIVE GUESTS AND
USERS
Medical payments, § 158:18, 158:19

PERMISSIVE INSURED
Combining or stacking of coverages, § 169:53

PERMISSIVE USERS
Automobile liability insurance, § 170:5

PERMITS
See Licenses and Permits (this index)

PER OCCURRENCE
Limitations and restrictions, § 175:17
Marine insurance, § 183:122

PER PERSON
Marine insurance, § 183:122

PERSONAL BUSINESS
Disability insurance, § 146:45

PERSONAL CHARACTERISTICS
Recoupment, § 226:88 to 226:90

PERSONAL INJURY INSURANCE
See Subrogation (this index)

PERSONAL INJURY
PROTECTION
Burden of proof
Generally, § 254:59
Valuation, § 254:80
Combining or Stacking of Coverages (this index)
Limitation of actions, § 234:29
Medical payments, § 158:5
No-Fault Insurance (this index)

PERSONAL INSURANCE
Subrogation, § 222:26, 222:27

PERSONAL JURISDICTION
Federal courts, § 229:3
Internet, § 227:8
State proceedings, § 228:4, 228:17 to 228:19

PERSONAL PROPERTY
Actual cash value, § 175:30
PERSONAL PROPERTY—Cont’d
Adjustment of losses, § 178:49
Broad evidence test, § 177:38, 177:39
Clothing, wearing apparel, § 177:38
Description or identification, § 20:71
Evidence, § 177:38, 177:39
Execution and execution sales, § 66:52
Floater policies, § 154:64 to 154:67
Location of property, § 90:20
Market value test, § 177:35
Measurement of degree of loss, § 175:71
Mortgages and deeds of trust, § 65:44
Nature of insurance, § 1:11
Property Insurance (this index)
Property loss, generally, § 177:35 to 177:38
Replacement test, § 177:38
Sales (this index)
Service of process, § 231:13
Subrogation, § 224:59
Use and Occupancy (this index)
Value, § 177:35
Valued policies or statutes, § 175:111
PERSONAL RELATIONSHIPS
Subrogation, § 224:70
PERSONAL REPRESENTATIVES
See also Executors and Administrators (this index)
Actions against insurers, § 242:202
Automobile liability coverage, § 242:4, 242:5
Disability insurance, § 242:115
Fraud, § 242:171, 242:207
Issuance of policy, § 242:189
Joinder of parties
Personal representative, cancellation of policy, § 243:149
Personal representative, disability insurance, § 243:73
Jurisdiction of federal proceedings, § 229:25
Limitation of actions, § 237:61
PERSONAL REPRESENTATIVES—Cont’d
Loan transactions, § 242:123, 242:124
Prior judgment, § 239:92
Property insurance, § 242:53, 242:54
Uninsured/underinsured motorist coverage, § 242:9
PERSONAL SERVICE
Insurance agents, § 231:39, 231:40
PERSONAL SUPERVISION
Property insurance, § 151:84
PERSONAL SUPPLIES
Contractors’ payment bonds, § 165:92 to 165:95
PESTS
Marine insurance risks, § 137:28
PETITIONS
See Complaints, Petitions, and Declarations (this index)
PETROLEUM PRODUCTS
Use and occupancy, § 94:27, 95:21 to 95:28
PHANTOM VEHICLES
See Uninsured and Underinsured Motorist Coverage (this index)
PHLEBITIS
Good health of insured, § 88:36
PHOTOCOPIES
Best Evidence Rule (this index)
PHOTOGRAPHS
Demonstrative evidence, § 253:282
PHYSICAL ACTIVITY
See Disability Insurance (this index)
PHYSICAL CONDITION
Recoupment, § 226:89
PHYSICAL CONTACT
Uninsured and underinsured motorist coverage, § 214:21

Index-489
PHYSICAL EVIDENCE
See Documentary Evidence (this index)

PHYSICAL EXAMINATION
See Medical Examination (this index)

PHYSICAL THERAPY
Workers’ compensation, § 174:20

PHYSICIAN-PATIENT PRIVILEGE
Generally, § 250:31 et seq.
After termination of privilege, § 250:39
Autopsy, § 250:40
Before commencement of privilege, § 250:38
Health care worker, § 250:34
Hospitals, § 250:33
Independent observations, § 250:37 to 250:40
Misrepresentations, § 250:32
Non-physician health care worker, § 250:34
Privileged information, § 250:50 to 250:52
Public hospitals, physicians in, § 250:33
Statements of insured, § 250:41
Waiver, § 250:56, 250:58, 250:68, 250:69

PHYSICIANS
Accident and life insurance, § 141:94
Assault, § 131:17
Breach of contract claims, § 131:15
Criminal acts, § 131:16, 131:17
Demonstrative evidence, admissibility of records as, § 253:238 et seq.
Disability insurance, § 146:35, 147:20, 147:21, 147:120
Employee or assistant, act of
Generally, § 131:5 to 131:7
Instructions of insured, when acting under, § 131:6
Professional services, in performing, § 131:7
Equipment, use of, § 131:9
Fraud, § 131:10

PHYSICIANS—Cont’d
General liability insurance, § 172:78
Good Health of Insured (this index)
Libel and slander, § 131:18, 131:19
Malpractice concept, § 131:1, 131:2
Mandatory coverage, § 131:3
Medical examination, designation of physician for, § 196:56
Medical Examination (this index)
Medical insurance, § 145:20, 145:26
Medical reports, evaluations, and the like, issuance of, § 131:10
Notice and proof of loss
Certificate or statement, § 189:90 to 189:92, 192:121
Estoppel and waiver, § 195:14
Physicians’ statements, evidentiary use, § 253:129
Satisfying insured’s obligation, § 187:42
Other activities and entities, § 208:9
Other claims and acts, § 131:15 to 131:19
Persons whose liability is covered, § 131:4 to 131:7
Physical or independent medical examination. See Medical Examination (this index)
Privileged communications. See Physician-Patient Privilege (this index)
Publicized statements, libel and slander, § 131:19
Risks covered under policy, generally, § 131:1 to 131:19
Service of process, § 231:81
Services covered, generally, § 131:8 to 131:19
Sexual misconduct
Generally, § 131:11 to 131:14
Affirmative coverage provisions, § 131:13
Professional services, as derived from, § 131:11, 131:12
Psychiatrists and similar therapists, § 131:12
Related negligence claims, effect on, § 131:14
Unlicensed physicians, § 131:4
PLEADINGS—Cont’d
Alternative claims, § 244:10
Alternative defenses, § 244:11
Alternative pleading, § 244:9 to 244:11
Answers (this index)
Anticipatory pleadings, § 245:21
Burdens of pleading and proving, relationship between, § 254:6
Certainty, § 244:3
Common law, § 204:38 to 204:43
Complaints, Petitions, and Declarations (this index)
Conclusions, § 244:18 to 24:20
Conduct warranting liability, § 204:129
Construction and interpretation, § 244:5
Cooperation, § 199:88 to 199:93
Counterclaim and Setoff (this index)
Cure (this index)
Defects in pleadings. See Cure (this index)
Defenses, § 200:24, 244:11, 245:93
Delayed payment or nonpayment, § 207:13
Departure (this index)
Disability insurance, § 146:30
Dismiss, motion to, § 244:78
Duplicity, § 244:7
Estoppel and waiver, § 194:17 to 194:21
Evidentiary facts, § 244:16
Facts, pleading, generally, § 244:12 et seq.
Fire insurance, § 149:55
Inferences, § 244:14
Instructions to jury, § 246:69
Irrelevant matter, § 244:17
Judicial notice of particular facts, § 244:15
Jurisdiction of federal proceedings, § 229:41, 229:90
Motions, § 244:76 to 244:78
Notice, § 189:15, 244:15
Penalties, fees and similar consequences, § 204:107 to 204:111
Reformation, § 28:4 to 28:11

PLEADINGS—Cont’d
Rejoinder, § 244:69
Reply (this index)
Responses-defects in pleadings
Motions, § 244:76 to 244:78
Responses to defects in pleadings
Generally, § 244:76 et seq.
Dismiss, motion to, § 244:78
Strike, motion to, § 244:77
Responses to defects in pleadings
Objections (this index)
Separate counts, § 244:6
Service of process, § 231:32
Specificity, § 244:4
Strike, motion to, § 244:77
Surrejoinder, § 244:70
Third-party claims, § 205:34 to 205:36
Verification of pleadings, § 244:8

PLEA IN ABATEMENT
Generally, § 244:45

PLEASURE USE
Automobile property insurance, § 156:89, 156:90

PLEASURE VEHICLES
Accident and life insurance, § 142:14, 142:20, 142:21

PLEDGES
See also Secured Transactions (this index)
Adjustment of losses, § 178:51
Property insurance, § 148:36

PLEURISY
Good health of insured, § 88:75

PLUMBING SYSTEM
Property insurance, § 155:59, 155:60, 155:72

PNEUMOCONIOSIS
Good health of insured, § 136:39

PNEUMONIA
Accident and life insurance, § 141:64
Good health of insured, § 88:76
POISONS AND POISONING
See also Accident and Life Insurance (this index)
Judicial notice of nature of poison, § 254:272
Property insurance, § 155:12

POLICE
See Law Enforcement and Other Public Officials (this index)

POLICIES, INSURANCE
Annulment of Policy (this index)
Applications (this index)
Best Evidence Rule (this index)
Binders and Binding Receipts (this index)
Blanket Policies (this index)
Commercial General Liability Policies (this index)
Concurrent Policies (this index)
Construction and Interpretation (this index)
Constructive Delivery of Policy (this index)
Delivery of Policy (this index)
Documentary Evidence (this index)
Exchange of Policies (this index)
Execution of Policy (this index)
Exhaustion of Primary Policy Limits (this index)
Fleet Policies (this index)
Floater Policies (this index)
Forms of Policies (this index)
Fur Floater Policies (this index)
Gift of Policy (this index)
Jewelry-Fur Floater Policies (this index)
Joint Policies (this index)
Legality of Policy (this index)
Loss of Policy (this index)
Master Policies (this index)
Medigap Policies (this index)
Model Policies (this index)
Mutual Benefit Society Policies (this index)
Nonconforming Policy (this index)
Pending Policy (this index)

POLICIES, INSURANCE—Cont’d
Premises Liability Policies (this index)
Prescribed Terms of Policy (this index)
Prior Surrender of Policy (this index)
Reading of Policy (this index)
Redelivery of Policy (this index)
Replacement of Policies (this index)
Retention of Policy (this index)
Second Policy (this index)
Sequential Policies (this index)
Single Policy (this index)
Standard Form of Policy (this index)
Standard Policies (this index)
Successive Insurance Policies (this index)
Surrender of Policy (this index)
Temporary Return of Policy (this index)
Umbrella Policies (this index)
Valued Policy (this index)

POLIO
Disability provisions, § 147:88

POLITICAL SUBDIVISIONS
See Municipal Corporations and Other Political Subdivisions (this index)

POLLUTION
Generally, § 127:1 to 127:15
See also Property Insurance (this index)
Absolute pollution exclusion
Generally, § 127:14, 127:15
Reasonable expectations and like doctrines, applicability of, § 127:15
Justiciability, § 227:39
Liability insurance, § 201:41 to 201:44
Marine insurance, § 137:101
Occurrence requirement, § 127:4
Original general exclusion
Generally, § 127:6 to 127:13
POLLUTION—Cont’d
Original general exclusion—Cont’d
Affirmative coverage provisions,
effect of, § 127:11
Events and injuries amounting to
pollution for purposes of exclusion, § 127:7
Knowledge of discharge, § 127:10
Ordinary course of business,
events in, § 127:10
Sudden and accidental release
exception, § 127:8 to 127:10
Terms, meaning of, § 127:12,
127:13
Relationship to other issues affecting
recovery for pollution, § 127:3
Subrogation, § 223:64
Sudden and accidental release exception,
§ 127:8 to 127:10

POLYGRAPH TESTS
Generally, § 253:288 et seq.
Admissibility of evidence
Daubert rule, § 253:294
Discretion of court, § 253:297
Insured’s claim, veracity of,
§ 253:293
Insurers’ handling of claim,
reasonableness of, § 253:296
Policy coverage questions,
§ 253:299
Prejudicial effect of improper admission, § 253:292
Stipulations, § 253:291
Stress analyzers, § 253:290
Admissions following refusal to take
test, § 253:301
Blood testing, § 253:303
Cooperation in investigation,
§ 253:300
Daubert rule, § 253:294
Discretion of court, § 253:297
Electrical testing, § 253:305
Insured’s claim, veracity of,
§ 253:293
Insurers’ handling of claim,
reasonableness of, § 253:296
Mechanical testing, § 253:305

POLYGRAPH TESTS—Cont’d
Neuropsychological testing,
§ 253:304
Oath, examination under, § 196:12
Prejudicial effect of improper admission,
§ 253:292
Psychological testing, § 253:304
Refusal to take test, admissions following,
§ 253:301
Reliability, § 253:298
Stipulation, admission under,
§ 253:291
Stress analyzers
Admissibility, § 253:290
Compared, § 253:289
Undisputed facts, § 253:302
Willingness to take test, § 253:300

POPULAR MEANING
Construction and interpretation,
§ 22:38

PORT
Marine insurance, § 221:48, 221:49,
221:78

POSESSION
Adjustment of Losses (this index)
Agency (this index)
Agents and Brokers (this index)
Automobile property insurance,
§ 156:13, 157:19, 157:21,
157:52
Automobiles and other motor
vehicles, § 177:5
Bailments, § 92:67
Beneficiaries, possession of policy,
§ 58:23, 58:27, 60:48
Change of possession, § 92:12,
92:52, 92:53
Description of goods in possession of
vendor or purchaser, § 20:43
Equitable remedies, § 232:190
Estoppel and waiver, § 194:80
Ignorance of Substance of Policy
Provisions (this index)
Insurable interest, § 42:44 to 42:71
Landlord and tenant, § 92:66
Limitation of actions, § 237:63
POSSSESSION—Cont’d
Marine insurance, § 183:89 to 183:91
Property insurance, § 154:70, 154:87, 154:88
Receivership, possession and disposition of existing assets, § 5:13
Reformation, nondelivery or lack of possession of policy, § 27:78
Repossession (this index)
Representations, warranties, and conditions, § 91:55 et seq.
Sales transactions, § 242:90
Title insurance, § 159:70
POSSIBLE EXCESS LIABILITY
Third-party claims, § 206:35
POSSIBLE RESUMPTION OF BUSINESS
Business interruption insurance, § 185:16
POST-CONTRACT MATTERS
Building additions or alterations, description of, § 20:31
POSTDATED CHECKS
Premiums and assessments, § 73:12
POST-INJURY EMPLOYMENT
See Workers’ Compensation (this index)
POST-INJURY MEDICAL MALPRACTICE
Subrogation, § 223:81
POST-LOSS DUTIES
Generally, § 186:1 et seq.
POST-LOSS POWERS
Agents and brokers, § 53:37 et seq.
Estoppel and waiver, limitation of actions, § 53:37, 53:38
POST OFFICE
See Mail and Mailing (this index)
POSTPONEMENT
Arbitration awards, § 213:60
POST-SALE ACTIVITY
Consumer protection, § 4:23
POWER EQUIPMENT
Use and occupancy, § 95:34, 95:35
POWER OF ATTORNEY
See also Agents and Brokers (this index)
Declaratory judgments, § 242:178
Property insurance, § 242:41
POWER OF SALE
Assignment, power of sale as including right to surrender, § 37:73
PREAPPEARANCE BONDS
See Security Bonds (this index)
PRECEDENT CONDITIONS
See Conditions Precedent (this index)
PRECIOUS METALS
Property insurance, § 148:43
PRECIOUS STONES
Property insurance, § 148:43
PRECLUSION
See also Prior Judgment (this index)
Attorney-client relationship, § 250:13
Estoppel and waiver, § 239:97
Fraud, § 239:136
Hearsay exclusion and exceptions, § 249:43 to 249:46
Prior judgment
Generally, § 239:7, 239:8, 239:11
Estoppel and waiver distinguished, § 239:17
Identity of issues, § 239:44, 239:45
Subrogation, § 224:5, 224:6, 224:26
PRECONDITION
Arbitration, appraisal, or submission agreements, § 210:49, 210:50
Payment, § 232:16
PRE-CONTRACT MATTERS
Fidelity insurance, § 160:26
PREDATED CHECKS
Premiums and assessments, § 73:12
PREDATED POLICY
See Premiums and Assessments (this index)

PREDECEASED HEIRS OR BENEFICIARIES
Generally, § 59:29, 61:32 et seq.
Exemption from claims of creditors, § 66:33

PREEMPTION
Jurisdiction of federal proceedings, § 229:9
Subrogation, § 223:139

PREEXISTING INFIRMITY, DISEASE, OR DISORDERS
Generally, § 136:60, 136:61
See also Incontestability Clause (this index)
Burden of proof, § 254:50
Credit insurance, § 167:41
Life, health, and disability insurance, § 207:48
Medical insurance, § 207:48

PREEXISTING LIABILITY
Premiums, § 74:5

PREFERENCES
See Priorities and Preferences (this index)

PREFERRED PROVIDER ORGANIZATIONS (PPO)
Medical insurance, § 144:10

PREGNANCY
Accident and life insurance, § 141:65
Good health of insured, § 88:80 to 88:82
Medical insurance, § 144:23, 144:48 to 144:51

PRE-JUDGMENT INTEREST
See Interest on Money (this index)

PREJUDICE OR BIAS—Cont’d
Automobile liability insurance, § 193:33, 193:43, 193:51
Burden of proof, § 193:30
Cancellation and rescission, delay and laches, § 31:103
Contract guaranty bonds, § 193:55, 193:56
Contractors’ performance bonds, § 164:36, 164:48, 164:82
Cooperation, § 199:74 to 199:79, 199:116, 199:135 to 199:139
Cure, § 244:125
Defense, § 200:55, 202:67 to 202:70
Discovery, § 251:28
Dismissal, § 247:9, 247:10
Erisa benefits, § 193:27
Estoppel and waiver, § 239:112 to 239:114
Evidence, generally, § 193:64 et seq.
Excess insurance, § 193:35, 193:45, 193:62
Excess liability insurance, § 193:72
Extreme breach of requirements, § 193:42
Fidelity bonds and insurance, § 193:40, 193:57, 193:74
Fraud, § 197:21, 197:22
Good-faith, § 198:55, 198:58
Guaranty, contract guaranty bonds, § 193:55, 193:56
Health and disability insurance, § 193:75
Immaterial prejudice, § 193:32
Iron safe clauses, inducing insured to incur cost or other prejudice, § 97:42
Labor and material bonds, § 193:56, 193:76
Laches, § 239:140
Liability Insurance (this index)
Life, health, and disability insurance, § 193:39, 193:47, 193:58
Limitation of actions, § 234:8
Marine insurance, § 193:59, 193:77
No-fault insurance, § 193:37, 193:54
Notice and proof of loss
Generally, § 189:45, 190:39, 193:28

Index-496
INDEX

PREJUDICE OR BIAS—Cont’d
Notice and proof of loss—Cont’d
Automobile liability insurance,
§ 193:33, 193:43, 193:51
Burden of proof, § 193:30
Contract guaranty bonds, § 193:55, 193:56
Degree of prejudice required,
§ 193:50
Delay
Generally, § 193:68 et seq.
Excess liability insurance,
§ 193:72
Fidelity bonds and insurance,
§ 193:74
Health and disability insurance,
§ 193:75
Labor and material bonds,
§ 193:76
Liability insurance, § 193:70, 193:71
Marine insurance, § 193:77
Proof, noncompliance of
requirements of, § 193:81
Property insurance, § 193:78
Reinsurance, § 193:80
Title insurance, § 193:79
Uninsured and underinsured
motorist insurance,
§ 193:73
Erisa benefits, § 193:27
Estoppel and waiver, § 195:43
Excess insurance, § 193:35, 193:45, 193:62
Excess liability insurance,
§ 193:72
Extreme breach of requirements,
§ 193:42
Fidelity bonds and insurance,
§ 193:40, 193:57, 193:74
Guaranty, contract guaranty bonds,
§ 193:55, 193:56
Health and disability insurance,
§ 193:75
Immaterial prejudice, § 193:32
Labor and material bonds,
§ 193:56, 193:76
Liability insurance

PREJUDICE OR BIAS—Cont’d
Notice and proof of loss—Cont’d
Liability insurance—Cont’d
Delay, § 193:70, 193:71
Presumed prejudice-insurer,
§ 193:43 to 193:45
Life, health, and disability insur-
Marine insurance, § 193:59, 193:77
Measure of prejudice required,
§ 193:50
No-fault insurance, § 193:37, 193:54
Noncompliance, generally,
§ 193:25 et seq., 193:32 et
seq.
Performance bond, § 193:55
Presumed prejudice
Generally, § 193:41 et seq.
Automobile liability insurance,
§ 193:43
Excess insurance, § 193:45
Extreme breach of requirements,
§ 193:42
Liability insurance, § 193:43 to
193:45
Life, health, and disability insur-
ance, § 193:47
Property insurance, § 193:48
Public liability insurance,
§ 193:44
Unexcused noncompliance,
§ 193:67
Uninsured and underinsured
motorist coverage,
§ 193:46
Property insurance
Generally, § 193:38, 193:60
Delay, § 193:78
Presumed prejudice to insurer,
§ 193:48
Public liability insurance,
§ 193:34, 193:44, 193:52
Questions of law or fact, § 193:31
Reinsurance, § 193:63, 193:80
Rule, generally, § 193:49 et seq.
State rules, § 193:27

Index-497
PREJUDICE OR BIAS—Cont’d
Notice and proof of loss—Cont’d
Timeliness, § 190:44
Title insurance, § 193:61, 193:79
Performance bond, § 193:55
Presumed prejudice, unexcused noncompliance, § 193:67
Property insurance. Notice and proof of loss, above
Public liability insurance, § 193:34, 193:44, 193:52
Questions of law or fact, § 193:31
Recoupment, § 226:110 to 226:113
Reformation, laches, § 27:67
Reinsurance, § 193:63, 193:80
State rules, § 193:27
Subrogation, § 224:166
Third-party claims, § 205:45 to 205:47
Title insurance, § 193:61, 193:79
Venue, § 230:92 to 230:95
Witnesses, § 252:88

PRELIMINARY CONTRACTS OF INSURANCE
Agents and brokers, § 51:32 et seq.
Limitation of actions, § 235:84
Premiums and assessments, preliminary term insurance, § 77:86

PRELIMINARY INJUNCTIONS
Medical insurance, § 181:6

PREMATURE ACTION
Defenses, § 245:108, 245:109
Limitation of actions, § 236:174

PREMATURE FILING OF ORIGINAL SUIT
Limitation of actions, § 237:34

PREMISES
Commercial liability insurance, § 201:70 to 201:72
Fidelity insurance, § 161:42

PREMISES—Cont’d
Liability insurance, § 201:39

PREMISES LIABILITY POLICIES
Medical payments, § 158:18
PREMIUMS AND ASSESSMENTS
Generally, § 69:1 et seq.
Abandonment, § 71:9, 75:3
Acceleration of payment, § 73:46
Acceptance or rejection
Checks, § 73:7 et seq.
Excuse for nonpayment, § 74:6
Iron safe clauses, § 97:38
Levy of assessment as affecting right to rejection of claims, § 70:31
Liens and encumbrances, § 93:57
Notes payable, § 73:32 to 73:35, 73:37, 73:38
Order on third party, § 73:17
Payment, generally, § 72:37
Pro rata liability when policy rejected after period of acceptance, § 74:2
Return of premiums, § 79:5
Use and occupancy, § 94:54
Actions against insurers, generally, § 242:202, 242:203
Additional premiums
Employer’s liability, § 74:14
Watchmen or guards, § 96:22
Address to which notice mailed, § 71:34
Advances
Agents and brokers, § 72:32
Collection, § 51:61, 51:62
Payment, generally, § 71:10
Agents and Brokers (this index)
Allocation or apportionment
Generally, § 72:3
Acceptance, pro rata liability when policy rejected after period of, § 74:2
Nonforfeiture provisions, proportionate reduction of
PREMIUMS AND ASSESSMENTS  
—Cont’d
Allocation or apportionment—Cont’d
benefits, § 77:114
Return of premiums, § 79:23
Workers’ compensation, § 225:187
Amount
  Generally, § 70:4 et seq.
  Cancellation and rescission, amount of premiums, § 32:54
  Construction and interpretation, consideration of premium amount, § 22:47
Limitation on amount of premiums and assessments, § 70:4, 74:39
Nonforfeiture benefits, amounts available for, § 77:84 et seq.
Notice, § 71:12 to 71:14, 71:24
Return of premiums, § 79:20 to 79:24
Antedated checks, § 73:12
Appeal and review
  Administrative review of rate determination, § 69:15
Collection of premiums, § 2:34
Arbitration, § 212:21
Armed forces, federal statutes protecting private insurance of persons in, § 77:26
Assignment (this index)
  Attorney in fact, § 242:206
  Attorneys’ fees, § 207:84
  Attorneys, forfeiture for nonpayment, § 78:18
Automatic forfeiture for nonpayment, § 76:17 to 76:22, 76:64 to 76:68, 77:82
Automatic nonforfeiture provisions, § 77:45 to 77:51
Automobile insurance, § 69:20
Avoidance of policy for nonpayment of premiums, § 75:41
Banks, use of bank as collecting agency, § 78:31
Beneficiaries
  Contribution to premium, § 58:18
  Forfeiture for nonpayment, § 76:63
  Liens and preferences, § 74:45

PREMIUMS AND ASSESSMENTS  
—Cont’d
Beneficiaries—Cont’d
Notice, § 71:22
Payment, generally, § 74:33
Return of premiums, § 79:12, 79:13, 79:32
Bills and notes
  Payment of premiums, generally, § 73:7 et seq., 74:25 et seq.
  Return of premiums, payment of premium notes, § 79:55 to 79:58
Blue notes, § 73:44
Brokers, prepayment of premiums, § 12:7, 12:14
Burden of proof
  Additional premium requirements, § 254:138
  Nonpayment, § 254:32
  Return requirements, § 254:87, 254:138
Cancellation and Rescission (this index)
Cash payment, generally, § 73:1 et seq.
Cash surrender value of policy, § 77:18 to 77:20, 77:36 et seq.
Certainty or definiteness of amount or date, notice, § 71:12, 71:13
Change or modification
  Extension of due date, § 51:64
  Rate changes, § 69:10, 69:18
  Representations, warranties, conditions, and concealment, change of premiums, § 85:19
Use and occupancy, § 94:30
Workers’ compensation and employers’ liability insurance, change in organizational form of employer, § 69:28
Checks, payment of premiums by, § 73:7 et seq., 73:53, 78:44
Children
  Nonforfeiture provisions, § 77:79

Index-499
PREMIUMS AND ASSESSMENTS
—Cont’d
Children—Cont’d
Return of premiums, § 79:36
Classification of risks and funds, § 70:19
Coinsurance Contracts (this index)
Collateral agreements, § 69:50
Collection of premiums
Appeal, effect of collection of premiums, § 2:34
Foreign insurers, § 3:15
Forfeiture for nonpayment, waiver and estoppel, § 78:28, 78:31, 78:35 to 78:41
Insurance agents, § 51:61, 51:62
Receiver ship, § 5:15
Commissions, discrimination or rebate, § 69:42
Community funds, § 74:36
Community property, contribution to premiums, § 64:5
Complaints, petitions, and declarations, § 244:35
Conditions precedent
Disability as excuse for nonpayment, § 75:25
Forfeiture for nonpayment, § 76:69 to 76:74, 77:64
Payment, generally, § 72:6 to 72:9
Prepayment, § 12:1
Return of premiums, § 79:3, 79:4, 79:59 et seq.
Conditions subsequent, disability as excuse for nonpayment, § 75:25
Consent, return of premiums, § 79:31
Consideration
Generally, § 73:29
Nonforfeiture provisions, § 77:38
Return of premiums, § 79:33
Constitutional law
Dues and assessments, § 70:2
Notes payable, § 73:30, 73:31
Uniformity of premiums, § 69:35

PREMIUMS AND ASSESSMENTS
—Cont’d
Construction and interpretation
Amount of premium, consideration of, § 22:47
Disability as excuse for nonpayment, § 75:16 et seq.
Forfeiture for nonpayment
Generally, § 76:4, 76:5, 76:48, 76:64, 76:65
Nonforfeiture provisions, § 77:39 to 77:42, 77:47
Notice, § 71:4
Uniformity of premiums, § 69:36 to 69:38
Contest of assessments, § 70:33 to 70:38
Continuation of liability
Expiration or termination of membership, § 70:25 to 70:28
Notes payable, § 74:27
Contractors’ payment bonds, § 165:177
Contractors’ performance bonds, § 164:110
Contracts
Formation of contract, § 17:6
Prepayment of premiums, § 12:6
Severability of contract, § 23:3
Contributions to premiums
Allocation of loss, § 217:5
Beneficiaries, § 58:18
Community property, § 64:5
Coownership and joint tenancy, § 68:24
Income taxes, employer contributions to accident and health plans, § 63:8, 63:25
Coownership and joint tenancy, § 68:24
Corporations
Payment, generally, § 72:26
Public corporations, § 74:23
Cost-plus plans, property owner contracting under, § 74:24
Costs and expenses
Dues and assessments, § 70:7
Workers’ compensation and employers’ liability insurance,
PREMIUMS AND ASSESSMENTS
—Cont’d
Disappearance of insured
Nonpayment, excuse of, § 75:14
Return of premiums, § 79:52
Discharge of notes, § 73:40, 73:53 to 73:58
Discretionary funds, use to satisfy claims, § 70:30

Discrimination
Nonforfeiture provisions, § 77:101
Notes payable, § 73:31
Return of premiums, § 79:46
Uniformity of premiums, § 69:33 et seq.

Dishonored checks, § 73:16
Disappearance, distribution of reserve funds, § 70:32
Distribution of reserve funds, § 70:32

Dividends (this index)
Divorce or separation, premium payments as evidence of intent, § 64:14

Documentary evidence, premium records as, § 253:180
Double deduction of debt, nonforfeiture provisions, § 77:115
Drafts, payment of premiums by, § 73:7 et seq.

Dues and assessments, § 70:1 et seq.
Electronic payment, § 72:17, 73:2

Employer and employee
Forfeiture for nonpayment, § 78:19
Income taxes, § 63:7, 63:8
Payment, liability for, generally, § 74:13, 74:14
Termination, order on third party, § 73:21
Employer’s liability insurance, § 69:21 to 69:32


Estoppel and waiver
see also rates and rating (this index)
Acceptance and retention, § 195:78, 238:87, 239:121, 239:122
Checks, § 73:10

PREMIUMS AND ASSESSMENTS
—Cont’d
Estoppel and waiver—Cont’d
Contest of assessments, § 70:37
Disability as excuse for nonpayment, § 75:21 to 75:23, 75:33, 75:34

Forfeiture for nonpayment
Generally, § 76:9, 78:2 et seq.
Dividends, § 77:12
Good standing, § 76:15
Grace period, waiver of, § 76:50
Notice, waiver of, § 76:34, 76:74
Paid-up policies, § 76:82
Partial payment, § 76:42
Forfeiture or termination of risk, liability for premium after, § 74:4 to 74:6

Group insurance, § 8:26, 8:28
Liens and preferences, § 74:50
Life insurance premiums, § 238:87
Notice, § 71:15 to 71:18
Notice and proof of loss, § 195:78
Payment, generally, § 72:36, 72:37
Prepayment of premiums, § 12:11 to 12:14

Reinstatement and revival, estoppel and waiver, § 33:104
Renewal, § 29:29
Representations, warranties, conditions, and concealment, § 85:19, 85:21
Retention of premiums, generally, § 239:121, 239:122
Return of premiums, § 79:38, 239:122

Use and occupancy, § 94:54

Evidence
Contest of assessments, § 70:35
Disability as excuse for nonpayment, § 75:24 to 75:29
Forfeiture for nonpayment, § 76:10, 78:7, 78:58, 78:59
Prepayment, § 12:8 to 12:9

Index-502
PREMIUMS AND ASSESSMENTS
—Cont’d
Evidence—Cont’d
Rates and rating, § 69:8
Return of premiums, § 79:54
Excess assessments, recovery of, § 232:182
Excess premiums
Cancellation and rescission, return of excess premiums, § 32:44
Payment, effect of, § 72:4
Exchange of policies, waiver of non-forfeiture provisions through, § 77:35
Excuse or justification
Delay or failure to make assessment, § 70:15
Group insurance, excuses for nonpayment of premiums, § 8:28
Nonpayment, § 75:1 et seq., 77:61, 77:62
Exemptions and exclusions
Creditors, exemption from claims of, § 66:33 et seq.
Members, exemption from liability, § 70:24
Nonforfeiture benefits, § 77:86
Return of premiums, excepted risks, § 79:67
Expiration
Continuation of liability for assessment after expiration of membership, § 70:25 to 70:28
Forfeiture for nonpayment, § 76:26, 76:40 et seq.
Extended insurance, nonforfeiture provisions, § 77:36 et seq.
Extension of time
Due date, § 51:64, 69:43
Forfeiture for nonpayment, § 76:26
Maturity of notes, § 73:47, 73:48
Extraterritorial application of notice requirements, § 71:5, 76:24
Facility of payment clause, § 61:24
Federal statutes protecting private insurance of persons in armed forces, § 77:26

PREMIUMS AND ASSESSMENTS
—Cont’d
Fees and dues, assessments distinguished from, § 70:3
Fidelity insurance, § 185:46, 185:65, 185:66
Fiduciaries, § 74:22
Finance companies, § 79:17
First and last day, inclusion or exclusion in computing time of payment, § 72:14
Foreign insurers
Collection of premiums, § 3:15
Return of premiums, § 79:28
Forfeiture
Nonpayment, § 76:1 et seq., 77:1 et seq.
Payment of premiums, generally, § 74:4 to 74:6
Fraternal benefit societies, § 72:7, 72:38 to 72:41
Fraud
Acceptance of premiums for non-existent policy, § 232:91
Defenses specific to liability on notes, § 75:42
Forfeiture for nonpayment, waiver and estoppel, § 78:3, 78:6, 78:13
Insured’s information to compute premium, § 232:107
Payor of premiums, health policies, § 242:172
Return of premiums, § 79:39 et seq., 79:57, 79:66
General liability insurance, § 172:66
Good-faith, § 198:21
Good health, prepayment while in, § 12:2
Goods, payment of premiums, § 73:4
Good standing, forfeiture for nonpayment, § 76:11 to 76:16
Governing law
Contest of assessments, § 70:33
Nonforfeiture statutes, § 77:29, 77:51, 77:106, 77:118
Notice, waiver of, § 71:17
Government and governmental bodies
Generally, § 74:23

Index-503
PREMIUMS AND ASSESSMENTS
—Cont’d
Government and governmental bod-
ies—Cont’d
Return of premiums, § 79:15,
79:33
Grace period
Disability insurance, § 190:121
Disability occurring during grace
period, § 75:19
Forfeiture for nonpayment, § 76:47
et seq.
Group insurance, § 8:25
Maturity of notes, § 73:49
Group insurance, § 8:24 to 8:29
Guaranty funds, § 77:13, 77:14
Holder of notes, defenses available
against, § 75:46
Holidays, premium due on, § 72:15
Honor of checks, § 73:8, 73:16
Immunity of government from
liability, return of premiums,
§ 79:33
Income taxes, § 63:3 et seq.
Incompetent or insane persons,
nonpayment of premiums,
§ 75:30, 77:75 to 77:79
Incontestability clause, § 240:33,
240:41, 240:84, 240:91
Increased premiums
Cancellation and rescission, notice,
§ 32:36
Lessee’s agreeing to pay increase
in insurance premiums,
§ 74:21
Return of premiums, § 79:45
Insolvency
Generally, § 74:7, 74:8, 74:30,
74:31
Liens and preferences, § 74:48,
74:49
Nonpayment, excuse for, § 75:8
Return of premiums, § 79:47 to
79:49
Installments
Generally, § 72:18
Forfeiture for nonpayment, § 76:6
Insurable interest, return of premiums
for lack of, § 79:30, 79:31

PREMIUMS AND ASSESSMENTS
—Cont’d
Insurance agents, § 242:205
Insurer, § 242:204
Interest on money
Forfeiture for nonpayment,
§ 76:49, 76:75 to 76:77,
77:108
Return of premiums, § 79:23,
79:24
Investigation and processing of
claims, § 78:57 to 78:61
Iron safe clauses, § 97:38
Irregular exercise of nonforfeiture
option as counteroffer, § 77:54
Joinder of parties, § 243:110,
243:111, 243:144, 243:145
Jurisdiction of federal proceedings,
§ 229:53
Lapse for nonpayment
Forfeiture, § 76:1, 80:5
Group insurance, lapse for nonpay-
ment of premiums, § 8:27
Lessee’s agreeing to pay increase in
insurance premiums, § 74:21
Levy of assessments, generally,
§ 70:11 et seq.
Liability for payment, generally,
§ 74:1 et seq.
Liens and encumbrances, § 93:57
Liens and preferences, § 74:40 et
seq.
Life Insurance (this index)
Limitation, § 70:4, 74:39, 175:60 to
175:62
Limitation of actions
Commencement of period,
§ 236:156, 236:158, 236:159
Enforcement of payment pursuant
to terms of contract, § 234:35
Insured, actions against, generally,
§ 234:73
Overpayments, § 234:54 to
234:57, 235:112
Unpaid premiums, § 234:72
Loans
Cancellation of policy and
recovery of premiums for

Index-504
PREMIUMS AND ASSESSMENTS
—Cont’d
Loans—Cont’d
  breach of loan agreement, § 80:15
  Disability occurring during grace period, § 75:19
  Discrimination or rebate, § 69:43
  Notes payable, § 73:56
  Third persons loaning money for premiums, § 74:35
Loan value of policy
  Forfeiture for nonpayment, § 77:5 to 77:17, 77:46
  Notes, payment of, § 73:56
Loss of policy as excuse for exercise of nonforfeiture option, § 77:62
Mail and mailing
  Generally, § 71:30 to 71:35, 71:40, 73:60 to 73:64
  Nonpayment of premiums, fault of post office as excuse, § 75:37
Managers, forfeiture for nonpayment, § 77:18
Maturity of notes, § 73:45 to 73:49
Medical insurance, § 180:21
Members’ liability for assessments, generally, § 70:21 et seq.
Misappropriated funds, payment of premiums with, § 74:37 to 74:39
Mistakes
  Generally, § 70:20
  Estoppel and waiver, nonpayment of premiums, § 78:53, 78:64
  Nonforfeiture benefits, erroneous statement of value, § 77:87
  Return of premiums, § 79:50, 79:51
Money or cash payment, generally, § 73:1 et seq.
Mortality tables, § 77:87
Mortgages and Deeds of Trust (this index)
PREMIUMS AND ASSESSMENTS
—Cont’d
Mutual Insurance and Insurance Companies (this index)
  Negotiation, § 74:10
  Nonforfeiture provisions, § 76:65, 77:25 et seq., 78:33
Nonpayment
  see also cancellation and rescission (this index)
  Burden of proof, § 254:32
  Defenses and excuses, § 75:1 et seq.
  Group insurance premiums, § 8:27, 8:28
  Mortgages and deeds of trust, § 65:53
Notice
  Generally, § 71:1 et seq., 80:49, 195:78
  Assignment, § 35:15
  Check, payment by, § 73:15
  Excuse for nonpayment, § 75:4, 75:5, 75:24 to 75:29
  Forfeiture for nonpayment
    Generally, § 76:23 et seq., 76:38
    Estoppel and waiver, § 78:4, 78:21, 78:35, 78:48, 78:49
    Loan value of policy, § 77:17
    Nonforfeiture provisions, § 77:59, 77:103
  Group insurance, § 8:27
  Order on third party, § 73:19
  Reinstatement and revival, § 33:111
  Return of premiums, § 79:54
Notice
  Agents and Brokers (this index)
    Notice and proof of loss, § 195:78
  Objection to assessments, actions to recover or contest assessments, § 70:34
Offer
  Collection of payments, offer to accept overdue payment, § 78:36
  Nonforfeiture option, acceptance as exercise of, § 77:53, 77:54

Index-505
PREMIUMS AND ASSESSMENTS —Cont’d
Officers and directors of insurance companies
Forfeiture for nonpayment, § 78:17
Notice, promise of officer or agent, § 51:65, 71:10, 71:11
Omissions, § 70:20
Options, § 77:1 et seq.
Order on third party, § 73:17 to 73:22
Other insurance, return of premiums, § 79:37
Overdue Premiums (this index)
Overvaluation, proportionate return of premiums for, § 79:23
Paid-up policies, forfeiture of, § 76:78 to 76:82, 77:36 et seq.
Partial payment, § 76:41, 76:42, 77:10, 77:11
Partnership, § 74:29
Payment
Burden of proof, § 254:26
Presumptions, § 254:190 et seq.
Payment, generally, § 72:1 et seq., 74:1 et seq.
Penalties, fees and similar consequences, § 69:53, 204:99
Place of payment, § 73:52, 78:30
Postdated checks, § 73:12
Predated policy
Payment, time of, § 72:13
Uniformity of premiums, § 69:45
Preexisting liability for premiums, § 74:5
Preferences, § 74:40 et seq.
Preliminary term insurance, § 77:86
Prepayment of premiums
Generally, § 12:1 et seq.
Conditions precedent, § 12:1
Credit, extension of, § 12:5, 12:9
Forfeiture for nonpayment, § 76:40
Good health, prepayment while in, § 12:2
Insurance agents or brokers, § 12:7
Proof, § 12:8 to 12:9
Renewal, § 29:22
Third-party payment or agreement to pay, § 12:6

PREMIUMS AND ASSESSMENTS —Cont’d
Prepayment of premiums—Cont’d
Waiver or estoppel, § 12:11 to 12:14
Presentment of checks, § 73:15
Presumptions, § 254:194
Profits
Generally, § 73:54
Forfeiture for nonpayment of premiums, § 77:3 to 77:12, 77:98
Promise of insurance agent, § 51:65, 71:10, 71:11, 78:62
Proof of payment or nonpayment
Generally, § 255:11 et seq.
Kind of evidence, § 255:12
Receipt, § 255:13
Receipt book, § 255:14
Publication of notice, § 71:36, 71:37, 71:41
Public corporations, § 74:23
Public policy, waiver of notice as violation of, § 71:15
Questions of law or fact
Generally, § 12:10, 51:67
Checks, § 73:10
Credit, extension of, § 73:27
Disability as excuse for nonpayment, § 75:35
Forfeiture for nonpayment
Generally, § 76:16, 76:46, 76:51, 77:2
Estoppel and waiver, § 78:8, 78:26, 78:56
Nonforfeiture provisions, § 77:58, 77:91, 77:106
Liens and preferences, § 74:51
Notice, § 71:2, 71:35
Payment, generally, § 72:5
Tender, § 72:23
Transmission of payment, § 73:65
Rates and Rating (this index)
Rebates
Return of premiums, § 79:46
Uniformity of premiums, § 69:33 et seq.
Receipt book, § 255:14
PREMIUMS AND ASSESSMENTS  
—Cont’d
Receipt for payment, § 73:14, 255:13
Receivership, § 5:15, 70:12, 74:8, 77:74
Reciprocal exchange’s attorney in fact, § 242:206
Records of insurer, effect of mailing to address shown on, § 71:34
Redeposit of checks, § 73:16
Reformation, § 27:38
Reinstatement and Revival (this index)
Reinsurance, return of premiums, § 79:10
Release, § 216:19, 216:20, 216:39
Renewal (this index)
Reorganization, return of premiums, § 79:47 to 79:49
Repayment of unearned premiums, § 70:9
Representations, warranties, conditions, and concealment
Concealment, generally, § 69:3 to 69:6
Conditions subsequent, disability as excuse for nonpayment, § 75:25
Estoppel and waiver, § 85:19, 85:21
Membership, loss during membership as condition-assessment, § 70:5 to 70:28
Payment of premiums, § 245:66 to 245:68
Return of premiums for breach of condition or warranty, § 79:35, 79:64, 79:65
Reserve fund, § 70:8, 70:32, 77:13, 77:14, 77:84 to 77:87
Retention of checks, § 73:16
Return of premiums
Generally, § 79:1 et seq.
Estoppel and waiver, § 79:38, 239:122
Insurers, actions against, § 242:202
Notes payable, § 73:58

PREMIUMS AND ASSESSMENTS  
—Cont’d
Return of premiums—Cont’d
Reinstatement and revival, estoppel and waiver, § 33:104
Release, consideration, § 216:19, 216:20
Venue, § 230:28
War and civil disturbances, § 239:149
Return of premiums
Cancellation and Rescission (this index)
Riders and endorsements, premium notes, § 18:23
Risk and premium as essentials of contract, § 69:2
Safety funds, § 77:13, 77:14
т Satisfaction of claims, use of discretionary funds for, § 70:30
т Service of process, § 231:33, 231:34
т Setoffs, actions to recovery or contest assessments, § 70:38
т Short-rate tables, return of premiums, § 79:22
т Sickness or illness, excuse for nonpayment of premiums, § 75:12, 75:16 et seq.
t Standing to object to assessment, § 70:34
т Subrogation, § 224:64, 224:66, 225:219
т Subsequent transferees of notes, defenses available against, § 75:46
т Substitution of notes, § 73:58
т Sundays and holidays, premium due on, § 72:15
т Superintendents, forfeiture for nonpayment, § 78:18
т Surrender of policy
Generally, § 69:47, 73:56
т Forfeiture for nonpayment, § 77:18 to 77:20, 77:36 et seq., 77:60 to 77:62, 77:116 to 77:118
т Return of premiums, § 79:4
т Suspension
Forfeiture for nonpayment, § 76:2 et seq.
PREMIUMS AND ASSESSMENTS
—Cont’d
Suspension—Cont’d
Risk, suspension, § 74:28
Tender, § 72:20 to 72:23, 73:51, 77:104
Termination
Continuation of liability for assessment after termination of membership, § 70:25 to 70:28
Employment termination, § 73:22
Excuse for nonpayment, § 75:7, 75:23
Forfeiture for nonpayment, termination of custom as basis for waiver and estoppel, § 78:23
Order on third party, § 73:21, 73:22
Return of premiums, § 79:27
Risk, liability after termination of risk, § 74:4 to 74:6
Term insurance, § 76:55, 77:86
Third persons
Liens and preferences, § 74:44 to 74:51
Notice, § 71:23
Order on third party, § 73:17 to 73:22
Time
Delay or failure to make assessment, excuse for, § 70:15
Disability as excuse for nonpayment, timeliness of notice or proof, § 75:28
Forfeiture for nonpayment, § 76:32, 76:62, 77:65 to 77:71
Payment, generally, § 72:10 to 72:19
Title and ownership
Cost-plus plans, owner of property contracting under, § 74:24
Misappropriated funds, owner of, § 74:37

PREMIUMS AND ASSESSMENTS
—Cont’d
Title insurance, § 159:36 to 159:38, 185:72
Transfer of assets, return of premiums, § 79:47 to 79:49
Transmission of payment, generally, § 73:59 et seq.
Ultra vires contracts, return of premiums, § 79:26
Uniformity of premiums, § 69:33 to 69:54
Use and occupancy
Buildings and structures, § 94:54
Changes, § 94:30
Usury, § 69:6
Value and valuation
Nonforfeiture benefits, determination of value of policy, § 77:84 et seq.
Return of premiums, proportionate return for overvaluation, § 79:23
Surrender value of policy, § 77:18 to 77:20, 77:36 et seq.
Variations in premium or benefit, § 69:44
Venue, § 230:28
Void or voidable contracts, return of premiums, § 79:25, 79:28 to 79:33
Voluntary payments made by third persons, § 74:32
Wages subject to order, § 73:20
War and civil disturbances, § 239:149
Watchmen or guards, § 96:22
Witnesses, § 252:89
Workers’ compensation, § 69:21 to 69:32

PREPAYMENT
See also Advances (this index)
Marine insurance, prepaid freight, § 183:216

PRESCRIBED TERMS OF POLICY
Subrogation, § 222:46

PRESCRIPTION DRUGS
Good health of insured, § 88:22
INDEX

PRESCRIPTION DRUGS—Cont’d
Medical insurance, § 181:67

PRESENCE
See Absence or Presence (this index)

PRESENTMENT OF CHECKS
Premiums and assessments, § 73:15

PRESERVATION OF DOCUMENTS
Sanctions, § 251:54

PRESERVATION OF FUNDS
Equitable remedies, § 232:185

PRESERVATION OF OBJECTION
Jurisdiction, § 228:15

PRESERVATION OF PROPERTY
Property policies, § 245:118

PRESUMPTIONS AND BURDEN OF PROOF
Generally, § 254:1 et seq.
Access to evidence and burden of proof, § 254:5
Accident, § 254:46
Accident and Life Insurance (this index)
Accident insurance
Generally, § 139:44, 139:64
Coverage questions, § 254:43 et seq.
Accord and satisfaction, § 254:139
Actual cash value, § 175:50
Admissions (this index)
Affirmative defenses, § 254:12
Affirmative of issue, assertions of, § 254:4
Age
Generally, § 86:6, 254:97
Recitals of, § 254:167
Agency
Generally, § 254:198
Burden of proof, § 254:140
Presumptions, § 254:198
Agents and Brokers (this index)
All-risk policies, § 254:15
Appeals, § 248:48, 248:49
Application information, presumptive knowledge of, § 254:174

PRESUMPTIONS AND BURDEN OF PROOF—Cont’d
Applications, signed, § 254:166
Arbitration, appraisal, or submission agreements, § 210:32
Arbitration awards, § 213:26, 213:28
Arbitrators, appraisers, and proceedings before them, § 211:67
Arson by insured, § 254:118 et seq.
Assessments, § 254:194
Assignment
Burden of proof, § 254:129
Consideration, presumptive, § 254:199
Assignment (this index)
Audits, § 254:99
Automobile liability insurance
Generally, § 254:54 et seq.
Valuation, § 254:82
Automobile Property Insurance
(this index)
Banker’s bond, § 254:64
Banks and banking, forgery, § 132:46
Beneficiaries (this index)
Beneficiary of establishment of particular issue, § 254:4
Benefit societies
Generally, § 254:88 et seq.
Expulsion, § 254:90
Good standing, § 254:89
Suspension, § 254:90
Business interruption insurance,
§ 185:17, 185:18, 254:67
Bylaw provisions, presumptive knowledge of, § 254:176
Bylaws as part of contract, § 254:29
Bylaws, presumption of continued validity of, § 254:159
Cancellation and Rescission (this index)
Cancellation of policy
Generally, § 254:31, 254:188
Defenses, § 254:33, 254:35
Cause of death
Burden of proof, § 254:44
Presumptions as to, § 254:152
Cause of disability, § 254:45
Cause of loss, § 254:41

Index-509
PRESUMPTIONS AND BURDEN OF PROOF—Cont’d
Change of beneficiary, § 254:124
Character, presumption of continuation of, § 254:163
Charter provisions, presumptive knowledge of, § 254:176
Cohabitation, presumption of continuation of, § 254:160
Coinsurance, § 220:13
Common law, § 204:39
Competency
Burden of proof, § 254:147
Presumptions, § 254:205
Conditions, § 254:93 et seq.
Conflicting presumptions, § 254:151
Construction contract guaranties, § 184:22, 254:68
Continuance of condition or status, § 254:158 et seq.
Contractors’ bonds, § 163:62
Contractors’ payment bonds, § 165:10
Contractors’ performance bonds, § 164:89
Contract surety, § 254:68
Contribution, § 218:40
Correctness, presumption of, § 254:165
Counterclaims, § 254:76
Coverage, burden of establishing, § 254:11 et seq.
Covered and uncovered risk allocations, § 254:75
Criminal acts, § 254:49
Crop insurance claims, § 254:83
Custom and usage, presumption that insurer knew of, § 22:52
Customs, presumptive knowledge of, § 254:176
Damages, § 254:42
Declaratory judgment actions, § 254:19
Defense, § 200:15
Definitional qualifiers, § 254:17
Degree of proof, § 254:14

PRESUMPTIONS AND BURDEN OF PROOF—Cont’d
Delay in acting on application, § 254:136
Delivery of Policy (this index)
Dependency, § 254:128
Dependency, presumptions re, § 254:196
Determining burden of proof, § 254:9
Deviations, § 254:112
Disability Insurance (this index)
Disability status, presumption of continuation of, § 254:158
Disappearance of property, presumptions, § 254:154
Domicile, presumption of continuation of, § 254:161
Encumbrance of property, § 254:109
Erisa actions, § 254:16
Estoppel, § 254:148
Estoppel and waiver, § 194:14
Excess policy status, § 254:38
Execution of statutory bond, § 254:169
Exemption from claims of creditors, § 66:17
Exemptions, exceptions, and exclusions, § 254:12, 254:13
Exemptions to exclusions, § 254:13
Existence of policy, § 254:21
Explosions, § 150:22
External circumstances limiting liability, § 254:73
Failure to obtain insurance, § 254:135
Fidelity Bonds and Insurance (this index)
Fidelity guaranty insurance
Generally, § 254:61 et seq.
Embezzlement, § 254:62
Loss valuation, § 254:77
Misappropriation, § 254:62
Presumptions as to missing funds, § 254:153
Fire insurance, § 149:56, 149:71
Fraud and Deceit (this index)
General liability insurance, § 254:52
Geographic limitations, § 254:52
Gift of policy, § 38:5
INDEX

PRESUMPTIONS AND BURDEN OF PROOF—Cont’d
Going forward, burden of, § 254:7
Good-faith, § 198:38, 198:42
Good health of insured
  Burden of proof, § 254:25
  Presumptions, § 254:186
Good Health of Insured (this index)
  Good standing, presumption of continuation of, § 254:162
Governing Law (this index)
  Group insurance
    Generally, § 254:16
    Eligibility, § 254:91
  Habit, presumption of continuation of, § 254:163
  Habits
    Generally, § 254:103
    Judicial notice, § 254:259, 254:277
  Hazards, § 254:104, 254:200
  Health insurance coverage questions, § 254:43 et seq.
  Hospital expenses, § 254:78
  Identity of parties, § 254:30
  Inferences, § 244:14, 246:24
  Innocence, presumption of, § 254:168
Insanity
  Burden of proof, § 254:147
  Presumptions, § 254:205
  Insolvency, § 254:121
  Instructions to jury, § 246:100
  Insurable interest, § 254:92
  Insurance industry standards, presumptive knowledge of, § 254:178
  Insureds and insurers, relative burdens, § 254:11 et seq.
  Insured’s participation in loss, § 254:118 et seq.
  Insurer’s misrepresentations in sale of insurance, § 254:133
  Integration of policy, presumption of, § 253:66
  Intentional act exclusions, § 254:47
  Intentions of parties to policies, § 254:187
  Intent, presumptions as to, § 254:171

PRESUMPTIONS AND BURDEN OF PROOF—Cont’d
Intoxication, § 254:48
Involvement in death of insured, § 254:127
Judicial Notice (this index)
  Judicial review, § 2:14
  Jurisdiction, § 254:141
  Knowledge presumptions
    Application information, § 254:174
    Bylaw provisions, § 254:176
    Charter provisions, § 254:176
    Customs, § 254:176
    Insurance industry standards, § 254:178
    Law, presumptive knowledge of, § 254:179
    Permissive use of vehicle, § 254:181
    Policy contents
      Beneficiary’s knowledge, § 254:177
      Insured’s knowledge, § 254:175
      Signature and, § 254:180
    Vehicle, permissive use of, § 254:181
  Known loss defense, § 254:122
  Law, presumptive knowledge of, § 254:179
  Liability insurance loss valuation, § 254:79
  Life insurance coverage questions, § 254:43 et seq.
  Limitation of actions, § 236:31, 236:65, 254:143
  Limitation of liability, § 254:72
  Loss of use, § 254:67
  Lost policy, § 254:28
  Mailing, § 254:201
  Marine insurance
    Generally, § 137:5, 137:48, 221:8, 254:65
  Valuation, § 254:85
  Marriage, presumption of continuation of, § 254:160
  Materiality of misrepresentations, § 254:173
PRESUMPTIONS AND BURDEN
OF PROOF—Cont’d
Materials delivered to worksite,
presumptive use of, § 254:207
Measurement of degree of loss,
§ 175:82, 175:92
Medical insurance, § 144:97, 180:14
Misrepresentations, § 254:94
Misrepresentations in sale of insurance,
§ 254:133
Missing property presumptions,
§ 254:154
Misstatements in applications,
§ 254:96
Modification of contract, § 25:27
Mutual benefit society certificates
limiting liability, § 254:74
Natural consequences of actions,
§ 254:172
Negligence of claimant, § 254:60
No-fault insurance
Generally, § 254:59
Valuation, § 254:80
Nominal status of party, § 254:18
Nonproduction of evidence,
§ 254:202
Notice and proof of loss
Generally, § 254:105, 254:203
Death presumed from unexplained
absence, § 189:78
Delivery of notice, § 188:33
Delivery of proof, § 188:40
Excuses to relieve from compliance,
§ 192:4
Timeliness, § 189:78, 190:11,
190:12
Notice or knowledge
Generally, § 188:33, 188:40,
189:78, 190:11, 190:12,
190:98, 192:4, 254:174 et seq.
Notice or knowledge
Proof of loss. Notice and proof of
loss, above
Occupancy, § 254:113
Occupation, § 254:107
Occurrence, § 254:53
Official acts, § 254:142
Omnibus clause coverage, § 254:55

PRESUMPTIONS AND BURDEN
OF PROOF—Cont’d
Oral contracts, § 254:22
Other insurance, § 254:108
Other insurance clauses, § 254:38
Ownership of policy
Burden of proof, § 254:126
Presumptions, § 254:204
Ownership of property, § 254:109
Payment of claims
Generally, § 254:26, 254:123,
254:190 et seq.
Assignee’s right to proceeds,
§ 254:129
Beneficiary payment to, § 254:123
Change of beneficiary, § 254:124
Dependency, § 254:127
Disqualification, § 254:127
Donee’s right to proceeds,
§ 254:130
Facility of payment clause,
§ 254:132
Involvement in death of insured,
§ 254:127
Nonpayment, § 254:32
Ownership of policy, § 254:126
Survivorship, § 254:125
Penalties, fees and similar consequences,
§ 204:59, 204:108,
204:109
Perils of the sea losses, § 254:156
Personal injury protection
Generally, § 254:59
Valuation, § 254:80
Pleading and proving duties
compared, § 254:6
Policy applicable at time of loss,
§ 254:37
Policy contents
Generally, § 254:182 et seq.
Cancellation, § 254:188
Delivery, § 254:185
Execution, § 254:185
Good health of insured, § 254:186
Intentions of parties to, § 254:187
**PRESUMPTIONS AND BURDEN OF PROOF—Cont’d**

Vacancy, § 254:113

Validity of policy, § 254:23, 254:189

**Value and Valuation** (this index)

Vehicles
- Age of, § 254:98
- Location or use, § 254:56
- Permissive use of, § 254:181

Venue, § 230:87, 254:141

Veracity, presumption of, § 254:165

Violations of law, § 254:49

Voluntary assumption of burden, § 254:20

Waiver, § 254:148

Warrants, § 254:93 et seq.

Windstorm loss, § 254:155

Workers’ compensation, § 173:15, 254:71

**PRETRIAL DISCOVERY**

See Discovery (this index)

**PREVAILING PARTY**

Costs of Action (this index)

**PREVENTIVE TONSILLECTOMY**

Medical insurance, § 181:29

**PREVENTIVE (PROPHYLACTIC) TREATMENTS**

Medical insurance, § 181:3

**PREVIOUS FIRES**

Fire insurance, § 149:60

**PREVIOUSLY PAID BENEFITS**

Disability insurance, § 182:30

**PREVIOUS WAIVERS**

Notice and proof of loss, § 195:30

**PRICE**

Construction contract guaranties, § 184:8, 184:9, 184:23 to 184:25

**PRICE FIXING**

Sherman act, § 4:11

**PRINCIPAL AND AGENT**

See Agency (this index)

**PRINCIPALS**

Risks covered under policies, § 131:59

**PRINTED CLAUSES**

Construction and interpretation, § 22:3

**PRIOR ACCIDENTS**

Subrogation, § 225:83

**PRIOR ACTIONS**

Equitable remedies, § 232:191

Fidelity Bonds and Insurance (this index)

Hearsay exclusion and exceptions, § 249:21

Limitation of Actions (this index)

**PRIOR ACTS**

Fidelity insurance, § 160:83, 160:84

Parol evidence rule, § 253:75

**PRIOR APPLICATIONS**

See Applications (this index)

**PRIOR ASSIGNMENT**

Waiver of defenses, consent as, § 36:66

**PRIOR BAD FAITH**

Settlement and compromise, § 203:44

**PRIOR CLAIMS**

Ignorance of substance of policy provisions, § 192:67

**PRIOR CONDITIONS**

Good health of insured, § 87:12 to 87:15

**PRIOR DEFAULTS**

Fidelity insurance, § 162:37

**PRIOR DEMAND**

Arbitration and appraisal, § 209:29

**PRIOR INSURANCE PROGRAMS**

Government insurance, § 10:20

**PRIORITIES AND PREFERENCES**

Actual cash value, § 175:24

Arbitration, § 212:22

Assignment (this index)
INDEX

PRIORITIES AND PREFERENCES—Cont’d
Automobile liability insurance, § 170:28
Contractors’ bonds, § 163:14
Contractors’ payment bonds, § 165:165
Contractors’ performance bonds, § 164:17, 164:77 to 164:79
General liability insurance, § 172:67
Insolvency (this index)
Marine insurance, § 221:87
Premiums and assessments, § 74:40 et seq.
Subrogation (this index)
Tax liens, § 63:56
Warranties, preferences against promissory warranties, § 81:15

PRIOR JUDGMENT—Cont’d
liability claim based on, § 239:66
Coparties, § 239:34, 239:35
Costs and fees associated with declaratory judgment, § 239:71
Criminal judgments as preclusive in later insurance actions
Generally, § 239:60 et seq.
Beneficiary accused of killing insured, § 239:62
Conviction relating to conduct other than that on which third party’s liability claim based on, § 239:66
Guilt not fully litigated, § 239:65
Intentional conduct, § 239:63 to 239:66
Juvenile proceedings, § 239:61
Liability insurance coverage, § 239:63 to 239:66
Repayment of proceeds to insurer for fraud or the like, insured seeking to resist, § 239:67
Willful conduct, § 239:63 to 239:66
Declaratory judgment as binding in later action between same parties, § 239:70, 239:71
Declaratory judgment as binding on injured parties and their insurers, § 239:68, 239:69
Default judgments, § 239:23
Defenses, § 239:74 to 239:76
De novo actions, § 239:6
Different policy coverages as separately maintainable claims, § 239:57
Disability, § 239:39, 239:46, 239:47
Dismissal under federal rules, § 239:26
Estoppel and waiver, § 239:97
Excess insurer, § 239:81
Federal rules, § 239:26
Finality of judgment, § 239:28, 239:29
Finding of coverage, § 239:77, 239:78
PRIOR JUDGMENT—Cont’d
Finding of liability, § 239:73 to 239:76
Fire insurance, § 239:49, 239:50
Former coparties, § 239:34, 239:35
Fraud, § 239:67, 239:78
Full and fair opportunity to litigate, § 239:22
Future installments for continuing disability, § 239:46, 239:47
Guilt not fully litigated, § 239:65
Identity of actions, § 239:38 to 239:41
Identity of issues
Generally, § 239:42 et seq.
Fire insurance, § 239:49, 239:50
Future installments for continuing disability, § 239:46, 239:47
Jurisdictional law, § 239:43
Life insurance, § 239:51
Preclusion when issues sufficiently identical, § 239:44, 239:45
Identity of parties
Generally, § 239:16, 239:30 et seq.
Former coparties, § 239:34, 239:35
Liability insurer and insured, § 239:34
Privity, generally, § 239:33 et seq.
Unnecessary parties, § 239:32
Intentional conduct, § 239:63 to 239:66
Issue preclusion, generally, § 239:8
Jurisdictional law, § 239:43
Juvenile proceedings, § 239:61
Knowledge of person bound, § 239:91
Law of the case, § 239:12
Liability insurance, § 239:34, 239:63 to 239:66, 239:80, 239:83
Life beneficiary, action between beneficiary and insurer, § 239:92
Life insurance, § 239:51
Merger, § 239:10
Merits, judgment on
Generally, § 239:22 et seq.
Consent judgments, § 239:25
Default judgments, § 239:23

PRIOR JUDGMENT—Cont’d
Merits, judgment on—Cont’d
Dismissal under federal rules, § 239:26
Full and fair opportunity to litigate, § 239:22
Other suit terminations, § 239:27
Settlements, § 239:24
Murder, § 239:62
Own volition, not party to declaratory judgment by, § 239:69
Payments, § 239:90, 239:91
Performance and payment bonds, § 239:90, 239:91
Post-loss duties, breach of, § 239:59
Preclusion
Generally, § 239:18 et seq.
Estoppel and waiver distinguished, § 239:17
Identity of issues, § 239:44, 239:45
Proceeds, § 239:67
Property insurance, § 239:85, 239:86
Repayment, § 239:67
Representative, § 239:92
Res judicata, § 239:9, 239:10, 239:14, 239:15
Restatement of judgments position, § 239:53
Restatement of the law of judgments, § 239:3
Same parties, § 239:70, 239:71, 239:87
Same underlying occurrence, § 239:40, 239:41
Second insurer, § 239:84
Settlements, § 239:24
Splitting cause of action, rule against
Generally, § 239:52 et seq.
Acquiescence of defendant as allowing actions to be split, § 239:56
Bad faith, § 239:59
Consequences, § 239:55
Different policy coverages as separately maintainable claims, § 239:57
Interests, § 239:55
INDEX

PRIOR JUDGMENT—Cont’d
Splitting cause of action, rule against
—Cont’d
Post-loss duties, breach of,
§ 239:59
Restatement of judgments position,
§ 239:53
Successive installments or
breaches, § 239:58
Successive installments or breaches,
§ 239:58
Termination of suit, § 239:27
Third party, judgment in action
between insured and
Generally, § 239:73 et seq.
Collusion, § 239:78
Contribution, § 239:84
Defense, insurer failed to provide,
§ 239:75
Defense, insurer provided,
§ 239:74
Defense, insurer withdrew from
defense due to conflict of
interest with insured,
§ 239:76
Excess insurer, § 239:81
Finding of coverage, § 239:77,
239:78
Finding of liability, § 239:73 to
239:76
Fraud, § 239:78
Liability insurer, § 239:80, 239:83
Other entities, later actions
between, generally, § 239:80
et seq.
Other insurer, § 239:86
Property insurance, § 239:85,
239:86
Second insurer, § 239:84
Umbrella insurer, § 239:81
Uninsured motorist insurer,
§ 239:82
Unrelated third parties, § 239:85
Third persons
Generally, § 239:66, 239:87 to
239:89
Action between injured third party
and insurer, § 239:87, 239:88

PRIOR JUDGMENT—Cont’d
Third persons—Cont’d
Action between injured third party
and one tortfeasor, § 239:89
Criminal judgments as preclusive
in later insurance actions,
§ 239:66
Torts, § 239:89
Umbrella insurer, § 239:81
Uninsured motorist insurer, § 239:82
Unnecessary parties, § 239:32
Unrelated third parties, § 239:85
Willful conduct, § 239:63 to 239:66
Withdrawal, § 239:76

PRIOR LIEN
Title insurance, § 185:90

PRIOR LOSS AND INDEMNITY
Representations, warranties, condi-
tions, and concealment, § 89:17
to 89:24

PRIOR NOTICE
Cooperation, § 199:125 to 199:127

PRIOR PAYMENTS
Settlement and compromise of claim,
§ 215:68 to 215:70
Workers’ compensation, § 173:64,
173:65

PRIOR SURRENDER OF POLICY
Notice, § 190:122

PRIVATE CONSTRUCTION
Contractors’ bonds, § 163:23

PRIVATE LIMITATIONS ON
AUTHORITY
Agents and brokers, § 48:27 to 48:29

PRIVATELY PURCHASED
DISABILITY BENEFITS
Uninsured and underinsured motorist
coverage, § 171:43

PRIVATE NURSE SERVICES
Medical insurance, § 181:52 to
181:54

PRIVATE PARTY FIDELITY
INSURANCE
Generally, § 242:132
PRIVATE REPORTS
Hearsay exclusion and exceptions, § 249:24

PRIVATE STRUCTURES
Description or identification, § 20:32

PRIVATE VEHICLES
Accident and life insurance, § 142:14, 142:20, 142:21

PRIVILEGED INFORMATION
See Confidential or Privileged Information (this index)

PRIVILEGES AND IMMUNITIES
Generally, § 250:1 et seq.
Agents and brokers, libel and slander, § 56:20, 57:75
Arbitrators, appraisers, and proceedings before them, § 211:15
Attorney-Client Relationship (this index)
Conditions of policy, § 245:72
Confidential or Privileged Information (this index)
Contractual waiver, § 250:63
Cross-examination, § 250:10
Defenses, § 239:153, 239:154
Direct Actions (this index)
Disclosure to insurer, § 250:64
Discovery, § 250:61, 251:27
Estoppel, § 238:84, 250:11
Evidence, inclusion of information in proof of loss, § 250:65
General liability insurance, § 172:22
Government privileges, § 250:42
Investigations, § 250:45
Jurisdiction of federal proceedings, § 229:64, 229:65
Later action, waiver in, § 250:48
Marital privilege, § 250:43
Objections, § 250:60, 250:61
Physical or independent medical examination, excuses for noncompliance, § 196:74
Physician-Patient Privilege (this index)
Premium return, governmental immunity from liability, § 79:33

PRIVILEGES AND IMMUNITIES—Cont’d
Proof of loss, inclusion of information in, § 250:65
Regulatory activity, § 250:45
Response to discovery request, failure to comply with rules, § 250:61
Return, § 250:46
Self-incrimination, § 196:20, 250:44
Service of process, § 231:14
Statutes, § 250:6, 250:45
Subrogation, § 223:52 to 223:54, 225:141
Substantial need as overcoming privilege, § 250:7
Tax return information, § 250:46
Third party, communication in presence of, § 250:62
Time, § 250:54
Waiver
Generally, § 250:6, 250:47 et seq.
Beneficiary, physician-patient privilege, § 250:51
Contractual waiver, § 250:63
Cooperate, duty to, § 250:59
Disclosure to insurer, § 250:64
Evidence, inclusion of information in proof of loss, § 250:65
Later action, waiver in, § 250:48
Object, failure to, § 250:60
Objection, failure to comply with rules, § 250:61
Physician-client protections, § 250:68, 250:69
Physician-patient privilege, § 250:50 to 250:52
Physician-patient protection, § 250:56, 250:58
Physicians, waiver as to one as waiver as to other, § 250:49
Proof of loss, inclusion of information in, § 250:65
Response to discovery request, failure to comply with rules, § 250:61
INDEX

PRIVILEGES AND IMMUNITIES
—Cont’d
Waiver—Cont’d
Third party, communication in
presence of, § 250:62
Time, § 250:54

PRIVITY
See also Prior Judgment (this index)
Mortgages and deeds of trust, § 65:23

PROCEEDS
Agents of insured, payment to,
§ 61:13
Assignment (this index)
Automobile property insurance,
§ 157:23, 157:85
Beneficiaries (this index)
Debtor, status of insurer as, § 61:2
Directed verdicts, § 247:41
Equitable remedies, § 232:186 to
232:189
Facility of Payment Clause (this
index)
Fidelity insurance, § 185:58
Guardians, payment to, § 61:10
Insurable interest, proceeds paid to
one lacking insurable interest,
§ 41:9
Knowledge of adverse claims,
§ 61:11
Limitation of actions
Commencement of period,
§ 236:155
Contractual limitation periods,
§ 235:16, 235:118
Negligent payment of proceeds,
§ 234:60
Reimbursement of policy
proceeds, § 234:74
Marine insurance, § 183:110,
183:111
Options as-payment, § 61:5 to 61:7
Payment, generally, § 61:1 et seq.
Prior judgment, § 239:67
Property insurance, § 242:57, 245:52,
245:53
Subrogation, § 224:128, 225:212

PROCESS AND SERVICE OF
PROCESS AND PAPERS
Generally, § 231:1 et seq.
Abode service, § 231:86
Adjusters, § 231:81
Agents and brokers
Generally, § 231:39, 231:40,
231:88
Accepting service of process,
§ 53:41
Foreign insurers, § 231:33, 231:34
Personal service, § 231:39, 231:40
Amendment, § 231:4
Appointed agent
Generally, § 231:68 et seq.
Additional requirements, § 231:71
Authority, § 231:74 to 231:77
Automatic appointment of
insured’s soliciting, collect-
ing, or general agent,
§ 231:69
Dissolution of insurer, § 231:77
Duration of authority, § 231:75 to
231:77
Notice, § 231:71
Revocation of authority, § 231:76
Statewide service, § 231:73
Venue, § 231:72
Arbitration, appraisal, or submission
agreements, § 210:27
Arbitrators, appraisers, and proceed-
ings before them, § 211:52
Associations, § 231:87
Automatic appointment of soliciting,
collecting, or general agent,
§ 231:69
Benefit societies, § 231:24
Causes of action arising within state,
§ 231:53, 231:61
Ceasing to do business, § 231:30
Civil procedure, § 231:93
Contract made elsewhere, § 231:36
Cooperation, § 199:34, 199:52,
199:122, 199:123
Corporations, § 231:87
County of service, § 231:89
Defect in service, waiver or estoppel
as to, § 231:21
Delivery of policy, § 231:35
PROCESS AND SERVICE OF
PROCESS AND PAPERS
—Cont’d
Dismissal, re-service after, § 231:4
Dissolution of insurer, § 231:77
Doing business, § 231:29 to 231:31
Enforcement, § 231:13
Estoppel and waiver, § 231:20, 231:21, 231:67, 238:81
Evidence
Facts and circumstances to be proved, § 231:102
Foreign insurers, sufficiency of proof, § 231:32
Proof of service, § 231:100 to 231:102
Exclusive methods of service of process
Foreign insurers, § 3:30
State officer, service on, § 231:45
Statutory method, § 231:45
Excuses for noncompliance, § 231:97, 231:98
Extension of time in case of removal from state court, § 231:99
Extracounty of service, § 231:90
Facts and circumstances to be proved, § 231:102
Federal courts
Generally, § 231:11 et seq., 231:92 to 231:95
Enforcement of lien against personal property (28 u.s.c.a. 1655), § 231:13
Foreign immunities act (fia), § 231:14
Foreign insurers, § 231:26
Removal of action from state to federal courts, § 231:15
State, service provided by, § 231:12
Federal rules of civil procedure, § 231:93
Foreign countries, § 231:16, 231:17
Foreign immunities act (fia), § 231:14
Foreign insurers
Generally, § 231:25 et seq.

PROCESS AND SERVICE OF
PROCESS AND PAPERS
—Cont’d
Foreign insurers—Cont’d
Agent for service of process, § 3:26 to 3:34
Agents and brokers, § 231:33, 231:34
Amenability to service, generally, § 231:28 et seq.
Ceasing to do business, § 231:30
Collecting premiums, § 231:33, 231:34
Contract made elsewhere, § 231:36
Delivery of policy, § 231:35
Doing business, generally, § 231:28 et seq.
Evidence, sufficiency of, § 231:32
Federal court rules, § 231:26
In forum, covering risks, § 231:36
Issuance of policies, § 231:35
Issuing policies, § 231:33, 231:34
Payment of claims, § 231:38
Pleading, sufficiency of, § 231:32
Qualifying to do business, § 231:29, 231:31
Reinsurance, § 231:37
State, issuance or delivery of policy within, § 231:35
Strict compliance with statutes, § 231:27
In forum, covering risks, § 231:36
Forwarding of process by state officer to insurer, § 231:47, 231:48
General agent, § 231:69, 231:79
Geographic area of service, generally, § 231:89 et seq.
Immunities, § 231:14
Improper service, § 231:46
Incontestability clause, § 240:96
Individuals, § 231:86
Insurers, service requirements as to, generally, § 231:22 et seq.
Issuance of policies, § 231:33 to 231:35
Judgment from other jurisdiction, objections in action on, § 231:19

Index-520
INDEX

PROCESS AND SERVICE OF PROCESS AND PAPERS
—Cont’d
Jurisdiction, § 231:19
Liens, § 231:13
Limitation of actions, § 237:5
Limitation of authority, § 231:53, 231:61, 231:84
Limitations, time, § 231:96 to 231:99
Liquidation, insurers in, § 231:23
Local agents, § 231:81
Mail and mailing, § 231:8, 231:41
Managing agent, § 231:79
Missing insured, personal service upon agents, § 231:40
Multiple statutory service provisions, § 231:83
Nationwide service, § 231:94, 231:95
Need to service, § 231:3, 231:4
Notice, § 231:71
Objections, § 231:18, 231:19
100-mile provision of federal rules of civil procedure, § 231:93
Ordinary agent
Generally, § 231:78 et seq.
Adjusters, § 231:81
Authorization, generally, § 231:78 et seq.
Brokers, § 231:82
Duration of authority, § 231:85
General agent, § 231:79
Limitation of authority, § 231:84
Local agents, § 231:81
Managing agent, § 231:79
Multiple statutory service provisions, § 231:83
Person in charge of business, § 231:80
Physicians, § 231:81
State, actions arising within, § 231:84
Outside state, § 231:91
Partnerships, § 231:87
Payment of claims, § 231:38
Personal property, § 231:13
Personal service upon agents, § 231:39, 231:40
Physicians, § 231:81

PROCESS AND SERVICE OF PROCESS AND PAPERS
—Cont’d
Pleading, sufficiency of, § 231:32
Premiums, § 231:33, 231:34
Presumption of proper service, § 231:6
Presumption that return of service is correct and truthful, § 231:101
Publication, § 231:9, 231:42
Qualifying to do business, § 231:29, 231:31
Receivership, insurers in, § 231:23
Registered agents, § 231:56
Reinsurance, § 231:37
Removal from state court, § 231:15, 231:99
Re-service, § 231:4
Return, § 231:101
Revocation of authority, § 231:76
Soliciting agent, § 231:69
State, actions arising within, § 231:84
State as party to action, § 231:58
State court, removal of action from, § 231:15, 231:99
State, issuance or delivery of policy within, § 231:35
State officer, service upon
Generally, § 231:43 et seq.
Agent, appointment of state official as
Generally, § 231:55 et seq.
Causes of action arising within state, § 231:61
Duration of authority, § 231:62
Limitation of authority, § 231:61
Necessity, § 231:59
Registered agents, § 231:56
State as party to action, § 231:58
Statutes, § 231:55
Agent, automatic appointment by operation of law
Generally, § 231:63 et seq.
Estoppel of insurer to deny appointment, § 231:67
Persons benefiting from, § 231:65
Statute, § 231:63, 231:64

Index-521
PROCESS AND SERVICE OF PROCESS AND PAPERS
—Cont’d
State officer, service upon—Cont’d
Agent, automatic appointment by operation of law—Cont’d
Uniform unauthorized insurers act, § 231:64
Variation of statutory appointment by policy, § 231:66
Causes of action arising within state, § 231:53
Estoppel of insurer to deny appointment, § 231:67
Exclusive means of service, statutory method as, § 231:45
Forwarding of process by state officer to insurer, § 231:47, 231:48
Improper service, § 231:46
Limitation of authority, § 231:53, 231:61
Registered agents, § 231:56
State as party to action, § 231:58
Statutes, generally, § 231:50 et seq.
Substitute service, § 231:49
Uniform unauthorized insurers act, § 231:64
Validity of service, § 231:3, 231:48
Venue, § 231:52, 231:72
Viability of other modes of service, § 231:51
Waiver, § 231:20, 231:21
War and civil disturbances, § 239:147

PROCESSORS
Description of goods, wares, and merchandise, § 20:41, 20:47

PRODUCTION OF BODY
Burial insurance, § 167:61

PRODUCTION OF BOOKS, DOCUMENTS, AND RECORDS
Generally, § 196:34 to 196:48
Availability of records, § 196:42
Breach, generally, § 196:45 et seq.
Burden of proof, § 196:39
Condition, breach precluding recovery, § 196:47
Cooperation clause, breach of, § 196:46
Cure of breach, § 196:48
Demand, § 196:41
Estoppel and waiver, § 194:40, 238:44
Excuses for refusal
Generally, § 196:40 et seq.
Availability of records, § 196:42
Failure to keep records, § 196:43
Loss of records, § 196:42
Objection to scope of demand, § 196:41
Objection to time or place, § 196:40
Repudiation of liability, § 196:44
Waiver, § 196:44
Inspection, § 251:9 to 251:12
Intent, § 196:36
Iron safe clauses, § 97:22, 97:23, 97:29
Material issues, § 196:37
Noncompliance, generally, § 196:45 et seq.
PRODUCTION OF BOOKS, DOCUMENTS, AND RECORDS—Cont’d
Notice of intent to examine, § 196:36
Objection to scope of demand, § 196:41
Objection to time or place, § 196:40
Persons subject to requirement, § 196:35
Protective orders, § 251:45
Reputation of liability, § 196:44
Sanctions, § 251:58
Subsequent willingness to comply, § 196:48
Sufficiency of records produced, § 196:38
Waiver, § 196:44
Willingness, § 196:48
PRODUCTS
See Jurisdiction (this index)

PRODUCTS LIABILITY INSURANCE
Cancellation and rescission, § 30:27
Commercial liability insurance, § 201:78
General liability insurance, § 172:76
Jurisdiction, § 228:39
Trigger concept, § 191:16 to 191:18

PROFESSIONAL LIABILITY INSURANCE
Generally, § 1:35
Commercial liability insurance, § 201:60 to 201:66
Liability policies, § 242:30
Representations, warranties and conditions, § 100:34

PROFESSIONAL OR HABITUAL APPRAISERS OR ARBITRATORS
Prejudice or bias, § 211:35

PROFESSIONAL RESPONSIBILITY
Conflict of interest, § 202:21

PROFESSIONALS
Generally, § 131:1 to 131:59
See also Disability Insurance (this index)

PROFESSIONAL SERVICES
Commercial liability insurance, § 201:74
Contractors’ payment bonds, § 165:74
General liability insurance, § 172:17, 172:18

PROFESSIONAL SERVICES CONTRACTS
Generally, § 1:21

PROFITS
Generally, § 185:33
Accident and life insurance, § 142:79
Agents and brokers, secret profits, § 46:45
Consequential damages, § 178:19
Description of subject matter, § 20:58
Fidelity insurance, § 185:38
Insurable interest, § 42:12
Lost Profits Insurance (this index)
Marine insurance, § 183:14, 183:127, 183:128
Premiums and Assessments (this index)
Repair or replace, option to, § 176:52
Third-party claims, § 205:88
Use and occupancy insurance, § 185:23

PROFIT-SHARING
Disability insurance, § 182:36
Insurable interest, § 41:29

PROGRESSIVE DAMAGE
Limitation of actions, § 236:23

PROMISE
Assignment of promise to marry, § 36:25
Complaints, petitions, and declarations, § 244:31, 244:32
Equitable remedies, § 232:140

Index-523
PROMISE—Cont’d
Interest on money, consideration for promise to pay compound interest, § 80:35
Liability policies, § 242:28
Limitation of actions
Commencement of period, § 236:148
Contractual limitation periods, § 235:115
Promise to make future settlement, breach of, § 234:61
Property insurance, § 242:57
Subrogation, § 225:303
Trust, promise to create, § 67:21, 67:22

PROMISSORY ESTOPPEL
Medical insurance, § 181:12
Recoupment, § 226:104

PROMISSORY NOTES
See Bills and Notes (this index)

PROMISSORY WARRANTIES
Generally, § 81:14, 81:15

PROMOTERS
Fidelity insurance, § 160:47

PROMPTNESS
Automobile liability insurance, § 190:47
Excess insurance, § 190:85
Marine insurance, § 190:82
No-fault insurance, § 190:63
Notice and proof of loss, § 186:13
Uninsured and underinsured motorist coverage, § 190:52

PROOF OF FACTS—Cont’d
Cause of loss
Notice and Proof of Loss (this index)
Character Evidence (this index)
Competency, § 255:103
Condition of person, proof of, § 255:96 et seq.
Contracts (this index)
Custom and course of dealing, § 255:108
Dependency, proof of, § 255:96
Direct and Positive Proof (this index)
Disease (this index)
Documentary Evidence (this index)
Employment status, § 255:97 et seq.
False swearing Examination Under Oath (this index)
Fidelity bonds and insurance, § 255:37 et seq.
Financial condition, § 255:100
Forgery (this index)
Fraud and Deceit (this index)
Health (this index)
Identity Description or Identification (this index)
Illness (this index)
Insurable interest, § 255:104 et seq.
Judicial Notice (this index)
Multiple Proofs (this index)
Notice and Proof of Loss (this index)
Obligation, § 191:73 et seq.
Ownership, § 255:109
Payment of premium, Premiums and Assessments (this index)
Presumptions and Burden of Proof (this index)
Sanity, § 140:93
Settlement, reasonableness of, § 203:42
Standard of Proof (this index)
Status of person, proof of, § 255:96 et seq.
Value and Valuation (this index)
Vehicle ownership, § 255:110
INDEX

PROPER DEFENDANTS
Joinder of parties, § 243:110

PROPER PARTIES
Declaratory judgments, § 242:180
Joinder of parties
Generally, § 243:3
Corporate misconduct, § 243:114
Receivership action, § 243:116
Reimbursement, § 243:113

PROPERTY
Equitable remedies, § 232:147
Jurisdiction (this index)
Recoupment, § 226:91 to 226:93
Subrogation, § 225:277, 225:278
War and civil disturbances, § 239:148
Witnesses (this index)

PROPERTY DAMAGE
Jurisdiction, § 228:37, 228:68
Subrogation, § 223:86
Witnesses, § 252:65 to 252:67

PROPERTY INSURANCE
Generally, § 1:37, 148:1 et seq.
Ability to cause damage, windstorm, § 153:9
Accessions to insured property, § 148:28
Accidental discharge, § 155:57
Actual notice of loss, § 187:108
Adjacent property, excavation of adjacent or nearby property, § 153:72
Admissions, statements constituting Generally, § 254:243
Scope of admission, § 254:253
Aircraft insurance
Generally, § 151:17, 151:18, 155:18 et seq.
Bad weather conditions, § 155:35
Bailment, § 155:37 to 155:39
Burden of proof, § 155:24
Causal relationship, § 155:23
Certification, pilot certification, § 155:22
Charge for charter, lease or rental of aircraft, § 155:38
Charter, § 155:37 to 155:39

PROPERTY INSURANCE—Cont’d
Aircraft insurance—Cont’d
Civil authority, § 155:20
Collision or crash, § 155:34
Condition of aircraft, § 155:40
Conversion, § 155:36
Costs, reimbursement of operating costs, lease or rental of aircraft, § 155:38
Damage by aircraft, § 155:98
Definitions, taxiing defined, § 155:27
Designated persons, § 155:30, 155:31
Evidence, § 155:24
Exclusions of certain classes of pilots, § 155:29
Flight risk, § 155:26
Government regulations as-licensing, § 155:21 to 155:24
Ground risk, § 155:25
Hijacking, § 155:36
Lease or rental of aircraft, § 155:37 to 155:39
Licensing regulations, § 155:21 to 155:24
Limitations, territorial limitations on use, § 155:33
Logged hours, § 155:31
Mechanical failure, § 155:40
No benefit to bailee provisions, § 155:39
Operating costs, reimbursement of operating costs, lease or rental of aircraft, § 155:38
Personal property and fixtures, § 148:38
Pilot certification, § 155:22
Qualifications of persons, § 155:30
Questions of law or fact, § 155:24
Reimbursement of operating costs, lease or rental of aircraft, § 155:38
Rental of aircraft, § 155:37 to 155:39
Student pilots, § 155:32
Sufficiency of evidence, § 155:24
Taxiing defined, § 155:27
PROPERTY INSURANCE—Cont’d
Aircraft insurance—Cont’d
Territorial limitations on use,
§ 155:33
Theft, § 155:36
Time, logged hours, § 155:31
Weather, bad weather conditions,
§ 155:35
Alarms, § 148:70, 151:53
All-risk coverage
Generally, § 148:50 et seq.
Bowing, § 148:55
Burden of proof, § 148:52
Collapse of building, § 148:54 to
148:56
Contributory and concurrent
causes, § 148:62
Cracking, § 148:55
Exceptions and exclusions,
§ 148:68
External cause requirement in all-
risk insurance, § 148:59
Fault or negligence of insured,
§ 148:65, 148:66
Habitation, § 148:56
Home damage comprehensive
coverage, § 148:53 to 148:56
Presumptions and burden of proof,
§ 254:15
Proximate cause, § 148:58
Pulling away, § 148:55
Ammonia, § 155:86
Animals, § 148:37, 153:85, 155:96
Appliances, § 155:59
Appraisal, § 245:77, 245:113
Appurtenant structures, § 148:23
Area or building, property in,
§ 148:16
Arrival at destination, § 154:49 to
154:51
Assignment, § 187:114, 243:39
Attachment, § 232:201
Attendance, § 151:84
Attendance of property, § 154:39
Attended, required that vehicle be,
§ 154:76
Attorney-client relationship, § 250:27
Attorney in fact as agent, § 242:41

PROPERTY INSURANCE—Cont’d
Automobile
Bailment of property, § 154:75 to
154:77, 154:102
Damage by, § 155:98
Force or violence, visible marks,
§ 151:57
Off-road vehicles pertaining to
service, § 148:39
In or on vehicle, § 148:40
Personal property and fixtures,
§ 148:38
Stolen vehicle, § 151:92
Unattended vehicle, § 151:82,
151:91, 151:92
Unattended vehicles, § 154:75 to
154:77
Vandalism and malicious mischief,
§ 155:95
Automobile Property Insurance
(this index)
Averment, sufficiency of, § 245:45
Away from premises, § 151:73
Bad faith, § 242:156, 242:157
Bad weather conditions, § 155:35
Bailment of property
Generally, § 154:1 et seq., 155:37
to 155:39, 187:110
Aircraft insurance, § 155:37 to
155:39
Arrival at destination, § 154:49 to
154:51
Attendance of property, § 154:39
Attended, required that vehicle be,
§ 154:76
Bailee’s customers insurance
Generally, § 154:26 et seq.
Departure from terms of bail-
ment, § 154:31
Exceptions, § 154:32
Fire insurance, § 154:33 to
154:35
Liability of insured, § 154:35
Location of property, § 154:29
Receipted property, § 154:28
Trust, property held in,
§ 154:33, 154:34
Beneficiary, fault of, § 154:71
Bill of lading, § 154:52
PROPERTY INSURANCE—Cont’d
Bailment of property—Cont’d
Exemptions, exceptions, and exclusions—Cont’d
Employees, actions of, § 154:40
Faulty workmanship or design, § 154:41
Inherent vice, § 154:41
Latent defects, § 154:41
Malicious mischief, § 154:38
Motor carrier’s cargo insurance, § 154:16, 154:17
Public conveyance, § 154:39
Theft or pilferage, § 154:38 to 154:40
Vandalism and malicious mischief, § 154:38
Workmanship, faulty workmanship or design, § 154:41
External cause, § 154:60, 154:92
Family, property of, floater policies, § 154:66
Farmers’ equipment insurance, § 154:96
Fault of insured or coinsured, § 154:67, 154:71
Faulty workmanship or design, § 154:41
Federal statute or program, § 154:23
Fire insurance, § 154:33 to 154:35
Floater policies, § 154:64 to 154:67
Freight charge for extra baggage, payment of, § 154:88
Fur, jewelry-fur floater policies, § 154:64 to 154:67
Geographic scope of coverage, § 154:9
In hands of carrier, exceptions for property, § 154:77
Hoisting, § 154:103
Inherent vice, § 154:41
Intent to make further shipment, § 154:50
Jeweler’s block policies
Generally, § 154:68 et seq.
Attended, required that vehicle be, § 154:76

PROPERTY INSURANCE—Cont’d
Bailment of property—Cont’d
Jeweler’s block policies—Cont’d
Beneficiary, fault of, § 154:71
Coinsured, fault of insured or coinsured, § 154:71
Conversion, § 154:74
 Custody or possession, § 154:70
Delivery, § 154:69, 154:74
Dishonest act of persons entrusted with jewels, § 154:74
Display, window display provisions, § 154:72
Employees, delivery to employees, § 154:74
Entrustment, § 154:69
Exclusions and limitations
Generally, § 154:73 et seq.
Attended, required that vehicle be, § 154:76
Conversion, § 154:74
Delivery to employees, § 154:74
Dishonest act of persons entrusted with jewels, § 154:74
Employees, delivery to employees, § 154:74
Exceptions for property in hands of carrier, § 154:77
In hands of carrier, § 154:77
Mode of shipment, § 154:78
Mysterious disappearance, § 154:73
Theft, § 154:74
Trust, dishonest act of persons entrusted with jewels, § 154:74
Unattended vehicles, § 154:75 to 154:77
Unexplained loss, § 154:73
Upon vehicle, person required to be, § 154:75
In vehicle, person required to be, § 154:75
Vehicles, unattended vehicles, § 154:75 to 154:77
PROPERTY INSURANCE—Cont’d
Bailment of property—Cont’d
Jeweler’s block policies—Cont’d
Fault of insured or coinsured,
§ 154:71
In hands of carrier, exceptions
for property, § 154:77
Location of loss, § 154:69
Mysterious disappearance,
§ 154:73
Possession, § 154:70
Representations, relationship to,
§ 154:68
Theft, § 154:74
Trust, § 154:69, 154:74
Unattended vehicles, § 154:75
to 154:77
Unexplained loss, § 154:73
Upon vehicle, person required to
be, § 154:75
In vehicle, person required to be,
§ 154:75
Vehicles, unattended, § 154:75
to 154:77
Warranties, relationship to,
§ 154:68
Window display provisions,
§ 154:72
Jewelry-fur floater policies,
§ 154:64 to 154:67
Latent defects, § 154:41
Liability insurance, relationship to,
§ 154:6
Liability of insured, § 154:35
Loading and hoisting, § 154:103
Location of goods, § 154:24,
154:80
Location of loss, § 154:69, 154:85
Location of property, § 154:29
Malicious mischief, § 154:38
Merchandise for sale, § 154:81
Misplacement of goods, § 154:62
Mobile equipment, § 154:97
Mobile home transportation or
anchoring, § 154:102
Motor carrier’s cargo insurance
Generally, § 154:11 et seq.
Collision, damage by, § 154:17
PROPERTY INSURANCE—Cont’d
Bailment of property—Cont’d
Motor carrier’s cargo insurance
—Cont’d
Construction and interpretation,
§ 154:12
Exclusions, § 154:16, 154:17
Limitations, § 154:16, 154:17
Persons covered, generally,
§ 154:14
Property covered, generally,
§ 154:15
Statute, effect of, § 154:13
Upset, § 154:17
Mysterious disappearance,
§ 154:73
Negligence, § 154:60
Non-delivery of goods, § 154:61
Oil well drilling rigs, § 154:98
Overloading, § 154:59
Overturning and upset, § 154:56,
154:57, 154:93
Owner, insurance procured by,
generally, § 154:37 et seq.
Partial delivery, § 154:49
Personal property floater policies,
§ 154:64 to 154:67
Pilferage, § 154:63
Poles, communications equipment,
§ 154:99
Possession, § 154:70, 154:87,
154:88
Protection of damaged property,
§ 154:10
Proximate cause, § 154:92
Public conveyance, § 154:39
Railroad cars and parts, § 154:101
Receipted property, § 154:28
Recreational vehicles, § 154:102
Representations, relationship to,
§ 154:68
Residents of same domicile, prop-
erty of, floater policies,
§ 154:66
Sale, merchandise for, § 154:81
Salesperson, traveling
salesperson’s sample insur-
ance, § 154:79 to 154:81

Index-529
PROPERTY INSURANCE—Cont’d
Bailment of property—Cont’d
Samples, traveling salesperson’s sample insurance, § 154:79 to 154:81
Satellites, communications equipment, § 154:99
Self-propelling equipment, § 154:95
Statutes, § 154:13, 154:19, 154:23
Theft, § 154:38 to 154:40, 154:63, 154:74
Tourist’s property insurance
Generally, § 154:82 et seq.
Causes of loss covered, § 154:89
Checking property with carrier, § 154:88
Freight charge for extra baggage, payment of, § 154:88
Location of loss, § 154:85
Personal effects, § 154:84
Possession of carrier, property in, § 154:87, 154:88
Property covered, generally, § 154:83
Transportation, method of, § 154:86
Towers, communications equipment, § 154:99
Train, derailment, § 154:58
Transportation insurance
Generally, § 154:42 et seq.
Arrival at destination, § 154:49 to 154:51
Bill of lading, § 154:52
Carrier, nature of, § 154:46
Collision, § 154:55
Construction and interpretation, § 154:43
Conveyance, damage to, § 154:58
Custody and control requirements, § 154:45
Definition of in transit, § 154:48
Delay in commencement of transit, § 154:54
Delivery and partial delivery, § 154:49
PROPERTY INSURANCE—Cont’d
Bailment of property—Cont’d
Transportation insurance—Cont’d
Delivery, non-delivery of goods, § 154:61
Delivery to wrong person, § 154:51
Derailment, § 154:58
Documents of title, § 154:52
External cause of damage, § 154:60
Intent to make further shipment, § 154:50
Misplacement of goods, § 154:62
Negligence, § 154:60
Non-delivery of goods, § 154:61
Other articles, damage from, § 154:59
Overloading, § 154:59
Overturning and upset, § 154:56, 154:57
Partial delivery, § 154:49
Persons covered, § 154:42
Pilferage, § 154:63
Property covered, generally, § 154:44 to 154:46
Theft, § 154:63
Train, derailment, § 154:58
In transit, generally, § 154:47 et seq.
Upset, § 154:56, 154:57
Wrong person, delivery to, § 154:51
Traveling salesperson’s sample insurance, § 154:79 to 154:81
Trust, § 154:33, 154:34, 154:69, 154:74
Unattended vehicles, § 154:75 to 154:77
Unexplained loss, § 154:73
Upon vehicle, person required to be, § 154:75
Upset or overturning, § 154:17, 154:56, 154:57, 154:93
Vandalism and malicious mischief, § 154:38
In vehicle, person required to be, § 154:75

Index-530
PROPERTY INSURANCE—Cont’d
Bailment of property—Cont’d
Warehouseman’s insurance
Generally, § 154:18 et seq.
Condition of warehouse,
§ 154:25
Federal statute or program,
§ 154:23
Lessee, coverage of, § 154:21
Location of goods, § 154:24
Owner, coverage of, § 154:21
Persons covered, generally,
§ 154:20, 154:21
Statutes, § 154:19, 154:23
Warehouseman, coverage of,
§ 154:20
Warehousing agreement,
§ 154:22
Warehousing agreement, § 154:22
Warrants, relationship to,
§ 154:68
Window display provisions,
§ 154:72
Wires, broadcasting equipment,
§ 154:99
Workmanship, § 154:41
Wrong person, delivery to,
§ 154:51
Bankruptcy, § 242:36, 242:52
Beneficiary, § 154:71, 242:33
Bill of lading, § 154:52
Blanket coverages, § 148:27
Boats, damage by, § 155:98
Bodily injury, § 151:26
Boiler and machinery insurance
Generally, § 150:23 et seq.
Adjustment of machinery,
§ 150:35
Breakdown or breaking
Generally, § 150:29 et seq.
Accident, generally, § 150:29 et seq.
Adjustment of machinery,
§ 150:35
Causation, § 150:34 to 150:37
Corrosion as cause, § 150:34
Cratering, § 150:33

PROPERTY INSURANCE—Cont’d
Boiler and machinery insurance
—Cont’d
Breakdown or breaking—Cont’d
Defective condition or adjustment of machinery,
§ 150:35
Gradual breaking as cause,
§ 150:34
Mechanical breakdown,
§ 150:31
Parts, breaking into, § 150:32
Precautionary slowing or stopping of machinery,§ 150:36
Stopping of machinery, § 150:36
Sudden breaking, § 150:30
Causation, § 150:34 to 150:37
Corrosion as cause, § 150:34
Cratering, § 150:33
Defective condition or adjustment of machinery, § 150:35
Description of other machinery or equipment, generally,
§ 150:26
Evidence, § 150:38, 150:39
Explosion, § 150:27, 150:28
Gradual breaking as cause,
§ 150:34
Mechanical breakdown, § 150:31
Parts, breaking into, § 150:32
Precautionary slowing or stopping of machinery, § 150:36
Questions of law or fact, § 150:38
Rupture, § 150:27, 150:28
Stopping of machinery, § 150:36
Sudden breaking, § 150:30
Sufficiency of evidence, § 150:39
Waiver and estoppel, § 150:40
Bowing, § 148:55
Broadcasting equipment, § 154:99
Builder’s risk insurance
Generally, § 155:42 et seq.
Contractual loss, § 155:45
Design, faulty design or workmanship, § 155:46
Exclusions, § 155:46 to 155:48
Faulty design or workmanship, § 155:46
PROPERTY INSURANCE—Cont’d
Builder’s risk insurance—Cont’d
Physical damage to property,
§ 155:45
Property covered, generally,
§ 155:43
Questions of law or fact, § 155:49
Subcontractor’s property, § 155:44
Subrogation, § 224:41
Theft, § 155:48
Weather, § 155:47
Workmanship, faulty design or workmanship, § 155:46

Burden of proof
Generally, § 254:66
Aircraft insurance, § 155:24
All-risk coverage, § 148:52
Burglary, theft, and larceny, § 151:38, 151:98
Lightning, § 153:44
Rain and flood, § 153:47
Tornado, hurricane, and windstorm, § 153:25
Valuation, § 254:81

Burglary, theft, and larceny
Generally, § 151:1 et seq.
Aircraft, § 151:17, 151:18
Aircraft insurance, § 155:36
Alarm, activation of, § 151:53
Attendance, § 151:84
Automobile, marks on, § 151:57
Away from premises, § 151:73
Bailment of property, § 154:38 to 154:40, 154:63, 154:74
Bodily injury, § 151:26
Builder’s risk insurance, § 155:48
Burden of proof, § 151:38, 151:98

Causation
Generally, § 151:10 et seq.
Aircraft, § 151:17, 151:18
Bodily injury, § 151:26
Burglary, generally, § 151:30, 151:31
Cognizance of custodian, acts within, § 151:27, 151:28
Color of title, § 151:13
Common law, § 151:11
Conversion, wrongful, § 151:33

PROPERTY INSURANCE—Cont’d
Burglary, theft, and larceny—Cont’d
Causation—Cont’d
Custodian, acts within cognizance of, § 151:27, 151:28
Definitions, § 151:11, 151:14
Direct loss, § 151:12
Embezzlement, § 151:33
False pretenses, § 151:34
Forgery, § 151:34
Found goods, retention of, § 151:23
Fraud, obtaining property by, § 151:16, 151:29
Hijacking aircraft, § 151:18
Holdup, § 151:32
Intent to deprive owner, § 151:15
Larceny, generally, § 151:23 et seq.
Order to return, failure to obey, § 151:19
Pilferage, § 151:35
Ransom and reward, payment of, § 151:21
Repossession, § 151:20
Return property, failure to, § 151:19
Robbery, generally, § 151:25 et seq.
Statutes, § 151:11
Theft, generally, § 151:14 et seq.
Trickery, § 151:24
Vandalism, § 151:31
Voluntary parting with property, § 151:34
Wrongful conversion, § 151:33
Civil commotion, § 151:94
Cognizance of custodian, acts within, § 151:27, 151:28
Coinsured, fault of coinsured, § 151:6
Color of title, § 151:13
Common law, § 151:11
Construction and interpretation, § 151:3, 151:50

Index-532
PROPERTY INSURANCE—Cont’d
Burglary, theft, and larceny—Cont’d
Contributing cause, force as,
§ 151:51
Conversion, wrongful, § 151:33
Co-residents, § 151:87
Criminal law, § 151:3
Custodian, § 151:27, 151:28,
151:79
Custody of property at time of loss,
§ 151:83 to 151:85
Definitions, § 151:11, 151:14
Door, § 151:58
Embezzlement, § 151:33
Employee, § 151:63, 151:83,
151:85
Entrance, public, § 151:59
Entry by force or violence,
§ 151:45 to 151:47
Evidence
   Generally, § 151:95 et seq.
   Burden of proof, § 151:98
   Force of entry or violence,
   § 151:97, 151:102
   Interference of theft, § 151:100
   Marks and force of entry,
   § 151:97
   Ownership or title, claim of,
   § 151:101
   Questions of law or fact,
   § 151:95 to 151:97
   Sufficiency of evidence,
   § 151:99 to 151:102
   Tools or explosives, § 151:96
   Violence, § 151:102
Exemptions, exceptions, and
exclusions
   Generally, § 151:42, 151:43,
   151:86 et seq.
   Civil commotion, § 151:94
   Co-residents, § 151:87
   Key or lock manipulation,
   § 151:93
   Lock, key or lock manipulation,
   § 151:93
   Looting, § 151:94
   Precautions, failure-take,
   § 151:89 to 151:92
   Records, none existing, § 151:8
PROPERTY INSURANCE—Cont’d
Burglary, theft, and larceny—Cont’d
Exemptions, exceptions, and
exclusions—Cont’d
Riot, § 151:94
Tenants, § 151:87
Third persons, property in posses-
sion of, § 151:8
Vehicle, stolen, § 151:92
Vehicle, unattended, § 151:91,
151:92
Watchman or other person, pres-
ence of, § 151:90
False pretenses, § 151:34
Fault of coinsured, § 151:6
Force or violence
   Generally, § 151:44 et seq.
   Alarm, activation of, § 151:53
   Automobile, marks on, § 151:57
   Building door, marks on,
   § 151:58
   Building, occupation of part of,
   § 151:59
   Construction and interpretation,
   § 151:50
   Contributing cause, force as,
   § 151:51
   Door of building, marks on,
   § 151:58
   Employee, instruments of,
   § 151:58
   Entrance, public entrances,
   § 151:59
   Entry by, § 151:45 to 151:47
   Entry by force or violence,
   § 151:45 to 151:47
   Force or violence
   Generally, § 151:44 et seq.
   Alarm, activation of, § 151:53
   Automobile, marks on, § 151:57
   Building door, marks on,
   § 151:58
   Building, occupation of part of,
   § 151:59
   Construction and interpretation,
   § 151:50
   Contributing cause, force as,
   § 151:51
   Door of building, marks on,
   § 151:58
   Employee, instruments of,
   § 151:58
   Entrance, public entrances,
   § 151:59
   Entry by, § 151:45 to 151:47
   Entry by force or violence,
   § 151:45 to 151:47
   Force or violence
   Generally, § 151:44 et seq.
   Alarm, activation of, § 151:53
   Automobile, marks on, § 151:57
   Building door, marks on,
   § 151:58
PROPERTY INSURANCE—Cont’d
Burglary, theft, and larceny—Cont’d
Force or violence—Cont’d
Safes, § 151:56, 151:65 to 151:67
Tools or explosives
Generally, § 151:60 et seq.
Employee, instruments of, § 151:63
Inner safes, § 151:66, 151:67
Keys and locks, § 151:62
Locks, § 151:62
Marks by, § 151:62 to 151:64
Outer and inner safes, § 151:66
Safes, § 151:65 to 151:67
Unlocked areas, § 151:46
Validity, § 151:49
Visible marks
Generally, § 151:49 et seq.
Alarm, activation of, § 151:53
Automobile, marks on, § 151:57
Building door, marks on, § 151:58
Building, occupation of part of, § 151:59
Construction and interpretation, § 151:50
Contributing cause, force as, § 151:51
Door of building, marks on, § 151:58
Entrance, public entrances, § 151:59
Keys, use of, § 151:53
Location of marks, generally, § 151:55 et seq.
Lock, damage to, § 151:54
Proximate cause, force as, § 151:51
Public entrances, § 151:59
Safe, marks on, § 151:56
Validity, § 151:49
Forgery, § 151:34
Found goods, retention of, § 151:23
Fraud, obtaining property by, § 151:16, 151:29

PROPERTY INSURANCE—Cont’d
Burglary, theft, and larceny—Cont’d
Hijacking aircraft, § 151:18
Holdup, § 151:32
Inner safes, § 151:66, 151:67
Intent to deprive owner, § 151:15
Interference of theft, § 151:100
Intimidation, § 151:47
Inventory, § 151:43
Limitations, time of loss, § 151:68, 151:69
At location, § 151:78, 151:79
From location, § 151:78, 151:79
To location, § 151:78, 151:79
Location of property
Away from premises, § 151:73
Custodian’s deviation from route, § 151:79
Limitations, generally, § 151:70 et seq.
At location, § 151:78, 151:79
From location, § 151:78, 151:79
To location, § 151:78, 151:79
Messenger, carriage by, § 151:80 to 151:82
Within premises, § 151:73
Qualifications and restrictions, § 151:73 to 151:76
Safe or vault, § 151:75, 151:76
Show windows, § 151:74
In transit, generally, § 151:77 et seq.
Validity of restriction on place of loss, § 151:71
Vault, safe or vault, § 151:75, 151:76
Vehicle, unattended, § 151:82
Windows, show windows, § 151:74
Looting, § 151:94
Marks and force of entry, § 151:62 to 151:64, 151:97
Messenger, carriage by, § 151:80 to 151:82
Mysterious disappearance
Generally, § 151:36 et seq.
PROPERTY INSURANCE—Cont’d
Checking property with carrier,
§ 154:88
Checks, § 148:41
Civil authority
Generally, § 155:20
Aircraft insurance, § 155:20
Livestock insurance, § 155:17
Civil authority, loss by order of,
§ 152:22 to 152:31
Civil commotion, § 151:94
Claimant, relationship to insured
property, generally, § 245:47 et seq.
Cleaning materials, fumes from,
§ 155:87
Cognizance of custodian, acts within,
§ 151:27, 151:28
Coinsured, fault of, § 151:6, 154:67,
154:71
Cold, § 153:19 to 153:22
Collision
Collision, newly-constructed
property, § 154:61
Collision
Aircraft insurance, § 155:34
Bailment of property, § 154:17,
154:55, 154:94, 154:95
Color of title, § 151:13
Commercial property distinguished,
§ 148:13, 148:14
Commercial Property Insurance
(this index)
Common law, § 151:11
Communications equipment,
§ 154:99
Community property, § 242:45
Concurrent causes, § 148:61, 148:62
Condemnation, § 41:14
Conditions of policy
Generally, § 245:74 et seq.
Appraisal, § 245:77
Consen of insured, § 245:75
Iron safe clause, § 245:76
Occupancy conditions, § 245:78
Title of insured, § 245:74
Conduct of insured or other persons,
§ 155:61
Consent, § 245:52, 245:75
PROPERTY INSURANCE—Cont’d
Consequential damage ensuing from
covered loss, § 155:82
Consequential harm, § 153:15
Consequential loss, § 153:34, 153:39,
153:40
Consignment, § 242:86, 242:87
Construction and interpretation
Generally, § 148:6
Bailment of property, § 154:12,
154:43
Burglary, theft, and larceny,
§ 151:3, 151:50
Improper construction, § 153:23,
153:71
Construction, newly-constructed
property, § 148:21
Contamination
Generally, § 155:79 et seq.
Ammonia, § 155:86
Cleaning materials, fumes from,
§ 155:87
Refrigeration system leaks,
§ 155:86
Exclusions and limitations,
§ 155:80, 155:83
Extermination, § 155:87
Fumes from cleaning materials,
§ 155:87
Gasoline, oils, and other fuels,
§ 155:85
Leaks, refrigeration system leaks,
§ 155:86
Liability insurance, relationship to,
§ 155:79
Refrigeration system leaks,
§ 155:86
Contract, § 242:32
Contractual loss, § 155:45
Contributing cause
Burglary, theft, and larceny,
§ 151:51
Lightning, § 153:41
Proximate cause, generally,
§ 148:61, 148:62
Index-536
PROPERTY INSURANCE—Cont’d
Contributing cause—Cont’d
Tornado, hurricane, and windstorm, § 153:14
Conversion, § 151:33, 154:74, 155:36
Conveyance, damage to, § 154:58
Co-owners of insured property, § 242:48 to 242:50
Co-residents, § 151:87
Corrosion, § 153:80, 153:81, 155:63
Costs, reimbursement of operating costs, § 155:38
Cracking, § 148:55
Creditors, § 242:56 to 242:58
Criminal law, § 151:3
Custodian
Acts within cognizance of, § 151:27, 151:28
Deviation from route, § 151:79
Custody of property
Bailment of property, § 154:45, 154:70
Burglary, theft, and larceny, § 151:83 to 151:85
Customers, sprinkler system insurance, § 155:75
Cyclones, § 155:77
Damage, physical loss or damage, § 148:46
Date of judgment against insured for loss, § 191:84
Debt, § 245:52, 245:53
Decay and rot, § 153:80, 153:81
Defects
Design or workmanship, § 153:78
Plate glass insurance, § 155:55, 155:56
Defenses
Generally, § 245:95 to 245:98
Appraisal, refusal to submit loss to, § 245:113
Change of interest, § 245:117
Conditions of policy
Generally, § 245:113 et seq.

PROPERTY INSURANCE—Cont’d
Defenses—Cont’d
Conditions of policy—Cont’d
Appraisal, refusal to submit loss to, § 245:113
Change of interest, § 245:117
Hazard, increase of, § 245:115
Iron safe clause, § 245:116
Preserve property, failure to, § 245:118
Vacancy, § 245:114
Hazard, increase of, § 245:115
Iron safe clause, § 245:116
Preserve property, failure to, § 245:118
Vacancy, § 245:114
Definitions
Burglary, theft, and larceny, § 151:11, 151:14
Hail, § 153:33
Lightning, § 153:38
Taxiing, § 155:27
In transit, § 154:48
Vandalism and malicious mischief, § 155:92
Delay in commencement of transit, § 154:54
Demand for proof as trigger, § 191:82, 191:83
Departure from terms of bailment, § 154:31
Derailment, § 154:58
Designated persons, § 155:30, 155:31
 Destruction of securities, § 155:100
Deterioration, § 153:80, 153:81, 155:63
Direct loss, § 148:60
Disclosure, § 242:46, 242:47
Discovery of loss as trigger, § 191:80
Dishonest act of persons entrusted with jewels, § 154:74
Display, window display provisions, § 154:72
Documents of title, § 154:52
Door of building, marks on, § 151:58
Double recovery, § 175:6
Draining, § 155:66

Index-537
PROPERTY INSURANCE—Cont’d

Driven waters, § 153:56
Drought, subsidence due to, § 153:73
Dwelling, § 148:22
Earthquake or earth movement
  Generally, § 153:64 et seq.
  Adjacent property, excavation of adjacent or nearby property, § 153:72
Causation, generally, § 153:65
Construction as improper, § 153:71
Drought, subsidence due to rainfall or drought, § 153:73
Ensuing loss, § 153:70
Excavation of adjacent or nearby property, § 153:72
Expansion, § 153:69
Fire, § 153:70
Frost heave, § 153:76
Landslide, § 153:68
Rain and flood, § 153:61, 153:73
Settling, § 153:69
Shrinking, § 153:69
Sinkhole, collapse into, § 153:75
Subsidence due to rainfall or drought, § 153:73
Subsidence due to water line rupture, § 153:74
Water line, subsidence due to water line rupture, § 153:74
Election, § 245:98
Electrical service, interruption of, § 153:22
Electronic data, § 154:3
Embezzlement, § 151:33, 245:41
Employee
  Bailment of property, § 154:40, 154:74
  Burglary, theft, and larceny, § 151:63, 151:83, 151:85
Enclosure of property, § 153:52
Endorsement, § 242:34
Ensuing loss, § 153:70, 153:82, 155:58, 155:82
Entrance, public, § 151:59
Entrustment, § 154:69
Entry by force or violence, § 151:45 to 151:47

PROPERTY INSURANCE—Cont’d

Environmental damage claims, § 148:49
Escaping animals, § 155:7
Estate beneficiary, § 187:111
Evidence
  Generally, § 186:32
  Aircraft insurance, § 155:24
  Bailment of property, proof of loss, § 187:110
  Lightning, § 153:43, 153:44
  Rain and flood, § 153:47
  Excavation of adjacent or nearby property, § 153:72
Exemptions, exceptions, and exclusions
  Generally, § 148:67 et seq.
  Aircraft insurance, § 155:29
  Alarms, § 148:70
  All-risk coverage, § 148:68
  Builder’s risk insurance, § 155:46 to 155:48
  Contamination, § 155:80, 155:83
  Defective design or workmanship, § 153:78
  Design, defective design or workmanship, § 153:78
  Earth movement, § 153:64 et seq.
  Exception from exclusions for ensuing loss from water damage, § 153:82
  Faulty workmanship, § 153:79
  Hazard, increase of, § 148:71, 148:72
  Plate glass insurance, § 155:54
  Pollution, § 155:80, 155:83
  Precautions, § 148:69, 148:70
  Snow and ice, § 153:20
  Sprinkler system insurance, § 155:76, 155:77
  Sprinkler systems, § 148:70
  Temperature and humidity extremes, § 153:83
  Tornado, hurricane, and windstorm, § 153:18
  Vacancy and unoccupancy, § 148:73 to 148:75
  Vandalism and malicious mischief, § 155:93
PROPERTY INSURANCE—Cont’d
Exemptions, exceptions, and exclusions—Cont’d
Waiver and estoppel, § 148:75
Water damage, § 153:82, 155:67
to 155:69, 155:71, 155:72
Workmanship, § 153:78, 153:79
Expansion, § 153:69
Explosions, § 150:1 et seq., 155:53, 155:54, 155:69
Extent of damage, ignorance of existence or character of loss, occurrence or accident, § 192:26
Extent of loss, § 245:46, 245:96
Extermination, § 155:87
External cause, § 154:60, 154:92
Failure—provide proof as affecting rights of other parties, § 187:112 to 187:114
Fallen building, § 148:25
False pretenses, § 151:34
Family, property of, § 148:8, 154:66
Farmers’ equipment insurance, § 154:96
Fault of co-insured, § 151:6, 154:67, 154:71
Faulty design or workmanship, § 155:46
Faulty workmanship, § 153:79, 154:41
Federal statute or program, § 154:23
Fire
see also fire insurance (this index)
Earthquake or earth movement, § 153:70
Livestock insurance, § 155:8
Plate glass insurance, § 155:52, 155:54
Termination of, § 191:81
Fire Insurance (this index)
Flight risk, § 155:26
Floater policies, § 148:27, 154:64 to 154:67
Foreign jurisdiction, § 243:43
Forgery, § 151:34
Forms, receipt of forms as trigger, § 191:83
PROPERTY INSURANCE—Cont’d
Fortuitous losses, § 148:57
Foundation, seepage through, § 155:68
Found goods, retention of, § 151:23
Fraud and Deceit (this index)
Freezing pipes, § 155:66
Freight charge for extra baggage, payment of, § 154:88
Frost heave, § 153:76
Frozen pipes, § 153:21
Fumes from cleaning materials, § 155:87
Fungi, § 153:86
Fur, jewelry-fur floater policies, § 154:64 to 154:67
Future goods and rights insurable interest in, § 41:15
Gasoline, oils, and other fuels, § 155:85
General liability insurance, § 172:26, 172:27, 172:75
Geographic scope of coverage, § 154:9
Government regulations as-licensing, § 155:21 to 155:24
Grain, § 148:42
Ground risk, § 155:25
Habitability, § 148:56
Hail
Generally, § 153:30 et seq.
Consequential losses, § 153:34
Crops, § 153:32, 153:35
Definition, § 153:33
Ice, relation to, § 153:33
Maturity of crops, § 153:35
Questions of law or fact, § 153:36
Sleet, relation to, § 153:33
State funds, § 153:30
Wind-related damage as not extending to hail, § 153:31
In hands of carrier, exceptions for property, § 154:77
Hazard, increase of, § 148:71, 148:72, 245:115
Health, good, § 155:2
Heirs, § 242:55
Hidden decay, § 153:81
Index-539
PROPERTY INSURANCE—Cont’d
Hijacking, § 151:18, 155:36
Hobbies, income-producing, § 148:14
Hoisting, § 154:103
Holdup, § 151:32
Holiday inn case, § 152:20
Home, § 148:17, 148:18
Home damage comprehensive coverage, § 148:53 to 148:56
Hotel furnishings, § 148:32
Household, protection of interests, § 148:8
Humane reasons, intentional killing of animal for, § 155:14 to 155:17
Humidity extremes, § 153:83, 153:84
Husband and wife, § 243:38
Ignorance
 Existence of policy or insurer identity, § 192:40
 Existence or character of loss, occurrence or accident, § 192:9, 192:20, 192:21, 192:23 to 192:26
Substance of policy provisions, § 192:59
Improvements and betterments clause, § 148:33
Incidental to occupancy, § 148:29
Income-producing hobbies, § 148:14
Income taxes, § 63:11 to 63:14
Incomplete or defective installation, § 155:56
Indemnity, property insurance as, § 175:5, 175:6
Inherent vice, § 153:77, 153:78, 154:41
Initial damage, requirement that wind effect, § 153:17
Inland marine insurance, generally, § 154:4, 154:5
Inner safes, § 151:66, 151:67
Insects, § 153:85
Installation, incomplete or defective, § 155:56

PROPERTY INSURANCE—Cont’d
Insurable interest, § 41:11 to 41:19, 245:48, 245:49
Insured, generally, § 242:35 to 242:41
Insurrection, § 152:13
Insurrection, definition, § 152:6
Intangible property rights, § 148:47
Intent
 Bailment of property, § 154:50
 Burglary, theft, and larceny, § 151:15
 Livestock insurance, § 155:14 to 155:17
 Rain and flood, § 153:61
 Vandalism and malicious mischief, § 155:92
Interference of theft, § 151:100
Interior of building, § 148:19
Intimidation, § 151:47
Invasion, § 152:12
Inventory, § 151:43
Iron safe clause, § 245:76, 245:116
Jewelry, § 148:43
Jewelry-fur floaters policies, § 154:64 to 154:67
Joinder of parties
 Generally, § 242:51, 243:37 et seq.
 Assignees, § 243:39
 Husband and wife, § 243:38
 Liquidation proceeding in foreign jurisdiction, § 243:43
 Mortgage transactions, § 243:44 to 243:46
Multiple insurers, § 243:42
Second mortgagee, § 243:46
Separate interests, § 243:40, 243:41
Joinder of parties
 Sales (this index)
Joint payee, § 242:51
Judgment, date of judgment against insured for loss, § 191:84
Jurisdiction, § 243:43
Landlord and Tenant (this index)
PROPERTY INSURANCE—Cont’d

Landslide, § 153:68
Leaks and leakage
  Contamination, § 155:86
Sprinkler system insurance, § 155:76
  Water damage, § 155:57, 155:68
Leases, § 148:9, 155:37 to 155:39
Liability insurance, § 155:79, 201:38 to 201:40
  Liability of insured, § 154:35
Licenses and permits, § 155:21 to 155:24
Lien, property subject to, § 148:36
Life insurance cases, § 152:10
Lightning
  Generally, § 153:37 et seq.
  Burden of proof, § 153:44
  Causation, contributing causes, § 153:41
Consequential loss, § 153:39, 153:40
Contributing causes, § 153:41
Definition, § 153:38
Evidence, § 153:43
Evidence, sufficiency of evidence, § 153:44
Livestock insurance, § 155:10
Locations, § 153:42
Questions of law or fact, § 153:43
  Sufficiency of evidence, § 153:44
Limitation of actions
  Commencement of period, § 236:12, 236:80, 236:89, 236:90, 236:98
  Contractual limitation periods, § 235:62, 235:63
Limitation of liability, defenses, § 245:97
Limitations
  Generally, § 148:15 et seq.
  Aircraft insurance, § 155:33
  Area or building, property in, § 148:16
  Bailment of property, § 154:16, 154:17
  Building, interior of, § 148:19

PROPERTY INSURANCE—Cont’d

Limitations—Cont’d
  Building, property in, § 148:16
  Burglary, theft, and larceny, § 151:68, 151:69
  Home, § 148:17, 148:18
  Interior of building, § 148:19
  Livestock insurance, § 155:16
  Residence or home, § 148:17, 148:18
  Scheduling of premises covered, § 148:15
  Temporary residence, § 148:18
  Liquidation proceeding in foreign jurisdiction, § 243:43
Livestock insurance
  Generally, § 155:1 et seq.
  Care and protection requirements, § 155:2
  Civil authority, act of, § 155:5
  Death, generally, § 155:17
  Escaping animals, § 155:7
  Fire, § 155:8
  Good health, § 155:2
  Health, good health, § 155:2
  Humane reasons, intentional killing of animal for, § 155:14 to 155:17
  Intentional killing of animal, § 155:14 to 155:17
  Lightning, § 155:10
  Limitations, intentional killing of animal, § 155:16
  Location of animal at time of loss, § 155:3
  Poisoning, § 155:12
  Protection requirements, § 155:2
  Public health reasons, intentional killing of animal for, § 155:14 to 155:17
  Surgery, § 155:11
  In transit, injury, § 155:6
  Unloading, § 155:7
  Waiver and estoppel, § 155:4
  Windstorm, § 155:9
Loading and hoisting, § 154:103
  At location, § 151:78, 151:79
  From location, § 151:78, 151:79
  To location, § 151:78, 151:79

Index-541
PROPERTY INSURANCE—Cont’d
Location of property at time of loss, § 245:43
Logged hours, § 155:31
Looting, § 151:94
Loss payee as third-party beneficiary, § 242:33
Loss to insured property, generally, § 245:40 et seq.
Lost profits insurance, § 167:2
Machinery and equipment, personal property and fixtures, § 148:44
Marine insurance, § 154:4, 154:5
Maritime collision cases, § 152:9
Marks and force of entry, § 151:62 to 151:64, 151:97
Maturity of crops, § 153:35
Mechanical failure, § 155:40
Mental or physical incapacity, § 192:73, 192:81
Merchandise for sale, § 154:81
Messenger, carriage by, § 151:80 to 151:82
Metals, precious, § 148:43
Military power, definition, § 152:5
Misplacement of goods, § 154:62
Misplacement or destruction of securities, § 155:100
Mobile equipment, § 154:97
Mobile home transportation or anchoring, § 154:102
Mold, § 153:86
Money, § 148:41
Moving structures from geographic locations, § 148:24
Multiple coverage, § 191:79
Multiple insurers, § 243:42
Multiple risks, ignorance of existence or character of loss, occurrence or accident, § 192:25
Mysterious disappearance, § 154:73
Named insured, § 242:35, 242:36
Natural forces versus forces of nature, § 153:3
Natural processes versus forces of nature, § 153:3

PROPERTY INSURANCE—Cont’d
Nature, forces of
Generally, § 153:1 et seq.
Natural forces versus forces of nature, § 153:3
Natural processes versus forces of nature, § 153:3
Negligence
Bailment of property, § 154:60
Handling claim, § 242:156, 242:157
Proximate cause, § 148:63 to 148:66
Sprinkler system insurance, § 155:78
Newly-acquired or constructed property, § 148:21
No benefit to bailee provisions, § 155:39
Non-delivery of goods, § 154:61
Nonparty to insurance contract, § 242:32
Notice and proof of loss
Generally, § 187:107 et seq., 188:29
Account and statement, detailed, § 189:75
Actual notice of loss, § 187:108
Another policy, § 192:98
Assignee, § 187:114
Bailor, § 187:110
Conditions precedent or contract stipulations, § 190:30
Construction of contractual provisions, § 186:32
Delay, without unnecessary delay, § 190:70
Estate beneficiary, § 187:111
Excuses, generally, § 192:98
Failure-provide proof as affecting rights of other parties, § 187:112 to 187:114
Fear of legal action and other repercussions, § 192:106
Fire, time and origin of, § 189:71
Forthwith, § 190:69, 190:104
Grain grown, amount of, § 189:73
Immediate, § 190:68

Index-542
PROPERTY INSURANCE—Cont’d
Notice and proof of loss—Cont’d
Information, sufficiency of,
§ 189:39
Insured, § 187:114
Insurer, § 187:113
Inventory, § 189:76
Locations, relative damage at separate locations, § 189:72
Miscellaneous excuses, § 192:123
Mistake or inadvertence, § 192:102
Mortgages against property, § 189:74
Nature of insured’s interest, § 189:70
Oral versus written notice, § 188:15
Other parties, notice on behalf of one party as satisfying requirement for, § 187:64
Other policies, notice under one policy or provision as notice under other policy or provision, § 187:60
Prejudice
Generally, § 193:38, 193:60
Delay, § 193:78
Presumed prejudice to insurer, § 193:48
Reasonable time, § 190:91
Relative damage at separate locations, § 189:72
Satisfying insured’s obligation, § 187:33 to 187:35
As soon as practicable, § 190:67
Specifying number of days or months, § 190:112
Sufficiency, generally, § 189:69
Time and origin of fire, § 189:71
Timeliness
Generally, § 190:66 et seq., 190:104
Delay, without unnecessary delay, § 190:70
Forthwith, § 190:69
Immediate, § 190:68

PROPERTY INSURANCE—Cont’d
Notice and proof of loss—Cont’d
Timeliness—Cont’d
As soon as practicable, § 190:67
Specific time intervals, § 190:66
Without unnecessary delay, § 190:70
Validity of contractual terms, § 190:9
Value of insured’s interest, § 189:70
To whom, § 187:85 to 187:87
Without unnecessary delay, § 190:70
Occupancy conditions, § 245:78
Ocean marine insurance, relationship to inland marine insurance, § 154:5
Off-road vehicles pertaining to service, § 148:39
Oil well drilling rigs, § 154:98
Operating costs, reimbursement of, § 155:38
Orders for burglary, theft, and larceny, § 151:19
Other building, plumbing system in, § 155:60
Outer and inner safes, § 151:66
Overflow of water, § 155:57
Overloading, § 154:59
Over the counter substances, § 155:91
Overturning and upset, § 154:56, 154:57, 154:93
Ownership, § 151:101, 245:50, 245:51
Pan american case, § 152:19
Partial delivery, § 154:49
Partnership, named insured as, § 242:39 to 242:41
Payments, § 242:33, 242:51, 242:57
Payroll, § 148:41
Perils, generally, § 148:48 et seq.
Permanent residents, protection of interests, § 148:8
Personal property and fixtures
Generally, § 148:26 et seq., 242:37, 242:38
PROPERTY INSURANCE—Cont’d
Personal property and fixtures
—Cont’d
Accessions to insured property, § 148:28
Aircraft, § 148:38
Animals, § 148:37
Blanket coverages, § 148:27
Business property distinguished, § 148:13, 148:14
Cash, § 148:41
Checks, § 148:41
Commercial property distinguished, § 148:13, 148:14
Fixtures, generally, § 148:31, 148:32
Floater coverages, § 148:27
Floater policies, § 154:64 to 154:67
Grain, § 148:42
Hobbies, income-producing hobbies, § 148:14
Hotel furnishings, § 148:32
Improvements and betterments clause, § 148:33
Incidental to occupancy, § 148:29
Income-producing hobbies, § 148:14
Jewelry, § 148:43
Lien, property subject to, § 148:36
Location, removing property from geographic location, § 148:30
Machinery and equipment, § 148:44
Metals, precious metals, § 148:43
Money, § 148:41
Off-road vehicles pertaining to service, § 148:39
Payroll, § 148:41
Pledge, property subject to, § 148:36
Precious metals, § 148:43
Precious stones, § 148:43
Real property distinguished, § 148:12

PROPERTY INSURANCE—Cont’d
Personal property and fixtures
—Cont’d
Removing property from geographic location, § 148:30
Securities, § 148:41
Service, off-road vehicles pertaining to service, § 148:39
Stones, precious stones, § 148:43
Third persons, property of, § 148:34 to 148:36
Unscheduled personal property, § 148:29
Usual to occupancy, § 148:29
In vehicle, § 148:40
On vehicle, § 148:40
Watercraft, § 148:38
Personal representative, § 242:53, 242:54
Personal supervision, § 151:84
Persons protected, generally, § 148:7 et seq., 151:6
Physical damage to property, § 148:46, 155:45
Pilferage, § 151:35, 154:63
Pilot certification, § 155:22
Pipes, § 153:21, 155:64, 155:66
Place and location
Generally, § 245:43
Animals, § 155:3
Lightning, § 153:42
Moving structures from geographic locations, § 148:24
Removing property from geographic location, § 148:30
Plate glass insurance
Generally, § 155:50 et seq.
Defects, incomplete or defective installation, § 155:56
Defects, preexisting defect in glass, § 155:55
Exception, explosion not within, § 155:54
Explosion, § 155:53, 155:54
Fire, § 155:52, 155:54
Incomplete or defective installation, § 155:56
Installation, incomplete or defective installation, § 155:56

Index-544
PROPERTY INSURANCE—Cont’d
Plate glass insurance—Cont’d
Preexisting defect in glass,
§ 155:55
Pledge, property subject to, § 148:36
Plumbing system, § 155:59, 155:60,
155:72
Poisoning, § 155:12
Poles, communications equipment,
§ 154:99
Pollution
Generally, § 155:79 et seq.
Consequential damage ensuing from covered loss, § 155:82
Ensuing, consequential damage ensuing from covered loss, § 155:82
Exclusions and limitations, § 155:80, 155:83
Liability insurance, relationship to, § 155:79
Not ordinarily dangerous, § 155:91
Over the counter substances, § 155:91
Possession, § 154:70, 154:87, 154:88
Precautions, § 148:69, 148:70,
151:89 to 151:92
Precious metals, § 148:43
Precious stones, § 148:43
Preexisting defect in glass, § 155:55
Prejudice. Notice and proof of loss, above
Within premises, § 151:73
Preserve property, failure to, § 245:118
Presumption or risk event, § 151:37
to 151:39
Presumptions where property missing, § 254:154
Prior judgment, § 239:85, 239:86
Proceeds, § 242:57, 245:52, 245:53
Promise of payment from policy proceeds, § 242:57
Protection of property, § 153:24,
154:10, 155:2
Proximate cause
Generally, § 148:57 et seq.,
151:51, 154:92
PROPERTY INSURANCE—Cont’d
Proximate cause—Cont’d
All-risk coverage, § 148:58,
148:66
Bailment of property, § 154:92
Burglary, theft, and larceny,
§ 151:51
Causation, generally, § 148:57,
148:58
Concurrent causes, § 148:61,
148:62
Contributory causes, § 148:61,
148:62
Direct loss, § 148:60
External cause requirement in all-risk insurance, § 148:59
Fault of insured, § 148:63 to 148:66
Fortuitous losses, § 148:57
Fraud or misconduct, all-risk coverage, § 148:65
Negligence, § 148:63 to 148:66
Third party’s fault, § 148:64
Public conveyance, § 154:39
Public entrances, § 151:59
Public events, § 153:62, 153:63
Public health reasons, intentional killing of animal for, § 155:14
to 155:17
Pulling away, § 148:55
Qualifications, § 151:73 to 151:76,
155:30
Questions of law or fact
Aircraft insurance, § 155:24
Builder’s risk insurance, § 155:49
Burglary, theft, and larceny,
§ 151:95 to 151:97
Hail, § 153:36
Lightning, § 153:43
Rain and flood, § 153:47
Tornado, hurricane, and windstorm, § 153:26, 153:27
Railroad cars and parts, § 154:101
Rain and flood
Generally, § 153:45 et seq.
Burden of proof, § 153:47
Driven waters, § 153:56
Earth movement, § 153:73
Index-545
PROPERTY INSURANCE—Cont’d
Rain and flood—Cont’d
Earthquake or earth movement, § 153:73
Enclosure of property, § 153:52
Evidence, § 153:47
Exclusions
Generally, § 153:46, 153:59 et seq.
Driven waters, § 153:56
Rising and driven waters, § 153:56
Sewers and drains, backup or blockage, § 153:55
Subsurface waters, § 153:58
Surface waters, § 153:57
Tidal waves, § 153:56
Federal flood insurance program
Generally, § 153:51 et seq.
Building, type of, § 153:52
Enclosure of property, § 153:52
Subsidence, § 153:73
Intentional opening, entry of rain through, § 153:61
Other damage allowing entry of rain, § 153:60
Public events, § 153:62, 153:63
Questions of law or fact, § 153:47
Ransom and reward, payment of, § 151:21
Real property and appurtenances
Generally, § 148:20 et seq.
Appurtenant structures, generally, § 148:23
Buildings, § 148:20
Construction, newly-constructed property, § 148:21
Dwelling, § 148:22
Fallen building, § 148:25
Land, § 148:20
Location, moving structures from geographic locations, § 148:24
Moving structures from geographic locations, § 148:24
Newly-acquired or constructed property, § 148:21
Personal property distinguished, § 148:12
PROPERTY INSURANCE—Cont’d
Real property and appurtenances—Cont’d
Water, § 148:20
Rebuttal of presumption, § 151:39
Receipted property, § 154:28
Receipt of forms as trigger, § 191:83
Records and papers, § 155:99
Recovery under different policy, § 242:38
Recreational vehicles, § 154:102
Refrigeration system leaks, § 155:86
Reimbursement of operating costs, lease or rental of aircraft, § 155:38
Removing property from geographic location, § 148:30
Renovation or repair, § 155:102
Repair or renovation, § 155:102, 245:98
Reporting forms, § 148:5
Repossession, § 151:20
Representations, warranties, conditions, and concealment, § 154:68, 155:40
Return property, failure to, § 151:19
Revocation of named insured’s authority, § 242:50
Riot, § 152:16
Riot, definition, § 152:6
Rising and driven waters, § 153:56
Rot, § 153:80, 153:81
Rust, § 153:80, 153:81
Safe or vault, § 151:56, 151:65 to 151:67, 151:75, 151:76
Sale, merchandise for, § 154:81
Salesperson, traveling salesperson’s sample insurance, § 154:79 to 154:81
Sales (this index)
Samples, traveling salesperson’s sample insurance, § 154:79 to 154:81
Satellites, communications equipment, § 154:99
Scheduling of premises covered, § 148:15

Index-546
PROPERTY INSURANCE—Cont’d
Second mortgagee, § 243:46
Securities, § 148:41, 155:100
Security or other debt interest in proceeds, § 245:52, 245:53
Self-propelling equipment, § 154:95
Separate interests, § 243:40, 243:41
Service, off-road vehicles pertaining to service, § 148:39
Settling, § 153:69
Sewers and drains, § 153:55, 155:70 to 155:72
Shipping consignment, § 242:87
Show windows, § 151:74
Shrinking, § 153:69
Sinkhole, collapse into, § 153:75
Sleet, relation to, § 153:33
Speed of wind, windstorm, § 153:11
Spouse, § 242:42 to 242:45, 243:38
Sprinkler system insurance
Generally, § 155:73 et seq.
Customers of insured, § 155:75
Cyclones, § 155:77
Exceptions and exclusions, § 148:70
Exclusions, § 155:76, 155:77
Fault of insured, § 155:78
Leakage, § 155:76
Negligence of insured, § 155:78
Tenants, sprinkler system of other tenants, § 155:74
Windstorms and cyclones, § 155:77
Standard of proof, § 153:25
State funds, § 153:30
Statutes
Bailment of property, § 154:13, 154:19, 154:23
Burglary, theft, and larceny, § 151:11
Steam damage, § 155:65
Stones, precious, § 148:43
Storm, windstorm, § 153:8
Student pilots, § 155:32
Subcontractor’s property, § 155:44
Subsidence, § 153:73, 153:74
PROPERTY INSURANCE—Cont’d
Subsurface waters, § 153:58
Successors in interest
Generally, § 242:51 et seq.
Bankruptcy trustee, § 242:52
Heirs, § 242:55
Personal representative, § 242:53, 242:54
Surviving joint payee, § 242:51
Sufficiency of evidence
Aircraft insurance, § 155:24
Burglary, theft, and larceny, § 151:99 to 151:102
Lightning, § 153:44
Tornado, hurricane, and windstorm, § 153:28, 153:29
Surface water, § 153:49, 153:57
Surgery, § 155:11
Surviving joint payee, § 242:51
Sustained or repeated leakage, § 155:68
Taxiing defined, § 155:27
Temperature extremes, § 153:83, 153:84
Temporary residence, § 148:18
Termination of fire as trigger, § 191:81
Territorial limitations on use, § 155:33
Terrorism, § 152:21
Third-party beneficiary, § 242:33
Threshold requirements, generally, § 148:46, 148:47
Tidal waves, § 153:56
Time
Aircraft insurance, § 155:31
Burglary, theft, and larceny, § 151:68, 151:69
Insurable interest must exist, § 41:18
Loss as within period of coverage
Generally, § 102:29 to 102:32
Builder’s risk, § 102:31, 102:32
Manifestation theory, § 102:30

Index-547
PROPERTY INSURANCE—Cont’d

Time—Cont’d
Loss as within period of coverage —Cont’d
Progressive or delayed damage, § 102:30
Vessels, builder’s risk, § 102:32
Title, § 41:13, 245:74
Tools or explosives, § 151:96
Tornado, hurricane, and windstorm
Generally, § 153:4 et seq., 153:8 to 153:11
Ability to cause damage, windstorm, § 153:9
Burden of proof, § 153:25
Causation, § 153:26
Character of wind as storm, § 153:27
Cold, § 153:19 to 153:22
Condition of property, § 153:6, 153:10
Consequential harm, § 153:15
Construction as improper, § 153:23
Contributing cause, § 153:14
Definitions
Generally, § 153:7 et seq.
Ability to cause damage, windstorm, § 153:9
Condition of property, windstorm, § 153:10
Hurricane, § 153:7
Speed of wind, windstorm, § 153:11
Storm, windstorm, § 153:8
Tornado, § 153:7
Unusual strength, windstorm, § 153:8
Windstorm, § 153:8 to 153:11
Driven waters, water exclusions, § 153:56
Electrical service, interruption of, § 153:22
Evidence
Generally, § 153:25 et seq.
Burden of proof, § 153:25
Causation, § 153:26
Character of wind as storm, § 153:27
PROPERTY INSURANCE—Cont’d

Vault or safe, § 151:56, 151:65 to 151:67, 151:75, 151:76
In vehicle, § 148:40, 154:75
On vehicle, § 148:40
Vermin, § 153:85
Vietnam era cases, § 152:11
Violence, § 151:102
Voluntary parting with property, § 151:34
Waiver and estoppel
  Burglary, theft, and larceny, § 151:5
  Exceptions and exclusions, § 148:75
  Livestock insurance, § 155:4
  Warehousing agreement, § 154:22
  War-like operations, definition, § 152:4
  Warrant endorsement, breach of, § 242:34
Warranties, relationship to, § 154:68
War, riot, or civil disturbance
  Generally, § 152:1 to 152:31
  Causation, § 152:8 to 152:11
  Civil authority, loss by order of, § 152:22 to 152:31
  Civil commotion, § 152:14
  Civil commotion, definition, § 152:6
  Civil war, definition, § 152:7
  Civil war or revolution, § 152:15
  Definitions, § 152:3 to 152:7
  Holiday inn case, § 152:20
  Insurrection, § 152:13
  Insurrection, definition, § 152:6
  Invasion, § 152:12
  Life insurance cases, § 152:10
  Maritime collision cases, § 152:9
  Military power, definition, § 152:5
  Pan american case, § 152:19
  Riot, § 152:16
  Riot, definition, § 152:6
  Terrorism, § 152:21
  Usurped power, § 152:17
  Usurped power, definition, § 152:5
  Vietnam era cases, § 152:11

PROPERTY INSURANCE—Cont’d

War, riot, or civil disturbance—Cont’d
  War-like operations, definition, § 152:4
  Watchman or other person, presence of, § 151:90
Water and water damage
  Generally, § 155:57 et seq., 155:62
  Accidental discharge, § 155:57
  Appliances, § 155:59
  Burst pipes underground, § 155:64
  Condition that system be drained, § 155:66
  Conduct of insured or other persons, § 155:61
  Corrosion of water lines, § 155:63
  Deterioration of water lines, § 155:63
  Draining, condition that system be drained, § 155:66
  Ensuing loss, § 155:58
  Exception from exclusions for ensuing loss from water damage, § 153:82
  Exclusions, § 155:67 to 155:69, 155:71, 155:72
  Explosions, § 155:69
  Foundation, seepage through, § 155:68
  Freezing pipes, § 155:66
  Leakage, § 155:57, 155:68
  Other building, plumbing system in, § 155:60
  Overflow, accidental, § 155:57
  Pipes, § 155:64, 155:66
  Plumbing system, § 155:59, 155:60, 155:72
  Rain or flooding, § 155:62
  Real property and appurtenances, § 148:20
  Sewers and drains, backup through, § 155:70 to 155:72
  Steam damage, § 155:65
  Sustained or repeated leakage, § 155:68
  Third persons, conduct of insured or other persons, § 155:61
PROPERTY INSURANCE—Cont’d
Water and water damage—Cont’d
  Tornado, hurricane, and windstorm, § 153:18
  Underground, burst pipes underground, § 155:64
  Vandalism and malicious mischief, § 155:97
  Water lines, § 153:74, 155:63
  Water lines, deterioration or corrosion of, § 155:63
  Watercraft, § 148:38
  Weather
    Aircraft insurance, § 155:35
    Builder’s risk insurance, § 155:47
    Weight of snow, § 153:84
    For whom it may concern, § 242:49, 242:50
  Windows, § 151:74, 154:72
  Wind-related damage as not extending to hail, § 153:31
  Wires, broadcasting equipment, § 154:99
  Wrongful conversion, § 151:33
  Wrong name, policy issued in, § 242:43
  Wrong person, delivery to, § 154:51

PROPERTY LOSS
  Generally, § 177:1 et seq.
  Venue, § 230:56

PROPHYLACTIC TREATMENTS
  Medical insurance, § 181:3

PROPORTION
  Subrogation, § 223:97

PROPRIETARY MEDICINES
  Good health of insured, § 87:22

PROPRIETY
  See also Federal Courts (this index)
  Equitable remedies, § 232:112 to 232:115
  Hearsay exclusion and exceptions, § 249:44

PROPERTY—Cont’d
  Recoupment, § 226:58
  Summary judgment, § 247:25
  Trial, § 246:4

PRO RATA
  See also Premiums and Assessments (this index)
  Automobile liability insurance, § 170:27
  Coinsurance, § 220:30
  Contribution, § 217:10, 218:24 to 218:26
  General liability insurance, § 172:68
  Marine insurance, § 183:221, 219:58, 221:95
  Other insurance clauses
    Financial responsibility laws, interaction of pro rata with, § 219:32
    Notice, triggered by lack of, § 219:30
    Primary policies with dissimilar other insurance clauses, § 219:51, 219:56, 219:57
    Reconciling, § 219:45, 219:46
    Sample clause, § 219:28
    Subrogation, § 223:138

PRORATE FEES
  Third-party claims, § 205:52

PRORATION
  Coinsurance, § 220:20
  Other insurance clauses, § 219:31
  Third-party claims, § 205:79
  Uninsured and underinsured motorist coverage, § 171:18

PROSPECTIVE OR RETROSPECTIVE OPERATION
  Arbitration and appraisal, § 209:18
  Contracts, § 19:7
  Exemption from claims of creditors, § 66:15
  Extrahazardous occupations, § 86:26
  Incontestability clause, § 240:17
  Limitation of actions
    Generally, § 234:56
PROSPECTIVE OR RETROSPECTIVE OPERATION—Cont’d
Limitation of actions—Cont’d
Application of minimum limitation period set by statute, § 235:29
Retroactive application, § 235:32, 235:48
Notice, § 186:53, 193:6
Penalties, fees and similar consequences, § 204:63
Rate determination, § 69:16 to 69:19
Release, § 216:39
Subrogation, § 222:44, 223:48
Uninsured and underinsured motorist coverage, § 122:14 et seq.

PROSPECTUS
Riders and endorsements, § 18:21

PROSTATITIS
Good health of insured, § 88:41

PROSTHETICS
See also Medical Insurance (this index)
Injury to prosthesis, § 136:59
Workers’ compensation, § 174:24

PROTECTIVE ORDERS
Discovery (this index)
Hearsay exclusion and exceptions, § 249:43 to 249:46

PROXIMATE CAUSE—Cont’d
Relationship of proximate cause to other concepts—Cont’d
Independent concurrent cause, § 101:49
Intervening cause, § 101:48
Title insurance, § 159:24
Watchmen or guards, § 96:4
What constitutes proximate cause
Generally, § 101:43 to 101:45
Efficient cause, § 101:45
Train of events, § 101:44

PRUDENT MAN TEST
Representations, warranties, conditions, and concealment, § 81:78

PSYCHIATRIC DISORDERS
Generally, § 136:45 to 136:54
Disability provisions, § 147:66 to 147:68

PSYCHOLOGICAL CONDITIONS
See Incompetent and Insane Persons (this index)

PSYCHOLOGICAL REPORTS
Equitable remedies, § 232:149

PSYCHOLOGICAL TESTING
Generally, § 253:304

PUBLIC ADJUSTER
Consequential damages, § 178:25

PUBLICATION
Labor and material bonds, § 191:50
Limitation of actions, § 236:140
Premiums and assessments, § 71:36, 71:37, 71:41
Service of process, § 231:9, 231:42

PUBLIC AUTHORITY
Limitation of actions, § 237:67
Marine insurance, § 183:196

PUBLIC BODIES OR AGENCIES
Contractors’ bonds, § 163:58

PUBLIC CONVEYANCE
See also Accident and Life Insurance (this index)
PUBLIC OFFICIAL AND APPOINTED FIDUCIARY BONDS—Cont’d
Dealers—Cont’d
dealers, § 166:86
Dyeing, § 166:91
Exceptions, securities dealers, § 166:84
Insurance agent’s bond, § 166:89, 166:90
Insurance broker’s bond, § 166:88
Liquor dealer, § 166:94, 166:95
Mail contractor, § 166:96
Oil-well driller, § 166:97
Poultry dealers, § 166:85 to 166:87
Produce, poultry, or cattle dealers, § 166:85 to 166:87
Repairman, § 166:98
Securities dealers, § 166:82 to 166:84
Sub-agents, § 166:90
Ticket agent, § 166:99
Vermin-proofing, § 166:91
Defaults of subordinate of bonded officer or employee, § 166:35
Deposited funds, application of bond-loss of, § 166:39 to 166:42
Deputy’s acts, liability for, § 166:52
Dishonest acts, § 166:76
Dyeing, § 166:91
Election of remedies, § 166:49
Evidence, § 166:77, 166:78
Exceptions, § 166:76, 166:84
Excuse or mistake, § 166:34
Executor, § 166:61
Faithful performance of duties concept, § 166:36 to 166:38
Fidelity bonds and insurance, § 242:131
Force, use of, § 166:55
Fraudulent and dishonest acts, § 166:76
Guardian, § 166:44, 166:63
Improper discharge, § 166:45
Insurance agent’s bond, § 166:89, 166:90
Insurance broker’s bond, § 166:88
Irregularities in bond, § 166:26

PUBLIC OFFICIAL AND APPOINTED FIDUCIARY BONDS—Cont’d
Jurisdiction, § 166:43, 166:44, 166:54
Justice of peace, § 166:57
Limitation of actions, § 234:43
Liquor dealer, § 166:94, 166:95
Mail contractor, § 166:96
Mental state of broker, § 166:75
Mistake, § 166:34
Multiple relevant coverages, § 166:48, 166:49
Notary public, § 166:58
Oil-well driller, § 166:97
Overdeposits, § 166:42
Parol evidence rule, § 166:77
Peace officer’s bond
Generally, § 166:46 et seq.
Arrests, § 166:53, 166:54
Color of office, acts under, § 166:50, 166:51
Construction and interpretation, § 166:47
Deputy’s acts, liability for, § 166:52
Election of remedies, § 166:49
Force, use of, § 166:55
Jurisdiction, arrests outside of territorial jurisdiction, § 166:54
Multiple relevant coverages, § 166:48, 166:49
Territorial jurisdiction, arrests outside of, § 166:54
Weapon or force, use of, § 166:55
Penal liability bond, § 166:69
Poultry dealers, § 166:85 to 166:87
Produce, poultry, or cattle dealers, § 166:85 to 166:87
Public goods and services, provision of
Generally, § 166:64 et seq.
Attachment and duration of risk, § 166:72
Broker’s employer, § 166:70
Buyer, § 166:70
Capacity of surety, § 166:66
Compensatory and punitive damages, § 166:67

Index-554
PUBLIC OFFICIAL AND APPOINTED FIDUCIARY BONDS—Cont’d

Public goods and services, provision of—Cont’d
Dishonest acts, § 166:76
Evidence, § 166:77, 166:78
Exceptions, § 166:76
Fraudulent and dishonest acts, § 166:76
Mental state of broker, § 166:75
Parol evidence rule, § 166:77
Penal liability bond, § 166:69
Public liability bond, § 166:68
Punitive damages, § 166:67
Qualification or capacity of surety, § 166:66
Real estate broker and employees, § 166:73
Real estate, relation to, § 166:74
Sufficiency of evidence, § 166:78
Time, duration of risk, § 166:72
Public liability bond, § 166:68
Punitive damages, § 166:67
Qualification or capacity of surety, § 166:66
Real estate broker and employees, § 166:73
Real estate, relation to, § 166:74
Recorder, § 166:59
Records and reports, reliance on, § 166:27
Release or discharge of surety, § 166:43 to 166:45
Repairman, § 166:98
Reports, reliance on, § 166:27
Salary increases, § 166:38
Securities dealers, § 166:82 to 166:84
Security for deposit, failure to obtain, § 166:41
Statutes, § 166:28 to 166:31, 166:43
Sub-agents, § 166:90
Subordinate of bonded officer or employee, acts or defaults of, § 166:35
Sufficiency of evidence, § 166:78
Territorial jurisdiction, arrests outside of, § 166:54

PUBLIC POLICY
See also Accident and Life Insurance (this index)
Arbitration and appraisal, § 209:17
Arbitration awards, § 213:37
Fire insurance, § 149:45
Freedom-contract, public policy as limitation on
Generally, § 101:11 to 101:20
Common policy concerns, § 101:18 to 101:21
PUBLIC POLICY—Cont’d
Freedom to contract, public policy as limitation on
Changes in public policy, § 101:17
Favoring or disfavoring coverage, public policy as, § 101:13
General rule requiring compliance with public policy, § 101:11
 Innocent third parties, protection of, § 101:18
Manner in which public policy affects coverage, § 101:12
Public health, § 101:19
Restrains on use of public policy to void contract language, § 101:14
 Statutes and regulations, § 101:16
What constitutes public policy, § 101:15, 101:16
General liability insurance, § 172:41
Good-faith, § 198:10
Governing law, § 24:40
Modification of contract, § 25:2
Negligent or intentional acts,
 § 201:25
Premiums and assessments, waiver of notice as violation of, § 71:15
Prohibiting or requiring coverage of specific risks, public policy as
Generally, § 101:21 to 101:31
Conduct of insured, losses caused or contributed-by, § 101:21 to 101:27
Intentional or willful conduct,
 § 101:22 to 101:25
Modern view allowing liability insurance coverage, § 101:24, 101:25
Negligence, § 101:21
Sexual abuse and similar conduct, § 101:25
Statutory provisions concerning negligence and intentional acts, § 101:27
Vicarious liability, exception to traditional rule for, § 101:23
Punitive and similar damages
Generally, § 101:28 to 101:31

PUBLIC POLICY—Cont’d
Punitive and similar damages—Cont’d
 Liability insurance, § 101:29, 101:30
Multiple damage awards, § 101:30
Statutory penalties, § 101:30
Uninsured or underinsured motorist coverage, § 101:31
Subrogation, § 224:3
Uninsured/underinsured motorist coverage, § 214:19

PUBLIC PROJECTS
Contractors’ bonds, § 163:8

PUBLIC PROPERTY
Government insurance fund, § 10:13
Insurable interest, § 10:13
Use and occupancy, § 94:78 to 94:81

PUBLIC RECORD
Title insurance, § 159:66 to 159:69

PULLING AWAY
Property insurance, § 148:55

PULMONARY SYSTEM CONDITIONS
Accident and life insurance, § 141:47
Disability provisions, § 147:90, 147:91

PUNCTUATION
Construction and interpretation, § 22:5

PUNITIVE DAMAGES
Agents and brokers, § 56:10
Arbitration awards, § 213:45
Automobile liability insurance, § 170:17, 170:18
Common law, § 204:40
General Liability Insurance (this index)
Group insurance, § 7:43, 7:64
Jurisdiction of federal proceedings, § 229:56
Public official and appointed fiduciary bonds, § 166:67
Public officials’ bonds, § 184:55
Public Policy (this index)
QUESTIONS OF LAW OR FACT
—Cont’d
Defense, § 200:16, 202:58
Delivery of Policy (this index)
Direct actions, § 107:43
Disability Insurance (this index)
Estoppel and waiver, § 238:19, 238:50, 238:56, 239:99
Explosions, § 150:21
Fidelity Bonds and Insurance (this index)
Fire insurance, § 149:5, 149:20, 149:63, 149:72
Fraud, § 197:7, 197:23, 239:137
Gift of policy, § 38:7
Good Health of Insured (this index)
Governing law, federal questions, § 24:51
Group insurance, questions of law or fact as to eligibility, § 8:43
Indemnity and indemnity insurance, § 89:24
Instructions to jury, § 246:61, 246:62
Insurable interest, § 41:10
Iron safe clauses, § 97:24, 97:36, 97:53, 97:85
Jury trial, § 246:10 to 246:12
Life insurance, suicide as within coverage, § 138:60
Limitation of actions, § 235:90, 236:42, 236:166
Loss and recovery, § 168:16
Marine insurance, perils at sea provisions, § 137:25
Marine Insurance (this index)
Marine risks, representations, warranties, and conditions as to, § 99:8
Measurement of degree of loss, § 175:82, 175:93
Medical insurance, § 144:98
Modification of contract, § 25:28, 51:54
Notice and proof of loss
Generally, § 186:18, 187:76
Delivery of notice, § 188:34
Delivery of proof of loss, § 188:41
Estoppel and waiver, § 195:48
Excuses, § 192:5
Oral versus written notice, § 188:6

QUESTIONS OF LAW OR FACT
—Cont’d
Notice and proof of loss—Cont’d
Timeliness, § 190:13, 190:99
Occupation of insured, § 86:38 to 86:40
Other Insurance (this index)
Overvaluation, § 197:26
Penalties, fees and similar consequences, § 204:110
Performance bonds, trigger concept, § 191:34
Prejudice, § 193:31
Premiums and Assessments (this index)
Property Insurance (this index)
Reasonable belief in nonliability, § 192:83
Recoupment, § 226:60, 226:63
Reformation, § 28:14
Reimbursement, § 226:15
Reinstatement and Revival (this index)
Release, § 216:7, 216:26, 216:54
Renewal, § 29:44
Repair or replace, option to, § 176:22, 176:36
Representations, Warranties, Conditions, and Concealment (this index)
Sales, § 92:14, 92:33
Subrogation, § 223:150
Sufficiency of evidence, § 186:26
Third-party claims, § 206:13
Title and ownership, § 91:10, 91:95
Torts, § 243:119
Use and occupancy insurance, § 167:23
Use and Occupancy (this index)
Valued policies or statutes, § 175:102
Waiver and estoppel, § 194:21
Watchmen or guards, § 96:7
QUIA TIMET
Subrogation, § 225:256
QUINSY
Good health of insured, § 88:42
INDEX

QUO WARRANTO
Generally, § 232:197

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT
Application to insurance, § 4:26

RADIAL KERATOTOMY
Medical insurance, § 181:30

RAILROAD
Accident and Life Insurance (this index)
Accident insurance, § 139:57
Contractors’ payment bonds, § 165:125
Disability Insurance (this index)
Fire insurance, § 149:35
Property insurance, § 154:58, 154:101
Subrogation, § 223:71

RAIN
See Property Insurance (this index)

RANCHING
Homeowners’ insurance, § 128:20

RANSOM AND REWARD
Property insurance, § 151:21

RAPE
Generally, § 127:24 to 127:28

RATES AND RATING—Cont’d
Employer’s liability insurance, § 69:21 to 69:32
Estoppel and waiver
Generally, § 69:12
Attack of premium by insured, § 69:11
Workers’ compensation and employers’ liability insurance, § 69:25
Evidence of premium, § 69:8
Fidelity insurance, § 185:48
Fraud, § 232:97
General liability insurance, § 172:52
Interest on money, § 80:30, 178:33
Life insurance, § 179:20
Marine insurance, § 183:223 to 183:225
Monthly reporting policy rates, § 69:17
Mutual companies, rate changes, § 39:25
Presumptions, § 254:193
Retrospective rating adjustments, § 69:16 to 69:19
State insurance boards, commissioners, and similar authorities, determination of rates by, § 2:12
Workers’ compensation, § 69:21 to 69:32

RATIFICATION
Agency (this index)
Assignment, ratification of unauthorized consent, § 36:55
Cancellation and Rescission (this index)
Fidelity insurance, § 162:14 to 162:17
Marine insurance, § 183:82

RATS
Marine insurance risks, § 137:28

READING ABILITY OF INSURED

READING OF POLICY
Agents and brokers, § 46:69, 85:57 to 85:59, 85:66

Index-559
READING OF POLICY—Cont’d
Reformation, § 27:73 to 27:79
Subrogation, § 225:21

REAL ESTATE BROKERS AND AGENTS
Public official and appointed fiduciary bonds, § 166:73
Risks covered under policies, § 131:57, 131:58

REAL ESTATE BROKERS BOND
Generally, § 184:61

REAL PARTY IN INTEREST
Assignment, § 35:11
Governing law, § 24:35
Jurisdiction of federal proceedings, § 229:33
Liability policies, § 242:21
Subrogation, § 222:68

REAL PROPERTY AND APPURTENANCES
See also Property Insurance (this index)
Limitation of actions, § 234:37, 236:51 to 236:53
Public official and appointed fiduciary bonds, § 166:74
Subrogation, § 224:57, 224:58

REASONABLE BELIEF IN NONLIABILITY
Generally, § 192:82 et seq.
Apparent trivial nature of occurrence, § 192:87 to 192:89
Automobile liability insurance, § 192:85, 192:88, 192:92
Excess liability insurance, § 192:94
Family, propriety of intrafamilial suits, § 192:91
General liability insurance, § 192:93
Propriety of intrafamilial suits, § 192:91
Questions of law or fact, § 192:83
Unlikelihood of claim
Generally, § 192:84 et seq.
Apparent trivial nature of occurrence, § 192:87 to 192:89
Automobile liability insurance, § 192:85, 192:88
General liability insurance, § 192:86, 192:89

REASONABLENESS
Accident and life insurance, § 140:49
Accident insurance, § 139:12
Agents and Brokers (this index)
Applications, reasonableness of delay in acting upon, § 11:10, 11:11
Attorneys’ fees, § 207:92, 207:95
Autopsy and exhumation, § 196:94
Cancellation and rescission, § 32:71
Construction and Interpretation (this index)
Construction of contractual provisions, § 186:27
Contribution, § 218:31
Cooperation, § 199:114 to 199:116, 199:133
Custom and usage, § 22:56
Defense, § 202:9
Delayed Payment or Nonpayment (this index)
Estoppel and waiver, § 239:111
Examination of all circumstances, § 204:124
Examination of insured property, § 196:50
INDEX

REASONABLENESS—Cont’d
Expectation of insured, § 200:13
Good faith, § 204:120
Ignorance of substance of policy provisions, § 192:53
Investigation, role of, § 204:125
Marine insurance, § 183:73, 183:77, 190:84
Measurement of degree of loss, § 175:64
Medical insurance, § 181:12
No-fault insurance, § 171:61, 207:72
Parties (this index)
Physical or independent medical examination, § 196:60
Reasonable person test, § 204:123
Reimbursement, § 226:42
Repair or replace, option to, § 176:16, 176:32
Settlement and Compromise (this index)
Statutes and regulations, generally, § 204:119 et seq.
Third-party claims, § 205:76, 206:39
Workers’ compensation, § 174:9

REASSIGNMENT
Generally, § 37:75 to 37:77
Subrogation actions, § 241:41

REBATE
See Refund or Rebate (this index)

REBUTTABLE PRESUMPTION OF PREJUDICE
Cooperation, § 199:78, 199:138

REBUTTING PRESUMPTIONS
Cancellation and rescission, mailing, § 32:21
Disability provisions, § 147:173
Fire insurance, § 149:61
Property insurance, § 151:39

RECALLED PRODUCTS
Commercial liability insurance, § 201:68

RECEIPTS—Cont’d
Bailments, § 242:81
Cancellation and rescission, post office receipts as proof of mailing, § 32:20
Equitable remedies, § 232:172
Incontestability clause, § 240:33
Marine insurance, § 183:40
Medical payments, § 158:25 to 158:27
Notice, § 188:36, 195:12
Parol evidence rule, application to, § 253:62
Premiums and assessments, § 73:14
Property insurance, § 154:28
Settlement and compromise of claim, § 215:26
Subrogation actions, § 241:50 to 241:52
Workers’ compensation, § 173:62, 173:63

RECEIVERSHIP
Generally, § 5:8 to 5:17
Actions by and against, § 5:17
Application and procedure for appointment, § 5:9
Appointment, generally, § 5:8
Bank deposit guaranty, § 184:2
Cancellation and rescission, § 31:125
Collection
Premiums, § 5:15
Subscriptions, § 5:14
Continuation of business, § 5:16
Fidelity insurance, § 160:96
Insurability interest, § 42:27
Insured, generally, § 40:24
Joinder of parties, § 243:116
Jurisdiction of federal proceedings, § 229:102, 229:103
Possession and disposition of existing assets, § 5:13
Premiums and assessments, § 5:15, 70:12, 74:8, 77:74
Sales, § 92:80
Service of process, § 231:23
Subrogation, § 225:317
Subscriptions, collection of, § 5:14

Index-561
RECIPROCAL INSURANCE
EXCHANGES AND
INTERINSURANCE
Generally, § 1:31, 39:48 to 39:61
Assignment of policies and claims, § 39:50
Attorney in fact, § 39:53, 39:54, 57:19
Definitions and distinctions, § 39:48
Duration of subscribers, § 39:59
Governing law, § 24:25
Joinder of parties, § 243:83
Limitations as to subscribers, § 39:57
Premiums, § 242:206
Subscribers, § 39:55 to 39:59, 39:61

RECIPROCAL STATUTES
Foreign insurers, § 3:35 to 3:38

RECTALS
Assignment, recital of consideration, § 36:19

RECONCILING CLAUSES
See Other Insurance (this index)

RECONSIDERATION
Estoppel and waiver, § 238:65

RECORDINGS, AUDIO
See Documentary Evidence (this index)

RECORDS AND RECORDING
Agents and Brokers (this index)
Appeals, § 248:45, 248:47
Assignment, completion of assignment of records of insurer, § 36:38
Attorney-client relationship, § 250:29
Best evidence rule, § 253:11
Payment bonds, See Documentary Evidence (this index)
Completion of assignment on records of insurer, § 36:38
Contractors’ payment bonds, § 165:12
Discovery, § 251:26 to 251:28, 251:45
Duplicate defined, § 253:13
Equitable remedies, § 232:173

RECORDS AND RECORDING—Cont’d
Estoppel and waiver, § 238:41, 238:48
Fidelity Bonds and Insurance (this index)
Hearsay rule, § 253:114
Incontestability clause, § 240:39, 240:94
Information, filing of, generally, § 2:24
Inspection (this index)
Investigation or promise to investigate, § 194:40
Iron Safe Clauses (this index)
Judicial Notice (this index)
Limitation of actions
Commencement of period, § 236:116, 236:146
Refiling prior termination action, § 237:34
Tolling of limitation period, § 237:5, 237:25, 237:26
Medical histories, judicial notice, § 254:271
Original defined, § 253:13
Policies, record keeping, § 253:11
Premiums and assessments, effect of mailing to address shown on records of insurer, § 71:34
Prerequisites and conditions to filing suit, generally, § 232:12 et seq.
Production of Books, Documents, and Records (this index)
Property insurance, § 155:99
Public official and appointed fiduciary bonds, § 166:27, 166:59
Representations, Warranties, Conditions, and Concealment (this index)
Sales (this index)
Subrogation, § 225:74, 225:226
Title insurance, § 159:56, 159:71, 159:72, 159:82
Witnesses, § 252:85

RECOUPMENT
Admission of coverage, § 226:106

Index-562
RECOUPMENT—Cont’d

Age, § 226:88
Amount due distinguished, § 226:117
Amounts recoverable
Generally, § 226:117 et seq.
Amount due distinguished, § 226:117
Fraud, policy voided by, § 226:118
Interest, § 226:120, 226:121
Litigation costs and fees, § 226:119
Overpayment distinguished, § 226:117
Penalty interest statute, § 226:121
Statutory penalty previously paid by insurer, § 226:122
Total payment recoverable, § 226:118
Antisubrogation rule, § 226:107
Beneficiary, generally, § 226:50 et seq.
Business interruption insurance, § 226:96
Change in circumstances after initial loss, § 226:78, 226:79
Checks, duplicates, § 226:62
Clerical errors, § 226:61, 226:62
Commercial property, § 226:76
Condition of property, § 226:92
Contract, breach of, § 226:108
Costs of action, § 226:119
Creditor, § 226:57
Damages, lack of, § 226:114
Death, § 226:73
Defenses
Generally, § 226:101 et seq.
Admission of coverage, § 226:106
Antisubrogation rule, § 226:107
Contract, breach of, § 226:108
Damages, lack of, § 226:114
Expiration of policy, § 226:103
Final judgment, payment pursuant to, § 226:101
Fraud, recovery of payments procured by, § 226:114 to 226:116
Ineligible beneficiary, payment to, § 226:112

RECOUPMENT—Cont’d
Defenses—Cont’d

Innocent third party, payment to, § 226:115
Insured, payment to, § 226:113
Investigation, payment without, § 226:105
Knowledge of facts, § 226:102 to 226:104
Mistaken payments, recovery of
Generally, § 226:106 to 226:109
Admission of coverage, § 226:106
Antisubrogation rule, § 226:107
Contract, breach of, § 226:108
Negligence of insurer, § 226:109
Prejudice-payee, § 226:110 to 226:113
Negligence of insurer, § 226:109
Prejudice-payee, § 226:110 to 226:113
Promissory estoppel, § 226:104
Third-party, payment to, § 226:111
Waiver, § 226:116
Disability, § 226:72, 226:98
Duplicate checks issued, § 226:62
Enforceability of policy, § 226:64
Erisa, generally, § 226:51, 226:52
Estoppel, § 226:104
Exception preventing recovery from innocent third-party creditor, § 226:57
Exhaustion of primary policy limits, § 226:67
Existence of loss, § 226:71 to 226:73
Expiration of policy, § 226:103
Fact, mistake of, § 226:56
Facts, knowledge of, § 226:102 to 226:104
Fees, § 226:119
Final judgment, payment pursuant to, § 226:101
Fraud
Payments, recovery of, § 226:114 to 226:116
Void policy, § 226:118
Fraud, payment based on
Generally, § 226:84 et seq.
RECOUPMENT—Cont’d
Insurance agents, § 226:70
Insured/beneficiary, generally, § 226:50 et seq.
Interest on money, § 226:120, 226:121
Investigation, § 226:53, 226:105
Judgment, § 226:101
Knowledge of changes in circumstances after initial loss, § 226:78, 226:79
Knowledge of facts, § 226:102 to 226:104
Limitations and restrictions, § 226:67
Litigation costs and fees, § 226:119
Mistaken payments, recovery of, § 226:106 to 226:109
Mistake of insurer
Generally, § 226:56 et seq.
Amount of payment, § 226:82
Clerical errors, § 226:61, 226:62
Commercial property, § 226:76
Death, § 226:73
Disability, § 226:72
Duplicate checks issued, § 226:62
Enforceability of policy, § 226:64
Evidence, § 226:59
Exception preventing recovery from innocent third-party creditor, § 226:57
Exhaustion of primary policy limits, § 226:67
Existence of loss, § 226:71 to 226:73
Fact, mistake of, § 226:56
Form of payment, § 226:83
Identity of tortfeasor, § 226:75
Ignorance that insurer was released before making payment, § 226:65
Ignorant of other policies, § 226:68
Ineligible beneficiary, payment to, § 226:112
Innocence, § 226:57
Innocent third party, payment to, § 226:115

RECOUPMENT—Cont’d
Fraud, payment based on—Cont’d
Age, § 226:88
Business interruption insurance, § 226:96
Condition of property, § 226:92
Disability, initiation of, § 226:98
Evidence
Generally, § 226:85, 226:86
Misrepresentation as to loss
Generally, § 226:94 et seq.
Amount of loss, § 226:95, 226:96
Business interruption insurance, § 226:96
Cause of loss, § 226:97
Disability, initiation of, § 226:98
Identity of insured, § 226:90
Multiple insureds, § 226:87
Ownership of property, § 226:93
Personal characteristics of insured, misrepresentations as to, § 226:88 to 226:90
Physical condition, § 226:89
Procuring insurance, misrepresentations in
Personal characteristics of insured, § 226:88 to 226:90
Property, § 226:91 to 226:93
Receipt of benefits from other source, § 226:99
Relaxation of evidentiary rules, § 226:86
Release of wrongdoer, § 226:100
Value of property, § 226:91
Government insuring agency to recover, right of, § 226:54
Identity of insured, § 226:90
Identity of tortfeasor, § 226:75
Ignorance that insurer was released before making payment, § 226:65
Ignorant of other policies, § 226:68
Ineligible beneficiary, payment to, § 226:112
Innocence, § 226:57
Innocent third party, payment to, § 226:115

Index-564
INDEX

RECOUPMENT—Cont’d
Mistake of insurer—Cont’d
Legal obligation-pay, mistake as to
Existence of loss, § 226:71 to 226:73
Legal obligation to pay, mistake as to
Generally, § 226:63 et seq.
Agent, mistake of, § 226:70
Character, circumstances, and
nature of loss or property
issued, generally, § 226:71 et seq.
Commercial property, § 226:76
Death, § 226:73
Disability, § 226:72
Enforceability of policy,
§ 226:64
Exhaustion of primary policy
limits, § 226:67
Identity of tortfeasor, § 226:75
Ignorance that insurer was
released before making
payment, § 226:65
Ignorant of other policies,
§ 226:68
Knowledge of changes in cir-
cumstances after initial
loss, § 226:78, 226:79
Multiple policies and coverages,
generally, § 226:66 et seq.
Ownership of property, § 226:77
Question of law or fact,
§ 226:63
Residential property, § 226:76
Workers’ compensation eligibility,
§ 226:69
Work-related injury, § 226:74
Multiple insureds, § 226:87
Multiple payees for same loss,
§ 226:81
Negligence of insurer, § 226:109
Overpayment distinguished,
§ 226:117
Ownership of property, § 226:77,
226:93
Parties, generally, § 226:55
Penalty, § 226:122
Penalty interest statute, § 226:121
Personal characteristics of insured,
misrepresentations as to,
§ 226:88 to 226:90
Physical condition, § 226:89
Prejudice-payee, § 226:110 to 226:113
Procurement, § 226:114 to 226:116
Procuring insurance, misrepresenta-
tions in, § 226:88 to 226:90
Promissory estoppel, § 226:104
Propriety of payment, time, § 226:58
Question of law or fact, § 226:60,
226:63
Recovery of benefits from other source,
§ 226:99
Relaxation of evidentiary rules,
§ 226:86
Release, § 226:65, 226:100
Residential property, § 226:76
Statutes, § 226:121, 226:122
Subrogation, § 222:2, 222:97,
225:104 to 225:106
Third party, § 226:111, 226:115
Third-party creditor, § 226:57
Total payment recoverable, § 226:118
Unjust enrichment, § 226:52
Value of property, § 226:91
Void policy, § 226:118
Waiver, § 226:116

RECOUPMENT—Cont’d
Mistake of insurer—Cont’d
Question of law or fact, § 226:60,
226:63
Residential property, § 226:76
Workers’ compensation eligibility,
§ 226:69
Work-related injury, § 226:74
Multiple insureds, § 226:87
Multiple payees for same loss,
§ 226:81
Negligence of insurer, § 226:109
Overpayment distinguished,
§ 226:117
Ownership of property, § 226:77,
226:93
Parties, generally, § 226:55
Penalty, § 226:122
Penalty interest statute, § 226:121
Personal characteristics of insured,
misrepresentations as to,
§ 226:88 to 226:90
Physical condition, § 226:89
Prejudice-payee, § 226:110 to 226:113
Procurement, § 226:114 to 226:116
Procuring insurance, misrepresenta-
tions in, § 226:88 to 226:90
Promissory estoppel, § 226:104
Propriety of payment, time, § 226:58
Question of law or fact, § 226:60,
226:63
Recovery of benefits from other source,
§ 226:99
Relaxation of evidentiary rules,
§ 226:86
Release, § 226:65, 226:100
Residential property, § 226:76
Statutes, § 226:121, 226:122
Subrogation, § 222:2, 222:97,
225:104 to 225:106
Third party, § 226:111, 226:115
Third-party creditor, § 226:57
Total payment recoverable, § 226:118
Unjust enrichment, § 226:52
Value of property, § 226:91
Void policy, § 226:118
Waiver, § 226:116

Index-565
RECOUPMENT—Cont’d
Workers’ compensation eligibility, § 226:69
Work-related injury, § 226:74

RECREATIONAL ACTIVITIES
See also Accident and Life Insurance (this index)
Accident and life insurance, § 142:119
Accident insurance, §§ 139:58, 139:59
Consequential damages, § 178:26
Disability insurance, § 146:45
Occupation of insured, § 86:34

RECREATIONAL DRUG USE AND ABUSE
Accident and life insurance, § 143:68

RECREATIONAL VEHICLES
Generally, § 127:44
Property insurance, § 154:102

RECTAL BLEEDING
Good health of insured, § 88:34

REDELIBERATION OF POLICY
See Delivery of Policy (this index)

REDEMPTION
Assignment, § 35:35
Mortgages and deeds of trust, § 92:93

REDEPOSIT OF CHECKS
Premiums and assessments, § 73:16

REDUCTION
No-fault coverage, § 242:12
Subrogation, § 225:111

REENROLLMENT
See Group Insurance (this index)

RE-EXAMINATION
Physical or independent medical examination, § 196:68, 196:73

REFEREES
Generally, § 211:4, 211:7, 211:57

REFERENCE, INCORPORATION BY
Contractors’ bonds, § 163:35, 163:36

REFILING
See Limitation of Actions (this index)

REFINANCING
Group insurance, § 8:52
Liens and encumbrances, § 93:45

REFORMATION
Generally, § 26:1 et seq.
Acceptance of policy as defense, § 27:80
Adequacy of legal remedy as defense, § 27:81
Adverse judgment on policy, § 27:82
Agents and brokers
  Ignorance, § 26:10
  Mistakes, §§ 27:7, 27:15 to 27:21
  Spouse as agent of insured, § 242:188
Age of insured, § 27:48
Ambiguity, reformation distinguished from construction of, § 26:2
Amendment of pleadings to seek reformation in pending action, § 28:8
Ancillary actions, § 27:65
Appellate review, § 28:11
Arbitration proceedings, § 26:14 to 26:17
Assignment, § 27:63
Beneficiaries
  Mistake as to beneficiary, § 27:32
  Standing to seek reformation, § 28:2
Burden of proof, § 28:12
Capacity in which insured, § 27:49
Clerical surrender value, § 27:39
Clerical errors, § 27:27
Conditions of coverage, § 27:41
Coowned property, § 27:31
Corporations, mistaken description of, § 27:53
Course of dealing, § 27:89
Coverage, generally, § 27:40 to 27:46
Creditors, standing to seek reformation, § 28:3
Death of insured, reformation after, § 27:68 to 27:72
REFORMATION—Cont’d
Declaratory judgments, § 232:62
Defenses, generally, § 26:1 et seq.
Delay, § 27:64 to 27:72
Demand for relief, § 28:7
Description or identification, § 27:47 to 27:58, 27:69
Dollar amounts, § 27:37
Effective date of policy, § 27:62
Equitable nature of reformation, generally, § 26:11 et seq.
Estoppel and waiver
Generally, § 238:77
Mistake, § 27:89
Substitute for reformation, waiver as, § 26:4
Evidence
Generally, § 28:1 et seq.
Errors correctable by rules of evidence, § 27:58
Excess coverage, § 27:42
Grounds and defenses, generally, § 26:1 et seq.
Identification, § 27:47 to 27:58, 27:69
Illegality as defense, § 27:86
Incontestability clause, § 27:87, 240:87
Intent
Different policy, intentional issuance of, § 27:22
Evidence, § 28:18
Uncommunicated intention, § 26:9
Joinder of parties, § 243:98 to 243:105
Judgments
Adverse judgment on policy as defense, § 27:82
Pleadings, § 28:10
Justification, § 27:1 to 27:28
Laches and delay, § 27:64 to 27:72
Law, mistake of, § 27:8, 27:13, 27:14
Limitation of actions, § 235:109
Limitations
Generally, § 26:6
Defenses, § 27:84

REFORMATION—Cont’d
Location of covered activity, property or merchandise, § 27:44, 27:45
Loss payable clause, § 27:36
Mistake, generally, § 26:8, 27:1 to 27:63
Mortgage transactions, § 27:33 to 27:36
Motor vehicles, description of, § 27:56
Mutual mistake, § 27:1 to 27:28
Negligence
Defenses, § 27:85
Mistake, § 27:6, 27:24
Nondelivery or lack of possession of policy, § 27:78
Notice or knowledge
Agent of insurer, ignorance of, § 26:10
Mistake, knowledge of, § 27:12
Occupation of insured, § 27:50
Omitting part of property, § 27:57
Other insurance provisions, § 27:60
Parties
Generally, § 242:187, 242:188
Evidence, § 28:20
Standing-seek reformation, § 28:1 to 28:3
Understanding of parties, § 27:73 to 27:79
Partnerships, mistaken description of, § 27:52
Penalties, fees and similar consequences, § 204:94
Pending action, amendment of pleadings to seek reformation in, § 28:8
Pleadings, § 28:4 to 28:11
Possession of policy, lack of, § 27:78
Prejudice, laches as, § 27:67
Premiums and assessments, § 27:38
Questions of law or fact, § 28:14
Reading of policy, § 27:73 to 27:79
Release, § 216:48
Reliance on insurer’s agent, § 27:15 to 27:21
Renewal policies, § 27:2, 27:79
Replacement of policies, § 27:79
Res judicata, § 27:82

Index-567
REFORMATION—Cont’d
Risk covered, generally, § 27:40
Soliciting agent, mistake by, § 27:19, 27:20
Spouse as agent of insured, § 242:188
Standard of proof, § 28:15, 28:16
Stipulations as to use, occupancy, and the like, § 27:61
Third persons
Interests of nonparties as defense, § 27:12
Knowledge of mistake, § 27:12
Time
Effective date of policy, § 27:62
Laches and delay, § 27:64 to 27:72
Risk, duration of, § 27:43
Uncommunicated intention, § 26:9
Understanding of parties, § 27:73 to 27:79
Unilateral mistakes, § 27:5 to 27:12
Use or occupancy
Evidence, § 28:19
Stipulations as to use, occupancy, and the like, § 27:61
Value of property, § 27:59
Venue, § 230:27
Workers’ compensation, § 28:5
Wrong person named as insured, § 27:30

REFRIGERATION SYSTEM
Property insurance, § 155:86

REFUND OR REBATE
Generally, § 2:32
See also Premiums and Assessments (this index)
Bonds, § 242:144
Cancellation and rescission, § 32:37, 57:34
Credit insurance premiums, § 167:36
Incontestability clause, § 240:41
Performance bonds, guaranties, suretyship, and like arrangements, § 166:103

REGISTERED AGENTS
Service of process, § 231:56

REGISTERED MAIL
Cancellation and rescission, § 32:28

REGISTRATION OF TITLE LAWS
Sales, § 91:53

REGULAR AND CUSTOMARY CHARGES
See Medical Insurance (this index)

REGULATION OF INSURANCE
Generally, § 2:1 et seq.
Burden of proof in regulatory proceedings, § 254:137
Costs of action, § 233:76
Estoppel and waiver, § 239:117
Justiciability, § 227:46
Privileged information, § 250:45

REHABILITATION, CONSERVATION, AND REORGANIZATION
Allowance of claims, generally, § 5:25
Appointment of conservator, § 5:20, 5:21
Consent or objection to plan, § 5:29
Constitutionality, § 5:19
Contractors’ performance bonds, § 164:76
Costs of action, § 233:74
Direction by court, § 5:23
Extraterritorial effect of proceedings, § 5:31
Premiums, return of, § 79:47 to 79:49
Proof of claims, § 5:25
Reinsuring company, organization of, § 5:27
Reorganization, generally, § 5:32
Setoffs and counterclaims, § 5:26
Termination of rehabilitation proceedings, § 5:30
Voting trusts, § 5:28

REHABILITATION THERAPY
Disability insurance, § 182:23
No-fault insurance, § 171:51
INDEX

REHABILITATION THERAPY
—Cont’d
Workers’ compensation, post-injury employment, § 173:73

REHIRING
Group insurance, § 8:70

REIMBURSEMENT
See also Subrogation (this index)
Aircraft insurance, § 155:38
Amounts recoverable
Generally, § 226:41 et seq.
Erisa, § 226:44, 226:47
Exclusion of benefits paid after insured’s settlement or recovery, § 226:43
Offset for share of cost to obtain recovery from third party
Generally, § 226:44 et seq.
Amount, § 226:49
Coordination of benefits provision, § 226:48
Erisa, § 226:44, 226:47
Statute, § 226:44
Payment, extent of, § 226:41
Reasonable charges or discounted amounts actually paid to provider of health care, measure based on, § 226:42
Statutes, § 226:44
Antisubrogation rule, § 226:6, 226:25
Arbitration awards, § 226:31
Beneficiary, generally, § 226:1 et seq.
Burden of proof, § 254:134
Charges or discounted amounts actually paid to provider of health care as reasonable, § 226:42
Conflict of interest, § 202:36
Construction and interpretation, § 226:27 to 226:29
Contractual provisions or agreements
Generally, § 226:20 et seq.
Antisubrogation rule, § 226:25
Arbitration awards, § 226:31
Construction and interpretation, § 226:27 to 226:29
Dependents bound by agreement, § 226:32

REIMBURSEMENT—Cont’d
Contractual provisions or agreements
—Cont’d
Equitable lien, § 226:23
Health insurance, § 226:28
Medical insurance policy, dependents under, § 226:32
Medical payments insurance in liability policies, § 226:29
Separate agreement to policy provision, § 226:22
Uninsured motorist insurance, § 226:30
Validity, § 226:24 to 226:26
Costs of action, § 233:15
Defense costs, § 226:123 to 226:125
Defenses, § 202:40
Dependents bound by agreement, § 226:32
Discounted amounts actually paid to provider of health care as reasonable, § 226:42
Discretion, § 226:9
Endorsement, § 226:10
Equitable lien, § 226:23
Equitable reimbursement, § 226:17 to 226:19
Erisa
Amounts recoverable, § 226:44, 226:47
Less than all damages recovered, § 226:35
Statutes, § 226:9
Exclusion of benefits paid after insured’s settlement or recovery, § 226:43
Fidelity insurance, § 160:64, 160:100
Fiduciary’s discretion, § 226:9
Health care, § 226:42
Health insurance, § 226:28
Insured/beneficiary, generally, § 226:1 et seq.
Interstate commerce commission (icc) endorsement, § 226:10
Judgments, § 226:40
Justiciability, § 227:48

Index-569
REIMBURSEMENT—Cont’d
Less than all damages recovered
Generally, § 226:33 et seq.
Erisa, § 226:35
Minor whose parents are persons entitled to recover from third party, § 226:39
Need for recovery to correspond to loss compensated by insurer, generally, § 226:36 et seq.
Payment, loss not fully compensated by insurer’s, § 226:34, 226:35
Settlements or judgments corresponding to elements of loss paid by insurer, § 226:40
Liability insurance, § 226:29, 226:131
Liens, § 226:16, 226:23
Medical insurance policy, dependents under, § 226:32
Medical payments, § 158:12, 185:106, 226:29
Minor whose parents are persons entitled to recover from third party, § 226:39
Question of fact, § 226:15
Reasonable charges, § 226:42
Recovery from other sources, generally, § 226:3 et seq.
Release of other sources, generally, § 226:3 et seq.
Self-insurance, § 10:9
Settlement, § 226:40, 226:43
Statutes
Generally, § 226:8 et seq.
Erisa, § 226:9
Fiduciary’s discretion, § 226:9
Interstate commerce commission (icc) endorsement, § 226:10
Liens, § 226:16
Offset for share of cost to obtain recovery from third party, § 226:44
Question of fact, § 226:15
Third-party providers, § 226:13

REIMBURSEMENT—Cont’d
Statutes—Cont’d
Uninsured and underinsured motorist insurers, § 226:14
Validity, § 226:11
Third-party claims, § 206:48
Third-party providers, § 226:13
Third persons, § 226:39
Uninsured and underinsured motorist coverage, § 171:41, 226:14, 226:30
Validity, § 226:11, 226:24 to 226:26
Workers’ compensation, § 173:50

REINSTATATION AND REVIVAL
Generally, § 33:1 et seq.
Acceptance and offer
Generally, § 33:21, 33:22
Accident and life insurance, § 140:80
Acknowledgement of lapse, reinstatement application as, § 33:6
Agent of insurer
Generally, § 51:40, 51:41
Estoppel and waiver, effect of payment of premiums to insurer’s agent, § 33:106
Good health or insurability of insured, representation as to, § 33:82
Setting aside, § 33:113, 33:114
Applications
Generally, § 18:9
Acknowledgement of lapse, § 33:6
Death of insured pending application to reinstate, § 33:18
Health or insurability of insured, conditions arising after application for reinstatement, § 33:88
Setting aside, § 33:112, 33:119
Approval of reinstatement, estoppel and waiver, § 33:108
Burden of proof
Generally, § 254:31
Defenses, § 254:34
Burden of proof of health or insurability of insured, § 33:69

Index-570
REINSTATEMENT AND REVIVAL
—Cont’d
Cancellation and rescission, notice of intent, § 32:24
Cardiovascular disorders, § 33:73
Check, payment of overdue premiums by, § 33:52, 33:53
Consideration, § 33:23
Construction of reinstatement provisions
Generally, § 33:9, 33:39
Health or insurability of insured, § 33:64 to 33:68
Continuing or new contract, § 33:25 to 33:32
Death
Generally, § 33:12 Pending action on application to reinstate, § 33:18
Definiteness, § 33:24
Definitions
Good health, § 33:59
Reinstatement, § 33:2
Delay
Death pending action to reinstate, § 33:18
Estoppel and waiver, § 33:107
Terms of reinstated policy, § 33:36 to 33:39
Demand by insurer, health or insurability of insured, § 33:62, 33:110
Discretion, § 33:10, 33:30
Dishonor of note or check for payment of overdue premiums, § 33:53
Effective date, § 33:5, 33:35
Equitable remedies, § 232:136, 232:166
Estoppel and waiver, § 33:94 to 33:111, 238:8, 239:130
Evidence, health or insurability of insured, § 33:61, 33:63, 33:69 to 33:72, 33:110
Fraud or deceit
Health or insurability of insured, § 33:81 to 33:89
Reinstatement, improper, § 232:94 to 232:96

REINSTATEMENT AND REVIVAL
—Cont’d
Fraud or deceit—Cont’d
Setting aside, § 33:112, 33:116, 33:118
Good faith, health or insurability of insured, § 33:90 to 33:93
Governing law, reinstatement of policy, § 24:30
Health or insurability of insured
Generally, § 33:56 to 33:93
Burden of proof, § 33:69
Cardiovascular disorders, § 33:73
Conditions, generally, § 33:76 to 33:78
Construction of reinstatement provisions, § 33:64 to 33:68
Death pending action on application to reinstate, § 33:16
Definition of good health, § 33:59
Demand by insurer, § 33:62, 33:110
Estoppel and waiver, § 33:102, 33:110
Evidence, § 33:61, 33:63, 33:69 to 33:72, 33:110
Good faith of insured, § 33:90 to 33:93
Knowledge of health of insured, § 33:105, 33:115
Minor defects immaterial, § 33:60
Misrepresentation, § 33:81 to 33:89
Questions of law or fact, § 33:70
Respiratory disorders, § 33:74
Risk, insurability as meaning acceptability of, § 33:68
Warranties, § 33:79, 33:80
Incontestability clause, § 240:24 to 240:26
Intent to deceive as to health or insurability of insured, § 33:86
Jurisdiction, § 228:49
Lapse
Generally, § 33:4
Acknowledgement of lapse, reinstatement application as, § 33:6
REINSTATEMENT AND REVIVAL
—Cont’d

Lapse—Cont’d
   Delay provisions when policy never lapsed, § 33:37
   Estoppel and waiver, § 33:99
Life insurance, § 33:31
Mandatory conditions, § 33:46
Medical insurance, § 144:86
Modification of contract, § 33:34
Multiple conditions, § 33:46
Negotiation, estoppel and waiver, § 33:100
Note or check, payment of overdue premiums by, § 33:52, 33:53
Notice or knowledge
   Health or insurability of insured, § 33:105, 33:115
   Premium notice, sending of, § 33:111
   Rejection of reinstatement, § 33:109
Overdue premiums, § 33:47
Part payment of overdue premiums, § 33:51
Pending action on application to reinstate, effect of insured’s death, § 33:18
Postponement of coverage, § 33:38, 33:39
Premiums
   Estoppel and waiver, § 33:101 to 33:106, 33:111
   Forfeiture for nonpayment, § 76:35 to 76:42, 78:63
   Overdue premiums, § 33:47
   Time of payment, § 72:19
Questions of law or fact
   Estoppel and waiver, § 33:98
   Health or insurability of insured, § 33:70
   Setting aside, § 33:117
   Representations, warranties, conditions, and concealment, § 81:77, 83:25
Respiratory disorders, § 33:74
Return of premiums, estoppel and waiver, § 33:104

REINSTATEMENT AND REVIVAL
—Cont’d

Risk, insurability as meaning acceptability of, § 33:68
Setting aside, § 33:112 to 33:119
Solicitation, estoppel and waiver, § 33:100
Terms and conditions
   Generally, § 33:8, 33:33 to 33:39
   Estoppel and waiver, conditional acceptance of premiums, § 33:102
   Overdue premiums, payment of, § 33:55
   Preconditions, § 33:40 to 33:46
   Third persons, representation as to good health or insurability of insured, § 33:82
Time
   Acceptance, § 33:22
   Effective date, § 33:5, 33:35
   Health or insurability of insured, time as to representation relates, § 33:87
   Overdue premiums, payment of, § 33:54
   Waiver, § 33:94 to 33:111
Warranty of health or insurability of insured, § 33:79, 33:80

REINSURANCE

Ambiguity, § 9:15
Arbitration, § 9:35
Attachment and duration of risk, § 9:11
Cancel, right to, § 9:12
Common law, § 204:37
Concealment, § 9:31
Concepts, § 9:2
Costs, § 9:29
Defenses, § 9:33
Direct liability to the original insured, § 9:30
Discovery, § 251:30
Distinguished from other agreements and transactions, § 9:4
Duty of good faith, § 9:17
Expenses, § 9:29
Extracontractual damages, § 9:29
REINSURANCE—Cont’d
Federal reinsurance, § 9:8
Foreign insurers, § 3:11
General asset of original insurer, § 9:23
Governing law, § 9:14
Inadequate notice of claim, § 9:32
Insolvency
   Generally, § 9:22
   Rehabilitation, conservation, and reorganization, § 5:27
Interpretation of specific words and phrases, § 9:16
Joinder of parties, § 243:150
Limitation of actions, § 236:81
Marine insurance, § 183:17
Misrepresentation, § 9:31
Modification, § 9:21
Multiple reinsurers, § 9:18
Mutual companies, § 39:35
Notice of claim, § 9:32
Notice of proof of loss, § 190:34
Penalties, fees and similar consequences, § 204:82
Policy limitations on risk, § 9:28
Prejudice, § 193:63, 193:80
Premiums, return of, § 79:10
Reasonable notice, § 190:34
Rehabilitation, conservation, and reorganization, § 5:27
Rejection of risk, § 9:19
Salvage, § 9:20
Selection of risk, § 9:19
Service of process, § 231:37
Settlements, § 9:25
State regulation, § 9:5
State statutes, § 9:7
Statute of frauds, § 9:10
Statutes governing, § 9:6
Subrogation, § 222:17
Terminology, § 9:2
Total loss, § 9:27
Trigger concept, § 191:72
Types of, § 9:3
Validity, § 9:10
Venue, § 230:43

REISSUANCE
Jurisdiction, § 228:43

REJECTION
See Acceptance or Rejection (this index)
Offer to pay or settle, § 194:65

REJOINDER
Pleadings, § 244:69

RELATION BACK
Cure, § 244:131

RELATIONSHIP TO PARTY
Cooperation, § 199:33

RELATIVES
See Family or Relatives (this index)

RELEASE OR DISCHARGE
Generally, § 216:1 et seq.
Accident benefits, § 216:40, 216:42
Admitted liability, § 216:22
Agents and Brokers (this index)
   Another provision, release affecting, generally, § 216:38 et seq.
Assignment, release of other security when debt is satisfied, § 37:80
Automobile Insurance (this index)
Avoidance
   Generally, § 216:46 to 216:49, 216:46 et seq.
   Burden of proof, § 216:47
   Concealment on settlement, § 216:51
   Consideration, § 216:49, 216:57
Duress and undue advantage, § 216:58
Evidence, sufficiency of, § 216:53
Fiduciary duty, breach of, § 216:56
Fraud, misrepresentation, or concealment
   Generally, § 216:50, 216:50 et seq.
   Evidence, sufficiency of, § 216:53
   Questions of law or fact, § 216:54
RELEASE OR DISCHARGE
—Cont’d
Avoidance—Cont’d
Fraud, misrepresentation, or concealment—Cont’d
Settlement, concealment of, § 216:51
Ignorance of release or contents, § 216:55
Incapacity, § 216:59
Mutual mistake, § 216:60
Questions of law or fact, § 216:54
Reformation of release, § 216:48
Settlement, concealment of, § 216:51
Sufficiency of evidence, § 216:53
Undue advantage, § 216:58
Unilateral mistake, § 216:61
Bank deposit guaranty, § 166:23
Burden of proof, § 216:47, 254:144
Capacity and authority to execute
Generally, § 216:12 et seq.
Child on behalf of parent, § 216:15
Insurer on behalf of insured, § 216:16
Minor, § 216:13, 216:14
Parent, child on behalf of, § 216:15
Parent on behalf of minor, § 216:14
Representative or parent on behalf of minor, § 216:14
Spouse, § 216:17
Check, § 216:23
Child on behalf of parent, § 216:15
Commercial General Liability Policies (this index)
Community property, release of interest by former spouse, § 64:8
Conditional buyer or seller, § 216:28
Conditional releases, § 216:3
Consent, without, § 216:27
Consideration
Generally, § 216:18 et seq., 216:49, 216:57
Acceptance of check in payment of claim, § 216:23

RELEASE OR DISCHARGE
—Cont’d
Consideration—Cont’d
Disputed claim, partial payment as consideration for release of, § 216:21
Nominal payment, return of, § 216:20
Partial payment, § 216:21
Payment of admitted liability as consideration for release of disputed claim, § 216:22
Return of premiums, § 216:19, 216:20
Sufficiency, § 216:18
Construction and interpretation, § 216:8 to 216:11
 Contractors’ payment bonds, § 165:174
 Contractors’ performance bonds, § 164:83 to 164:85, 164:97
 Contribution, § 218:39
 Death benefits, § 216:41 to 216:43
 Defenses, § 245:130
 Demonstrative evidence, admissibility of release as, § 253:263
 Disabilities arising after, § 216:37
 Disability benefits, release on claim for death benefits, § 216:41
 Disputed claim, § 216:21, 216:22
 Double indemnity, acceptance of death benefits on claim for, § 216:43
 Duress and undue advantage, § 216:58
 Effect of, generally, § 216:24 et seq.
 Evidence, sufficiency of, § 216:53
 Excess claims against insured, § 216:33
 Excess liability, § 216:45
 Explain, duty to, § 216:6
 Fidelity Bonds and Insurance (this index)
 Fidelity insurance, § 162:5 to 162:8, 162:35
 Fiduciary duty, breach of, § 216:56
 Fraud, misrepresentation, or concealment
 Generally, § 216:50

Index-574
INDEX

RELEASE OR DISCHARGE
—Cont’d
Fraud, misrepresentation, or concealment—Cont’d
Negotiation, § 232:103
Settlement, § 216:51
Homeowners’ Insurance (this index)
Ignorance of release or contents, § 216:55
Incapacity, § 216:59
Incontestability clause, § 240:79
Indemnity, § 216:43
Insurer on behalf of insured, § 216:16
Joint tortfeasors, § 216:25
Liens and encumbrances, § 93:41
Life, health, and disability insurance, § 207:56
Life insurance, discharge of debt as affecting insurable interest, § 43:23
Marine insurance, § 183:42, 221:65
Medical insurance, § 207:56
Minor, § 216:13, 216:14
Mistake, § 216:60, 216:61
Mortgages and deeds of trust, § 65:18, 65:37, 65:38
Mutual mistake, § 216:60
Nominal payment, return of, § 216:20
Nonparty, § 216:28
Other agreements and instruments distinguished, § 216:4
Other claims against insurer, effect on, § 216:31
Other policies, claims under, § 216:35
Parent, child on behalf of, § 216:15
Parent on behalf of minor, § 216:14
Parol evidence rule, § 216:9, 253:63
Partial payment, § 216:21
Professional Liability Insurance (this index)
Public official and appointed fiduciary bonds, § 166:43 to 166:45
Questions of law or fact, § 216:7, 216:26, 216:54

RELEASE OR DISCHARGE
—Cont’d
Recoupment, § 226:65, 226:100
Reformation of release, § 216:48
Reimbursement (this index)
Removal or Discharge From Employment or Office (this index)
Representative or parent on behalf of minor, § 216:14
Required elements, generally, § 216:12 et seq.
Retroactive premiums, § 216:39
Return of premiums, § 216:19, 216:20
Separate parties, claims against, § 216:34
Settlement and compromise of claim, § 215:65, 216:51
Sick benefits, release of accident benefits on claim for, § 216:40
Spouse, § 216:17
Statutes, § 216:30
Subrogation (this index)
Subsequent events, § 216:36, 216:37
Sufficiency of consideration, § 216:18
Sufficiency of evidence, § 216:53
Third-party claims, § 206:8
Time of execution, § 216:5
Title insurance, § 159:90
Tortfeasor, § 216:29, 216:30, 216:32
Undue advantage, § 216:58
Unilateral mistake, § 216:61
Uninsured and underinsured coverage, § 216:30, 216:44
Unknown loss, § 216:36

RELEVANCE OF EVIDENCE
Generally, § 249:5
Discovery, § 251:26
Expert witnesses, § 252:22
Witnesses, § 252:53

RELIANCE
Agents and Brokers (this index)
Estoppel and waiver, § 238:14 to 238:16, 239:110, 239:111

Index-575
RELIANCE—Cont’d
Representations, Warranties, Conditions, and Concealment (this index)

RELIGIOUS ORGANIZATIONS
Life insurance, insurable interests of members, § 43:30
Use and occupancy, § 94:81

RELOCATION
Jurisdiction, § 228:42, 228:43

RELOCATION EXPENSES
Consequential damages, § 178:18

REMAINDERMEN
See Life Estates, Remainders, and Reversions (this index)

REMAND
Appeals, § 248:52
Jurisdiction of federal proceedings, § 229:81

REMARRIAGE
Divorce and separation, § 64:15, 64:16
Workers’ compensation, § 173:25

REMOVAL OF ACTION
See also Federal Courts (this index)
Incontestability clause, § 240:95
Service of process, § 231:15, 231:99

REMOVAL OF PROPERTY
Venue, § 230:61

REMOVAL OR DISCHARGE FROM EMPLOYMENT OR OFFICE
Group insurance, discharge from employment as terminating, § 8:62 to 8:72
Premiums and assessments, employment termination, § 73:21

RENEWAL
Generally, § 29:1 et seq.
Acceptance, § 29:16 to 29:19
Accident insurance, § 29:11, 29:38

RENEWAL—Cont’d
Applications, § 18:9
Assignment, renewal notes, § 37:51
Attachment of policy, statutes requiring, § 29:27
Avoidance, grounds for, § 29:30
Burden of proof, § 29:44
Cancellation, § 29:3
Commissions, § 57:43 et seq.
Concealment of facts, § 29:30
Conditions and representations
Generally, § 83:25
Concealment of facts, § 29:30
Conditional renewal, § 29:4
Fraud, § 29:30 to 29:32
Terms of renewal contract, § 29:39 to 29:43
Consideration, § 29:15
Construction of terms of renewal contract, § 29:39
Continuation
Old contract or creation of new contract, § 29:33 to 29:38
Terms of renewal contract, § 29:40 to 29:43
Contractors’ performance bonds, § 164:95
Costs of action, § 233:40
Credit Insurance (this index)
Custom to renew, renewal distinguished from, § 51:39
Definiteness, § 29:14
Definition, § 29:1
Estoppel and waiver
Generally, § 29:45
Payment of premium, estoppel of, § 29:29
Evidence, § 29:44 to 29:46
Excusing notice, § 29:8
Fidelity insurance, § 160:79 to 160:81
Foreign or Alien Insurers (this index)
Fraud, § 29:30 to 29:32
Frauds, statute of, § 29:28, 29:29
Index

RENEWAL—Cont’d
Governing law, renewal of policy, § 24:29
Group insurance, renewal premiums, § 8:24
Health insurance, § 29:11, 29:38
Insolvency, § 46:50 to 46:53, 57:44
Intent to renew, § 29:13
Intervening statutes, effect of, § 29:43
Jurisdiction, § 228:43
Licenses of agents and brokers, § 47:16
Limitation of actions, § 234:18, 237:104
Mandatory insurance laws, § 29:33
Modification of contract, § 29:41
Nonrenewal, generally, § 29:6
Notice
Generally, § 29:7, 29:8
Agents and brokers, § 46:48
Offer and acceptance, § 29:16 to 29:19
Option of insurer, § 29:10
Parol renewals, § 29:24 to 29:29, 51:37
Premiums, payment of
Generally, § 29:20 to 29:23
Agents and brokers
Generally, § 46:47
Prepayment of premiums, § 29:22
Questions of law or fact, § 29:44
Reformation, renewal policies, § 27:2, 27:79
Time of payment of premiums, § 29:21

RENEWAL OR SUCCESSIVE BONDS
See Fidelity Bonds and Insurance (this index)

RENTAL PROPERTY INSURANCE
Landlord and Tenant (this index)

RENTALS—Cont’d
Landlord and tenant—Cont’d
Rent Insurance (this index)
Rent Loss Insurance (this index)

RENTAL VEHICLES
Non-owned vehicle, § 118:51

RENT INSURANCE
Cancellation of lease by lessor for noncovered reason, § 167:31
Construction and interpretation, lessor’s insurance, § 167:27
Lessees’ insurance, § 167:29 to 167:31
Lessor, insurance of, § 167:26 to 167:28
Modification of rental terms, § 167:30
Waiver and estoppel, lessor’s insurance, § 167:28

RENT LOSS INSURANCE
Generally, § 185:25 et seq.
Delay, effect of, § 185:27
Limitation of liability, § 185:32
Measure of damages, § 185:28 to 185:31
Period of recovery, § 185:26, 185:27
Repairs, amounts paid to speed repairs, § 185:31
Restoration prohibited, § 185:30
Restore, time necessary to restore, § 185:26
Speed repairs, amounts paid to, § 185:31
Subleases, § 185:29
Time, delay, effect of, § 185:27
Time necessary to restore, § 185:26

RENUNCIATION
Jurisdiction of federal proceedings, § 229:87

REOPENING CASE
Generally, § 248:4 et seq.
Default judgment, relief from, § 248:4 to 248:7
Dismissal, relief from, § 248:8, 248:9

Index-577
REOPENING CASE—Cont’d
Time for relief, § 248:5
Time to reopen, § 248:9
Waiver of time to reopen, § 248:9

REORGANIZATION
See Rehabilitation, Conservation, and Reorganization (this index)

REPAIRS
Arbitration, appraisal, or submission agreements, § 210:75
Automobile insurance, § 111:37
Automobile insurance, transportation of merchandise, § 120:106
Automobiles (this index)
Business interruption insurance, § 167:18, 185:7
Commercial liability insurance, § 201:69
Complaints, petitions, and declarations, § 244:32
Consequential damages, § 178:24
Contractors’ payment bonds, § 165:117
Deductions and offsets, § 178:5, 178:6
Defenses. Option to repair or replace, below
Delayed payment or nonpayment, § 207:69
Directed verdicts, § 247:39
Estoppel and waiver, § 96:27
Hearsay exclusion and exceptions, § 249:25
Instructions to jury, § 246:102
Limitation of actions, § 235:114, 237:88
Marine Insurance (this index)
Mitigation of damages, § 178:14
Option-repair or replace
Consequential damages, § 176:50 to 176:52
Election, § 176:9 to 176:11
Liability of insurer-insured, § 176:37 to 176:40
Punitive damages, § 176:50 to 176:52

REPAIRS—Cont’d
Option-repair or replace—Cont’d
Responsibility as-repair or replacement work
Consequential damages, § 176:50 to 176:52
Liability of insurer-insured, § 176:37 to 176:40
Punitive damages, § 176:50 to 176:52
Time
Option be exercised, § 176:15 to 176:17
Option to repair or replace
Generally, § 176:1 et seq.
Acceptance of defective work, § 176:43
Accord and satisfaction, § 176:44
Accrual, time of accrual, § 176:40
Action, right of, § 176:14
Actual cash value, recovery beyond
Generally, § 176:56 et seq.
Building code changes, § 176:66
Cost, reproduction or replacement cost as test, § 175:26, 175:27
Expensive methods and materials, § 176:66, 176:67
Failure to restore property, § 176:63
Location of actual replacement, § 176:61
Measurement of replacement cost, § 176:58
Need for replacement to actually be made, § 176:59, 176:60
Original property, similarity to replacement property, § 176:65
Partial loss, § 176:62
Restore property, failure to, § 176:63
Statutes, § 176:57
Time allowed to complete replacement, § 176:64
Value, reproduction or replacement value tests, § 175:34

Index-578
REPAIRS—Cont’d
Option to repair or replace—Cont’d
Responsibility as to repair or replacement work—Cont’d
Breach, extent of recovery on, generally, § 176:48 et seq.
Burden of proof, § 176:36, 176:53
Completing repairs, cost of, § 176:48, 176:49
Conversion, § 176:38
Cost of completing repairs, § 176:48, 176:49
Evidence, burden of supplying evidence of loss, § 176:53
Incompetence of repairer, § 176:33
Liability of insurer to third persons, § 176:41
Multiple insurers, breach by, § 176:39
Negligence, § 176:33
Profits, loss of, § 176:52
Questions of law or fact, § 176:36
Reasonably, duty to act, § 176:32
Rents, loss of, § 176:52
Return property after repair, failure to, § 176:38
Same condition, duty to restore to, § 176:32
Sufficiency of particular repair or replacement, § 176:34
Third persons, liability of insurer to, § 176:41
Time of accrual, § 176:40
Time within which repairs must be made, § 176:35
Use, loss of, § 176:52
Restore property, failure to, § 176:63
Return property after repair, failure to, § 176:38
Same condition, duty to restore to, § 176:32
Statutes, § 176:3, 176:57
Sufficiency of particular repair or replacement, § 176:34

REPAIRS—Cont’d
Option to repair or replace—Cont’d
Terms of election, § 176:19, 176:20
Third persons, § 176:6, 176:41, 176:54, 176:55
Time
Accrual, § 176:40
Allowed to complete replacement, § 176:64
Within which repairs must be made, § 176:35
Total loss or impossibility of repair as precluding exercise of option, § 176:4, 176:5
Use, loss of, § 176:13, 176:52
Validity, § 176:2, 176:3
Valued policy statute, § 176:3
Waiver and estoppel, § 176:7, 176:8, 176:27, 176:44
Property insurance, § 155:102, 245:98
Public official and appointed fiduciary bonds, § 166:98
Rent loss insurance, § 185:31
Representations, warranties, and conditions, § 96:23 to 96:27
Subrogation, § 225:137
Time limitations, § 96:26
Use and occupancy, § 94:26
Value and cost of insured property, § 93:7
Waiver and estoppel, § 194:66
Witnesses, § 252:63

REPAIR SHOP
Automobile property insurance, § 156:27
Omnibus clause, permissive use of automobile, § 112:17

REPAYMENT
Assignment, repayment of loan where cash surrender value exempt, § 35:34
Loans, § 80:22, 80:39 et seq.
Premiums and assessments, repayment of unearned premiums, § 70:9
Prior judgment, § 239:67

Index-580
INDEX

REPEAL OF STANDARD FORM
Limitation of actions, § 235:40

REPEAL OF STATUTES
Contracts, laws as part of, § 19:8
Subrogation, § 225:65

REPETITIVE MOTION INJURIES
Generally, § 136:30

REPLACEMENT COSTS
Instructions to jury, § 246:102

REPLACEMENT OF POLICIES
Group insurance, § 8:34, 8:58
Reformation, § 27:79

REPLACEMENT OF PROPERTY
See also Repairs (this index)
Actual cash value. See Repairs (this index)
Arbitration, appraisal, or submission agreements, § 210:52
Automobile property insurance, § 156:10, 156:11
Automobiles and other motor vehicles, § 177:10
Coinsurance, § 220:24
Commercial liability insurance, § 201:69
Deductions and offsets, § 178:5, 178:6
Delayed payment or nonpayment, § 207:69
Description or identification of replacement buildings, § 20:11
Directed verdicts, § 247:39
Fidelity insurance, § 185:57
General merchandise, § 177:40
Household furniture, § 177:38
Machinery and supplies, § 177:44
Medical payments, § 158:34
Mortgages and deeds of trust, § 65:95
Option to repair or replace. See Repairs (this index)
Personal effects, § 177:38
Waiver and estoppel, § 194:66

REPLACEMENT SERVICES
No-fault insurance, § 171:50

REPLY
Generally, § 244:66 to 244:68

REPORTS
See also Fidelity Bonds and Insurance (this index)
Blanket policies, § 177:78 to 177:81
Documentary evidence, § 253:151 et seq., § 253:183 et seq.
Equitable remedies, § 232:149
Fidelity bonds and insurance, § 162:45
Hearsay exclusion and exceptions, § 249:24
Iron safe clauses, § 97:38
Notice and proof of loss, § 190:115
Property insurance, § 148:5
Public official and appointed fiduciary bonds, § 166:27
Public reports, § 253:151 et seq., § 253:183 et seq.
Rates and rating, monthly reporting policy rates, § 69:17
Riders and endorsements, medical examinations and reports, § 18:22
Watchmen or guards, § 96:17

REPOSSESSION
Automobile property insurance, § 156:33, 157:29
Conditional sales, § 68:14, 92:57
Foreclosure, § 92:104
Property insurance, § 151:20
Sales transactions, § 242:90

REPRESENTATIONS, WARRANTIES, CONDITIONS, AND CONCEALMENT
Generally, § 81:1 et seq., § 245:58 et seq.
Acceptance or rejection
Generally, § 16:8, 83:12
Estoppel and waiver, § 85:18, 85:21
Adjoining buildings, § 96:28 to 96:34
Affirmative warranties, § 81:13
Agents and Brokers (this index)
Age of Insured (this index)
REPRESENTATIONS,
WARRANTIES, CONDITIONS,
AND CONCEALMENT
—Cont’d
Ambiguous statements, § 81:39 to 81:46
Applications (this index)
Assignments, § 37:20 to 37:91
Automobile liability policies, § 245:73
Automobile property insurance, § 157:84
Avoidance of contracts, § 83:21, 93:7 to 93:11
Bank deposit guaranty, § 100:29
Beneficiaries (this index)
Binders and binding receipts, conditional, § 13:10 to 13:16
Breach of warranty, generally, § 83:18 et seq.
Burden of proof. Presumptions and burden of proof, below
Cancellation and Rescission (this index)
Careful man test, § 81:78
Carrier and other transportation insurance, § 100:30
Central information exchange, § 85:15
Change or modification
Generally, § 81:48
Statutory or regulatory modification of distinctions, § 81:49 et seq.
Title and ownership, § 91:9, 92:9, 92:10
Children, § 81:100, 91:92
Concealment, generally, § 81:21, 84:1 et seq.
Conditional Sales (this index)
Condition precedent
Generally, § 245:58, 245:59
Arbitration, § 212:16
Arbitration, appraisal, or submission agreements, § 210:21, 210:48
Cooperation, § 199:6, 199:86
Defense, § 202:13 to 202:16
Examination under oath, § 196:22

COUCH ON INSURANCE 3D
Index-582
REPRESENTATIONS,
WARRANTIES, CONDITIONS,
AND CONCEALMENT
—Cont’d
Cost of insured property, § 93:7 to 93:13
93:19 to 93:13
Custom and usage
Generally, § 81:84
Reliance and materiality, § 82:14, 82:15
Deeds (this index)
Defenses, § 245:89, 245:90
Definitions
Misrepresentation, § 81:6
Representation, § 81:5
Delay, § 85:25
Delivery of policy, duty to update information until, § 82:3, 82:4
Delivery of Policy (this index)
Description or Identification (this index)
Direct action, § 245:73
Disability insurance, § 245:127
Disclosure, generally, § 84:10 to 84:14, 99:2, 99:3
Disjunctive interpretation, § 81:62, 81:63
Distinctions, generally, § 81:22 to 81:27
Dividends, liability of insurer, § 80:61
Divorce or separation, terms of voluntary agreement or judicial order pursuant to separation or divorce, § 64:25, 64:26
Estoppel and waiver
Generally, § 85:1 et seq., 238:29, 245:61 to 245:64
Adjoining buildings, § 96:32
Age of insured, § 86:16 to 86:18
Conditions of policy, § 245:61 to 245:64
Description of property, § 90:6
Fraud and concealment, § 238:20, 238:21
Income, salary, and financial condition of insured, § 86:44
Iron safe clauses, § 97:33 et seq.

Estoppel and waiver—Cont’d
Liens and encumbrances, § 93:48 et seq.
Location of property, § 90:16 to 90:18
Occupation of insured, § 86:37
Payment, § 245:68
Repairs, § 96:27
Representations to regulatory authorities, § 239:117
Sales, § 92:39 et seq.
Statutory provisions, § 81:65, 81:66
Title and ownership, § 91:94, 91:95, 91:99, 91:100
Value and cost of insured property, § 93:12, 93:13
Watchmen or guards, § 96:6

Estoppel and waiver
Use and Occupancy (this index)
Evidence
Generally, § 245:69, 245:70
Age of insured, § 86:2
Concealment, generally, § 84:14
Intent, § 83:6
Liens and encumbrances, § 93:24
Location of property, § 90:15
Materiality, generally, § 82:9 et seq., 83:3, 84:4
Title and ownership, § 91:2
Value and cost of insured property, § 93:3
Watchmen or guards, § 96:1

Evidence
Fraud and Deceit (this index)
Good Health of Insured (this index)
Presumptions and burden of proof, below
Vacancy of Property (this index)
Examination under oath, § 196:28, 196:30
Express warranties, generally, § 81:11, 83:7, 83:8

Index-583
REPRESENTATIONS,
WARRANTIES, CONDITIONS,
AND CONCEALMENT
—Cont’d
Fidelity and other miscellaneous risks
Generally, § 100:1 to 100:34
Insurance, generally, § 160:93
Fidelity Bonds and Insurance (this index)
Financial condition of insured,
§ 86:1, 86:41 et seq.
Fraud and deceit, § 197:10, 232:103
General liability policies, § 245:71,
245:72
Good faith
Generally, § 81:61
Age of insured, § 86:4, 86:5
Fraud, § 81:86
Prior applications, rejections, and
cancellations, § 89:10
Reading of policy, § 85:57 to
85:59, 85:66
Good health, § 245:79
Good Health of Insured (this index)
Governing law, § 81:4
Group insurance, terms of coverage,
§ 8:19 to 8:23, 8:77
Hazards
Buildings and structures, § 94:42
Increase of moral hazard, § 81:98,
94:18
Occupation of insured, hazardous
occupations, § 86:26 to
86:28, 86:30, 86:37
Health insurance policies, § 245:127
Hearsay exclusion and exceptions,
§ 249:27
History of insurance, § 89:1 et seq.
Husband and wife, § 81:104, 86:48,
91:77 to 91:81, 92:75
Immunity, § 245:72
Implied warranties, § 81:12
Income of insured, § 86:1, 86:41 et
seq.
Incontestability clause, § 240:46,
240:74, 240:78
Incorporation of warranties by refer-
ence, § 83:9 to 83:11

REPRESENTATIONS,
WARRANTIES, CONDITIONS,
AND CONCEALMENT
—Cont’d
Increase of risk, § 81:79, 81:92 et
seq., 94:1 et seq.
Influence on judgment of insurer,
§ 82:16
Injured party pleading insured’s
compliance, § 245:60
Instructions to jury, § 246:99
Intention
Generally, § 83:4 to 83:6, 84:12
Estoppel and waiver, § 85:6 et seq.
Title and ownership, § 91:3
Truth, degree of, § 83:16, 83:17
Warranties of intention, § 81:16
Intention
Fraud and Deceit (this index)
Investigations
Generally, § 82:17, 82:18
Good health of insured, § 87:10,
87:33, 87:44, 88:31
Joint insureds, § 81:105
Liens and encumbrances, § 91:86 et
seq., 93:14 et seq.
Life insurance policies, § 245:79,
245:80, 245:127
Limitation of actions, § 81:53,
234:58
Marine Insurance (this index)
Mechanics, employment for altera-
tions and repairs, § 96:23 to
96:27
Medical care or treatment
Generally, § 82:8
Good health of insured, § 87:35 et
seq.
Medical examination, § 81:54 to
81:57, 87:23, 87:30, 87:31,
87:55
Moral hazard, increase of, § 81:98,
94:18
Mortgages and Deeds of Trust (this
index)
Negotiations, § 81:71
No action clauses, § 245:71
Notice or knowledge
Generally, § 245:69, 245:70

Index-584
REPRESENTATIONS, WARRANTIES, CONDITIONS, AND CONCEALMENT
—Cont’d
Notice or knowledge—Cont’d
Concealment, generally, § 84:6, 84:7
Constructive knowledge, § 84:13, 85:10, 91:98
Fraud, § 82:11, 82:22, 82:28
Liens and encumbrances, knowledge of breach, § 93:49 to 93:52
Location of property, § 90:17, 90:18
Qualified statements in terms of knowledge or belief, § 81:46
Title and ownership, knowledge of breach, § 91:96 to 91:98
Use and occupancy, increase of risk or hazard, § 94:8 to 94:34 to 94:35

Notice or knowledge
Fraud and Deceit (this index)
Iron Safe Clauses (this index)
Sales (this index)
Use and Occupancy (this index)

Objections, limitation of actions for, § 81:53
Occupation, § 86:1, 86:19 et seq.
Opinions, § 81:39 to 81:46, 83:17
Parol contracts, implied terms, § 13:20
Physical or independent medical examination, § 196:76, 196:78
Place or location
Generally, § 90:13 et seq.
Adjoining buildings, § 96:33
Birthplace of insured, § 86:47
Iron safe clauses, § 97:64, 97:78
Use and occupancy, place of keeping fuels, § 95:26
Pleadings, generally, § 245:58 et seq.
Preferences against promissory warranties, § 81:15

REPRESENTATIONS, WARRANTIES, CONDITIONS, AND CONCEALMENT
—Cont’d
Premiums, payment of, § 245:66 to 245:68
Presumptions and burden of proof
Generally, § 81:81, 254:93 et seq.
Age of insured, § 86:7
Fraud, § 81:85 to 81:88, 82:29, 82:31
Representations, generally, § 82:5, 82:6
Title and ownership, § 91:10, 91:95
Use and occupancy, § 94:37, 95:8
Probate of will, § 245:80
Production of documents and records, § 196:47
Promissory warranties, § 81:14, 81:15
Property insurance, § 154:68, 155:40
Prudent man test, § 81:78
Public documents, ignorance of actual facts, § 82:11
Qualified statements, § 81:39 to 81:46
Qualified warranties, § 81:18, 83:17
Questions of law or fact
Generally, § 81:82, 81:83
Age of insured, § 86:6
Concealment, generally, § 84:5
Contribution to loss, § 81:94
Fraud, § 81:89 to 81:91, 82:33
Income, salary, and financial condition of insured, § 86:45
Increase of risk, § 81:97
Iron safe clauses, § 97:24, 97:36, 97:53, 97:85
Location of property, § 90:19
Occupation of insured, § 86:38 to 86:40
Representations, generally, § 82:7, 82:8
Sales, § 92:14, 92:33
Title and ownership, § 91:10, 91:95
Value and cost of insured property, § 93:6
REPRESENTATIONS,
WARRANTIES, CONDITIONS,
AND CONCEALMENT
—Cont’d
Questions of law or fact—Cont’d
Watchmen or guards, § 96:7

Questions of law or fact
Good Health of Insured (this index)
Use and Occupancy (this index)
Records and recording
Generally, § 85:16
Liens and encumbrances, § 93:50
Title and ownership, recording as constructive notice, § 91:98

Records and recording
Iron Safe Clauses (this index)
Sales (this index)
Recoupment, § 226:92
Reformation, coverage conditions,
§ 27:41
Reinstatement and Revival (this index)
Reinstatement of policies, § 81:77, 83:25
Reliance, generally, § 81:99, 82:9 et seq.
Renewal (this index)
Repair or replace, option to, § 176:55
Representations, generally, § 81:5 to 81:9, 82:1 et seq.
Salary of insured, § 86:1, 86:41 et seq.
Sales (this index)
Sanctions, § 233:102
Satisfaction of conditions in direct action, § 245:73
Secured Transactions (this index)
Severability of conditions, § 83:28
Signature on warranties, § 83:12
Silence, § 85:25
Stipulations, § 83:8, 83:24
Strict construction against warranties,
§ 83:1
Subrogation, § 224:52, 224:53, 224:55, 224:186
Third persons, § 81:106

REPRESENTATIONS,
WARRANTIES, CONDITIONS,
AND CONCEALMENT
—Cont’d
Time
Generally, § 82:2, 83:2, 84:8, 84:9
Delay, § 85:25
Limitation of actions for objection, § 81:53
Occupation of insured, § 86:21
Repairs, time limitations, § 96:26
Title and ownership, § 91:8, 91:9
Use and occupancy, § 94:44
Use and occupancy, increase of risk or hazard, § 94:5, 94:15 to 94:17
Watchmen or guards, § 96:3

Time
Iron Safe Clauses (this index)
Sales (this index)
Use and Occupancy (this index)
Title and ownership, § 91:1 et seq.
Truth
see also fraud and deceit (this index)
Degree of truth, § 83:13 to 83:17
Use and occupancy, § 91:5, 94:1 et seq.
Value and cost of insured property,
§ 93:7 to 93:1393:1 to 93:13
Void or voidable contacts or policies,
§ 83:21, 83:31
Warranties, generally, § 19:4, 81:10 to 81:18, 83:1 et seq.
Will, probate of, § 245:80
Withdrawal of statement, § 81:48
Witnesses, § 252:88

REPRODUCTIVE SYSTEM
Good health of insured, § 88:79 to 88:82, 88:96

REPUDIATION
Generally, § 232:43, 232:44
Agents and brokers, failure to repudiate transaction, § 44:54
Arbitration, appraisal, or submission agreements, § 210:36
Cancellation and rescission, § 31:33, 31:37

Index-586
INDEX

REPUDIATION—Cont’d
Examination under oath, § 196:21
Incontestability clause, § 240:90
Production of documents and records, § 196:44
Settlement and compromise of claim, § 215:58

REPUTATION
Third-party claims, § 205:101

REQUEST
See Demand or Request (this index)

RESALE
Automobile property insurance, § 156:15
Breach of contract, generally, § 92:37, 92:38
Stocks of goods held for resale, sales from, § 93:13
Use and occupancy, resale of equipment, § 95:5

RESCISSON
See Cancellation and Rescission (this index)

RESCUE
Cargo rescue, § 221:43
Collateral damage from fire rescue, § 221:22
Damage to vessel and engines caused by, § 221:40
Municipal rescue effort, § 221:42

RESERVATION OF ISSUE
Settlement and compromise of claim, § 215:9

RESERVATION OF POLICY
Jurisdiction of federal proceedings, § 229:57

RESERVATION OF RIGHTS OR POWERS
Beneficiaries (this index)
Contribution and apportionment, § 217:21
Defenses (this index)
Estoppel and waiver, § 238:9, 239:100

RESERVATION OF RIGHTS OR POWERS—Cont’d
Notice and proof of loss, estoppel and waiver, § 195:45, 195:52
Sales, § 92:68 to 92:71
Settlement and compromise, § 203:10
Subrogation (this index)
Trusts and trustees, settlor’s reservation of rights and powers, § 67:29, 67:30

RESERVE FUND
Actions against insurers, § 242:203

RESERVES
Generally, § 2:29
Discovery, § 251:29
Premiums and assessments, § 70:8, 70:32, 77:13, 77:14, 77:84 to 77:87

RE-SERVICE
Amendment, re-service after, § 231:4
Dismissal, re-service after, § 231:4

RES GESTAE
See Hearsay Exclusion and Exceptions (this index)

RESIDENCE OR DOMICILE
Arbitrators, appraisers, and proceedings before them, § 211:28
Commercial liability insurance, § 201:28
Costs of action, § 233:43
Delivery of policy, leaving policy at place of business or residence of insured, § 14:16
Foreign or Alien Insurers (this index)
Governing law, § 24:16, 24:17
Medical payments, § 158:17
Presumption of continuation of, § 254:161
Representations, warranties, conditions, and concealment, identity of insured, § 86:49
Venue (this index)
RESPONDENTIA BONDS AND INTERESTS
See Bottomry and Respondentia Bonds and Interests (this index)

RESPONSE
Generally, § 244:76 et seq.
See also Answers (this index)
Defects in pleadings, § 244:76 et seq.
Discovery, § 251:19, 251:20
Dismiss, motion to, § 244:78
Motions, § 244:76 to 244:78
Objections (this index)
Privileged information, § 250:61
Sanctions, § 251:56, 251:58
Strike, motion to, § 244:77
Subrogation (this index)

RESTATEMENT OF THE LAW OF JUDGMENTS
Prior judgment, § 239:3, 239:53

REST HOMES
Medical insurance, § 145:23

RESTITUTION
Fidelity insurance, § 160:63, 162:36 to 162:38
Marine insurance, § 183:45
Subrogation, § 222:2

RESTORATION OF CHARTER
Joinder of parties, § 243:152

RESTORATION OF PROPERTY
Adjustment of losses, § 178:56, 178:69
Measurement of degree of loss, § 175:66 to 175:68, 175:74 to 175:78
Mortgages and deeds of trust, § 65:62, 65:95
Rent loss insurance, § 185:26, 185:30
Replacement cost provisions, § 176:63

RESTRICTIONS
See Limitations and Restrictions (this index)

RESTRICTIVE COVENANTS
Agents and brokers, § 57:6

RESULT CLAUSES
Accident and life insurance, § 143:48

RESIDENT AGENTS
Foreign or alien insurers, § 47:26

RESIDENTIAL PROPERTY
Recoupment, § 226:76

RESIDUARY BEQUESTS
Generally, § 67:10

RESIGNATION
Agents and brokers, renewal commissions, § 57:51
Fidelity insurance, § 160:55

RES JUDICATA
Generally, § 245:133
Arbitration awards, § 213:5
Burden of proof, § 254:146
Defenses, § 245:133
Direct Actions (this index)
Election of remedies, § 27:82
Prior judgment, § 239:9, 239:10, 239:14, 239:15
Reformation, § 27:82
Uninsured and Underinsured Motorist Coverage (this index)
Uninsured/underinsured motorist coverage, arbitration, § 214:4

RESOLUTION OF ACTION
Jurisdiction of federal proceedings, § 229:69
Limitation of actions, § 236:19 to 236:20

RESORT
Accident and life insurance, § 142:30

RESPIRATORY DISORDERS
Generally, § 88:71 to 88:78, 136:37 to 136:39
Asbestosis, § 136:38
Disability insurance, § 147:101
Pneumoconiosis, § 136:39
Reinstatement and revival, § 33:74
Silicosis, § 136:38

Index-588
INDEX

RETAINED COUNSEL
Delayed payment or nonpayment, § 207:87

RETAINED PERCENTAGE
Contractors’ performance bonds, subrogation, § 225:331 to 225:333

RETAILATION
Accident and life insurance, § 140:51

RETAILATORY STATUTES
Foreign insurers, § 3:35 to 3:38

RETENTION OF POLICY
Acceptance or rejection, § 16:4
Waiver and estoppel, § 194:30

RETENTION OF PROPERTY
Agents and brokers, termination of agency, § 57:60
Notice and proof of loss, estoppel and waiver, § 195:17, 195:18
Premiums and assessments, retention of checks, § 73:16

RETINITIS PIGMENTOSA
Disability provisions, § 147:62

RETIREMENT BENEFITS
See also Group Insurance (this index)
Disability insurance, § 146:12, 147:156
Medical insurance, § 144:102, 144:103
Workers’ compensation, § 173:79

RETREAT
Accident and life insurance, § 140:52

RETROSPECTIVE OPERATION
See Prospective or Retrospective Operation (this index)

RETURN OF CONSIDERATION
Release, § 216:49

RETURN OF PAYMENT
Settlement and compromise of claim, § 215:68 to 215:70

RETURN OF PREMIUMS
See Premiums and Assessments (this index)

RETURN OF SERVICE
Presumption that return of service is correct and truthful, § 231:101

RETURNS
Privileged information, tax return information, § 250:46

REVERSE BAD FAITH
Other activities and entities, § 208:4

REVERSIONS
See Life Estates, Remainders, and Reversions (this index)

REVIEW
Appeal and Review (this index)
Judicial Review (this index)

REVIVAL
See Reinstatement and Revival (this index)

REVOCATION OR SUSPENSION
Agents and Brokers (this index)
Arbitration, appraisal, or submission agreements, § 210:58 to 210:63
Arbitrators, Appraisers, and Proceedings Before Them (this index)
Assignment, revocability of trust, § 37:26
Licenses and permits. Revocation or Suspension of License (this index)
Liens and encumbrances, suspension of risk, § 93:18

Premiums and Assessments (this index)
Proceeds, revocability of election as to payment, § 61:6
Property insurance, § 242:50

Revocation or Suspension of License (this index)
Sales, § 92:17
Service of process, § 231:76
Subrogation, § 225:204
Trusts and trustees, § 67:20 et seq.

Index-589
REVOCATION OR SUSPENSION
—Cont’d
Use and occupancy, temporary increase of risk or hazard as voiding or suspending policy, § 94:16, 94:17
Wills, § 67:3

REVOCATION OR SUSPENSION OF LICENSE
Generally, § 2:23
Agents and brokers, § 47:20, 47:21
Foreign insurers, § 3:23
Representations, warranties, conditions, and concealment, § 86:52

RHEUMATISM
Good health of insured, § 88:59

RICO
Application to insurance, § 4:26

RIDERS AND ENDORSEMENTS
Generally, § 18:21 to 18:25
See also Assignment (this index)
Accident and life insurance, § 142:103
Assignment, § 52:10
Automobile insurance, § 111:12
Automobile property insurance, § 157:50
Beneficiaries, change of, § 60:20, 60:34 to 60:37, 60:47 et seq.
Caption, § 18:20
Construction and interpretation, § 21:21, 21:22
Credit insurance, § 185:115
Description of goods to be added by endorsement, description of, § 20:38, 20:53
Equitable remedies, § 232:137
Fidelity insurance, § 185:64
Liens and encumbrances, § 93:60
Manuals and instruction books, § 18:24
Medical examinations and reports, § 18:22
Modification of contract, § 51:55 et seq.
Notice and proof of loss, estoppel and waiver, § 195:81

RIDERS AND ENDORSEMENTS—Cont’d
Premium notes, § 18:23
Property insurance, § 242:34
Prospectus, pamphlet, schedule, or illustration, § 18:21
Reimbursement, § 226:10
Sales, § 92:45, 92:46
Subrogation, § 224:16
Title and ownership, § 91:99
Use and occupancy, § 94:36, 94:57, 94:152, 95:16
Watchmen or guards, § 96:22

RIGHT OF WAY
Accident and life insurance, § 142:68, 142:88, 142:89

RIGHT TO SUE
Generally, § 232:12
Waiver of transfer of right to sue, § 241:8

RIOT
See also Property Insurance (this index)
Property insurance, § 152:16
Strike and labor activity insurance, § 167:68
Subrogation, § 223:58

RIPENESS
See Justiciability (this index)

RISKS
Generally, § 101:1 to 101:10
Agents and Brokers (this index)
Assigned risk plans, § 1:27
Basic freedom of contract, § 101:2
Basic policy prerequisites—coverage
Generally, § 126:25 to 126:40
Triggering events, as to
Generally, § 126:25 to 126:31
Accident
Generally, § 126:26 to 126:28
Occurrence
Generally, § 126:29 to 126:31
Triggering events, as-types of injury
Generally, § 126:32 to 126:40

Index-590
RISKS—Cont’d
Basic policy prerequisites-coverage
—Cont’d
Triggering events, as-types of
injury—Cont’d
Property damage
Generally, § 126:35 to 126:40
Basic policy prerequisites to cover-
age
Triggering events, as to
Accident
Intentional acts, § 126:27
Natural forces, § 126:28
Occurrence
Continuous or repeated
conduct, § 126:31
Triggering events, as to types of
injury
Bodily injury
Generally, § 126:33, 126:34
Sole economic loss, applica-
tion to, § 126:34
Property damage
Computer information,
application to loss of,
§ 126:40
Diminished value of property,
application to, § 126:38
Environmental damage,
application to, § 126:37
Loss of use of property,
application to, § 126:39
Sole economic loss, applica-
tion to, § 126:36
Basic risk and loss provisions com-
mon-policies, generally, § 126:1
to 126:40
Builder’s risk insurance, location,
device, or activity, risks associ-
ated with, § 1:53
Building and Construction
Contracts and Work (this
index)
Care, custody, control, charge, and
similar concepts
Generally, § 126:20 to 126:24
Extent of control or dominion
required, § 126:22
RISKS—Cont’d
Care, custody, control, charge, and
similar concepts—Cont’d
Specific property as within exclu-
sion, § 126:24
Termination of control, § 126:22
Trespass or the like, effect of
acquiring control via,
§ 126:23
Variations, § 126:21
Change or increase in risk, § 52:15 et
seq., 54:7
Construction and interpretation,
consideration of subject matter
and nature of risk, § 22:46
Contracts, § 17:7, 126:1, 126:2
Extending coverage, policy provi-
sions
Generally, § 126:11 to 126:13
Adjoining or adjacent way, to,
§ 126:12, 126:13
Form of action as affecting coverage,
§ 126:3
Geographical limits of coverage
Generally, § 126:8 to 126:15
After-acquired property, § 126:10
Off-premises coverage, generally,
§ 126:9
High risk applicants, § 2:35
Illegality
Generally, § 101:32 to 101:38
Disorderly houses and property
therein, § 101:35
Fidelity, § 101:36
Intoxicating liquor, § 101:37
License requirement, noncompli-
ance with, § 101:36
Marine insurance risks, § 101:38
Scope of discussion, § 101:32
Terms or basic aspects of insurance
itself, § 101:33
Unlawful purpose, property used
for, § 101:34, 101:35
Violation of law, property pos-
sessed in, § 101:34, 101:35
Increase of Risk (this index)
Limiting coverage, policy provisions
Generally, § 126:14, 126:15

Index-591
**RISKS—Cont’d**

Limiting coverage, policy provisions —Cont’d

Motor vehicles used off premises, § 126:15

Off-premises exclusions, § 126:14

Limits on insurable risks, § 101:11 to 101:38

Location, device, or activity, risks associated with, § 1:48 to 1:60

Loss incidental to covered risk, § 126:2

Meaning of risk, § 101:3

Mutual companies, selection of risks, § 39:30

Need for risk element in contract, § 101:2

Observations on analysis of risk coverage

Generally, § 101:4, 101:5

All risk versus named perils contracts, § 101:7

Construction of terms specifying risk, § 101:6, 101:7

Relationship between risk and right to recover, § 101:5

Overview of risk element, § 101:1

Parties insured

Generally, § 126:4 to 126:7

Additional insureds, § 126:7

Class designations, § 126:6

Excess policies, § 126:4

Partnerships, corporations, and other business entities, § 126:5

Premium and risk as essentials of contract, § 69:2

**Reformation** (this index)

Reinstatement and revival, insurability as meaning acceptability of risk, § 33:68

**Reinsurance** (this index)

Relationship-property, coverage limitations based on

Generally, § 126:16 to 126:24

Relationship to property, coverage limitations based on Pollution originating on insured’s property, application of exclu-
INDEX

SACRIFICE
See Marine Insurance (this index)

SAFEGUARDS
Fidelity insurance, § 162:12

SAFEKEEPPING
See also Iron Safe Clauses (this index)
Assignment, retention of policy, § 36:29

SAFE OR VAULT
Fidelity insurance, § 161:120
Property insurance, § 151:56, 151:65 to 151:67, 151:75, 151:76

SAFETY
Judicial notice of nature of hazard to, § 254:270
Marine insurance, § 221:25

SAFETY EQUIPMENT
Contractors’ payment bonds, § 165:121, 165:122
Use and occupancy, automobiles, § 95:54

SAFETY FUNDS
Premiums and assessments, § 77:13, 77:14

SAIL AND SPARS
Marine insurance, § 221:35

SALARIES
See Compensation (this index)

SALES
Generally, § 68:1 et seq.
Accident and Life Insurance (this index)
Actual cash value, § 175:22
Adjustment of losses, § 178:68
Agents and Brokers (this index)
Agents, vendors and vendees as, § 44:19 to 44:21
Alienation clauses, generally, § 92:5 et seq.
Assignment (this index)
Automobile Insurance (this index)
Automobile Property Insurance (this index)

SALES—Cont’d
Automobiles (this index)
Break of contract, generally, § 92:34 to 92:38
Buyer’s death, repossession of property by creditor, § 242:90
Cancellation and rescission, unilateral cancellation by vendors, § 31:27
Casualty insurance, § 68:2
Change or modification, § 92:49 et seq.

Conditional Sales (this index)
Consent-alienation, § 92:28 to 92:33
Construction contract guaranties, § 184:29
Construction of alienation clause, § 92:5 to 92:8
Consumer protection, post-sale activity, § 4:23
Contracts, generally, § 91:29 et seq.
Coownership and joint tenancy, § 92:76
Creditor, § 242:90
Credit sale purchaser, § 242:89 to 242:91
Debt, § 92:85, 242:90, 242:91
Debts, payment of, § 242:93
Deeds (this index)
Default, § 68:8, 91:38, 92:16
Defective contracts, § 92:15 et seq.
Description of goods, wares, and merchandise, § 20:36, 20:43
Disability insurance, § 147:126, 147:133
Discrimination, implications for selling to federal government, § 4:2
Divisibility of contracts with respect to alienation clause, § 92:69
Divorce, § 92:75
Equitable owners, § 68:5 to 68:7
Estate Taxes (this index)
Estoppel and waiver, § 92:39 et seq.
Excusing insurer’s inaction, failure to obtain indorsement as, § 92:46

Execution and Execution Sales (this index)
Exemption from claims of creditors, purchase of property with

Index-593
SALES—Cont’d
proceeds of insurance, § 66:29
Fidelity Bonds and Insurance (this index)
Finance company, necessity of, § 243:48
Foreclosure (this index)
Forged title, § 91:52
Fraudulent Conveyances or Transfers (this index)
Fraudulent sale of personal property, § 91:50
General liability insurance, § 172:19
Husband and wife
Generally, § 92:75
Divorce, § 92:75
Incomplete contracts, § 92:15 et seq.
Insolvency, § 92:77 to 92:80
Insurable interest, § 42:60:42:71
As interest appears clause, § 68:4, 68:13
As interest may appear, § 243:52, 243:53
Iron Safe Clauses (this index)
Joinder of parties
Generally, § 243:47 et seq.
Assignee of sales contract, action by, § 243:51
Finance company, necessity of, § 243:48
As interest may appear, § 243:52, 243:53
Mortgagee, action by, § 243:50
Mortgagor, necessity of, § 243:50
Purchaser, action by, § 243:48, 243:49
Purchaser, necessity of, § 243:51
Seller, necessity of, § 243:49
Statutes, as interest may appear, § 243:53
Judicial Sales (this index)
Lender, generally, § 242:92, 242:93
Liens and encumbrances, vendor’s liens, § 93:34
Limitation of actions, § 234:58, 235:108
Marine Insurance (this index)
Mortgages and Deeds of Trust (this index)

SALES—Cont’d
Notice or knowledge
Generally, § 92:28 to 92:33
Estoppel and waiver, § 92:41, 92:43
Occupation of insured, liquor sales, § 86:23
Options
Conditional sales, options, § 68:16 to 68:19, 92:56 to 92:58
Insurable interest, § 42:60:42:71
Representations, warranties, conditions, and concealment, § 91:44, 91:45
Parol contracts, § 91:39
Parties, generally, § 242:88 et seq.
Payment of debt, § 242:93
Personal property, generally, § 91:48 to 91:54
Possession, § 242:90
Premium returns, transfer of assets, § 79:47 to 79:49
Property insurance, § 154:79 to 154:81
Public official and appointed fiduciary bonds, § 166:70
Purchaser
Credit sale purchaser, § 242:89 to 242:91
Questions of law or fact, § 92:14, 92:33
Receivership, § 92:80
Records and recording
Generally, § 91:32
Delay, § 92:8
Records and recording
Iron Safe Clauses (this index)
Registration of title laws, § 91:53
Repossession of property by creditor, § 242:90
Representations, warranties, and conditions, generally, § 91:29 et seq.
Resale (this index)
Reservation of interest, § 92:68 to 92:71
Revocability, § 92:17

Index-594
SALES—Cont’d
   Riders and endorsements, § 92:45, 92:46
   Risk of loss clause, § 92:55
Secured Transactions (this index)
   Statutes, as interest may appear, § 243:53
   Stolen property, § 91:51
   Subrogation, § 224:62, 224:171
   Tax sales, § 92:83, 92:84
   Termination, § 92:16, 92:72 to 92:74
   Time
      Generally, § 92:8
      Delay in recording, § 92:8
      Notice, § 92:29, 92:32
   Title insurance, § 159:17, 159:23, 159:58, 185:85
   Uniform commercial code, § 92:50
Use and Occupancy (this index)
   Value and cost of insured property, bargain purchases, § 93:10
   Valued policies or statutes, § 175:100, 175:101
   Vendor, generally, § 242:88
SALES TAX
   Subrogation, § 223:105
SAVAGE
   See also Marine Insurance (this index)
   Arbitration, appraisal, or submission agreements, § 210:75
   Automobiles and other motor vehicles, § 177:4, 177:5
   Fidelity insurance, § 160:11
   General merchandise, § 177:42
   Measurement of degree of loss, § 175:81
   Mortgages and deeds of trust, § 65:61
   Protection of salvage, burden of proof, § 254:110
   Reinsurance, § 9:20
   Subrogation, § 224:171, 225:252
SAME CONDITION
   Responsibility as to repair or replacement work, § 176:32
SAME PARTIES
   Prior judgment, § 239:70, 239:71, 239:87
SANCTIONS OF COURT
   Generally, § 233:93 et seq.
   Agreement, § 251:55
   Attorney conduct, liability of party for, § 233:99
   Attorneys, § 233:99
   Civil procedure, § 233:95
   Concealing, § 233:102
   Definition, § 233:3
   Delay in filing interpleader, § 233:103
   Depositions, conduct related to, § 251:57
   Discovery
      Generally, § 251:46 et seq.
      Depositions, conduct related to, § 251:57
      Dismissal of court, § 251:48
      Dismissal of action as appropriate sanction, § 251:53
      Limits to discovery, failure to abide by, § 251:55
      Merits of parties’ positions, § 251:49
      Preserve documents, failure to, § 251:54
      Production of documents or other information, response to request, § 251:58
      Refusal to admit, § 251:59
      Response to interrogatory, nature of, § 251:56
      Timing, § 251:51
      Dismissal of action as appropriate sanction, § 251:53
      Documents, production of, § 251:54, 251:58
      Federal laws, generally, § 233:96
      Federal proceedings, § 233:98
      Federal rule of civil procedure 11, § 233:95, 233:101
      General liability insurance, § 172:41

Index-595
SANCTIONS OF COURT—Cont’d
Groundless, frivolous, or similar claims, § 233:100, 233:101
Interpleader, § 233:103
Interrogatories, § 251:56
Limits to discovery, failure to abide by, § 251:55
Lying, § 233:102
Merits of parties’ positions, § 251:49
Misrepresentations, § 233:102
Notice, § 233:97
Preserve documents, failure to, § 251:54
Proceedings, § 233:97, 233:98
Production of documents or other information, response to request, § 251:58
Refusal to admit, § 251:59
Response, § 251:56, 251:58
State proceedings, § 233:100
State statutes, § 233:94
Statutes, § 233:94
Subrogation, § 223:77
Timing, § 251:51
SANITY
See Competency (this index)
SATELLITES
Property insurance, § 154:99
SATISFACTION AND ACCORD—Cont’d
Generally, § 215:2, 215:23 et seq.
See also Settlement and Compromise (this index)
Agents and brokers, § 57:9
Check, acceptance of performance by acceptance of, § 215:25
Conditions of policy, § 245:73
Draft, acceptance of performance by acceptance of, § 215:25
Full payment, giving receipt for, § 215:26
Jurisdiction of federal proceedings, § 229:84 to 229:87
Liens and encumbrances, § 93:41
Losses not covered, § 215:44
Performance
Acceptance of, § 215:24, 215:25
Rejection of, § 215:27
SATISFACTION AND ACCORD
Premiums and assessments, use of discretionary funds to satisfy claims, § 70:30
Presumptions and burden of proof, § 254:139
Question of fact or law, § 215:28
Repair or replace, option to, § 176:44
Security bonds, § 232:10
Settlement and compromise versus, § 215:2
SATISFACTION OF JUDGMENT
Liability insurer, § 226:134
Third-party claims, § 205:69
SAVINGS PROVISIONS
Limitation of actions, § 237:27 to 237:29
SCAFFOLDING
Contractors’ payment bonds, § 165:126
SCHEDULES
Disability Insurance (this index)
No-fault insurance, § 171:59
Property insurance, § 148:15
Riders and endorsements, § 18:21
Workers’ Compensation (this index)
SCHEME PARTICIPANT
Subrogation, § 225:278
SCHOOL BOARDS
Risks covered under policies, § 131:59
SCHOOLS AND EDUCATION
See also Accident and Life Insurance (this index)
Beneficiaries, educational agreements, § 58:21
Disability Insurance (this index)
Medical insurance, § 144:34
Property insurance, § 155:32
Subrogation, § 223:61
Workers’ compensation, § 134:3
INDEX

SCIENTIFIC EXPERTISE
Third-party claims, costs of expertise, § 205:89

SCIENTIFIC THEORY
Expert witnesses, § 252:32, 252:33
Judicial notice of rules of science and nature, § 254:280

SCINTILLA OF EVIDENCE
Directed verdicts, § 247:32

SCLERODERMA
Good health of insured, § 88:98

SCOPE OF REVIEW
Generally, § 2:18

SEAMAN
Marine insurance, § 221:91

SEASONAL OCCUPATION
Accident and life insurance, § 143:29
Workers’ compensation, § 173:39

SEAWORTHINESS
Generally, § 99:17 to 99:41
Agreement excluding warranty, § 99:20
Breath or fulfillment or condition of seaworthiness
Generally, § 99:25 to 99:41
Age of vessel, § 99:36
Burden of proof, § 99:33
Cargo, § 99:40
Causation, § 99:27
Construction of vessel, § 99:36
Correction of breach before loss, § 99:28
Crew and officers, competency of, § 99:37
Custom and usage, role of, § 99:26
Effect of breach, § 99:27
Equipment, § 99:38
Evidence, § 99:33
Inspection as to seaworthiness, effect of, § 99:30
Knowledge of defects as prerequisite to breach, § 99:29
Measures of seaworthiness, generally, § 99:25

SEAWORTHINESS—Cont’d
Breath or fulfillment or condition of seaworthiness—Cont’d
Misconduct causing subsequent unseaworthiness, § 99:34
Negligence causing subsequent unseaworthiness, § 99:34
Noncompliance with statute or administrative regulation, § 99:35
Presumptions, § 99:33
Questions of law or fact, § 99:32
Repairs, § 99:41
Supplies, § 99:39
Survey as to seaworthiness, effect of, § 99:30
Vessel, generally, § 99:36 to 99:41
Waiver and estoppel, § 99:31
Burden of proof, § 254:112
Express provisions, § 99:17
Implied warranties
Cargo and freight, policies on, § 99:19
Time policies, § 99:18
Introduction, § 99:17
Presumptions, § 254:157
Time policies, implied warranties, § 99:18
Time to which warranty relates
Insured’s continuing duty, § 99:23
Time policies, § 99:24
Time—which warranty relates
Generally, § 99:22 to 99:24
Vessels, parts, and purposes to which warranty relates, § 99:21

SECONDARY BENEFICIARIES
Generally, § 58:3, 59:19

SECONDARY EVIDENCE
See Best Evidence Rule (this index)

SECONDARY LIABILITY
Automobile insurance, § 108:14
Bank deposit guaranty, § 166:2

SECONDARY OBLIGATION
Contribution, § 218:7

SECOND DEFAULTS
Fidelity insurance, § 160:85
SECOND LEVEL INSURER
Notice, § 187:53

SECOND MORTGAGES
Generally, § 65:68
Property coverages, joinder of parties, § 243:46
Title insurance, § 185:89

SECOND POLICY
Contribution, § 218:8, 218:18
Prior judgment, § 239:84

SECRET SCREE
Agents and brokers, secret limitations on authority, § 48:27 to 48:29
Construction and interpretation, secret or unexpressed intent of parties, § 22:12

SECRETARY
Disability provisions, § 147:143

SECRET PROFITS
Agents and brokers, § 46:45

SECURE ADVANCES
Subrogation, § 225:243

SECURED CREDITORS
Penalties, fees and similar consequences, § 204:77

SECURED TRANSACTIONS
Generally, § 65:1 et seq.
Adjustment of losses, § 178:49, 178:50
Agents and Brokers (this index)
Assignment (this index)
Automobile property insurance, § 157:29, 157:40, 157:41
Bailments and warehousemen, § 68:39 to 68:43
Cancellation and rescission, pledge of policy of insurance agents and brokers, § 46:10
Conditional Sales (this index)
Estate taxes, pledging policy, § 63:40
Estoppel and waiver, § 92:40, 92:47
Exemption from claims of creditors, § 66:43
Fidelity insurance, § 161:118

SECURED TRANSACTIONS—Cont’d
Group insurance, § 8:38
Insurable interest, § 42:24, 42:35, 42:36, 42:42
Marine insurance, § 183:99
Mortgages and Deeds of Trust (this index)
Premiums, uniformity of, § 69:50
Repossession (this index)
Representations, warranties, and conditions, generally, § 91:55 et seq.
Sales, generally, § 92:59 to 92:65, 92:86 et seq.

SECURITIES
See Stock and Stockholders (this index)
Group insurance, § 7:35

SECURITIES DEALERS
See also Financial Institution Blanket Bonds (this index)
Public official and appointed fiduciary bonds, § 166:82 to 166:84

SECURITY
Arbitrators, appraisers, and proceedings before them, § 211:12
Limitation of actions, § 236:119
Property insurance, § 245:52, 245:53
Subrogation, § 225:66 to 225:268

SECURITY BONDS
Generally, § 232:6 et seq.
Satisfaction of requirements, § 232:10
Validity, § 232:7
Waiver and estoppel, § 232:11

SECURITY DEPOSITS
See also Bonds and Undertakings (this index)
Public official and appointed fiduciary bonds, § 166:41

SECURITY SYSTEMS
Use and occupancy, § 95:36 et seq.
SECURITY VALUE OF PROPERTY
Construction contract guaranties, § 184:27

SEIZURE OF PROPERTY
Marine insurance, § 221:65
Subrogation, § 225:282

SEIZURES, EPILEPSY, FITS AND THE LIKE
Accident and life insurance, § 141:66
Good health of insured, § 88:63

SELECTION OF FORUM
Jurisdiction, § 228:14, 228:63
Venue, § 230:116

SELF-DEFENSE
Accident and life insurance, § 140:53

SELF-EMPLOYED PERSONS
Workers’ compensation, § 173:42

SELF-INCrimINATION
Examination under oath, § 196:20
Physical or independent medical examination, § 196:74
Privileged information, § 250:44

SELF-INSURANCE
Generally, § 10:1 et seq.
See also Group Insurance (this index)
Claims handling, liability regarding, § 10:8
Coinsurance, § 220:28, 220:31
Contribution and apportionment, § 217:8
Costs of action, § 10:7, 233:35
Defend, duty to, § 10:7
Good-faith, § 198:19
Income taxes, § 63:5
Mandatory insurance laws, § 10:3 to 10:5
Omnibus coverage, § 10:5
Other insurance, § 10:6, 219:21
Reimbursement rights, § 10:9
State guarantee acts, § 10:10
Subrogation, § 10:9, 225:142
Uninsured or underinsured motorist insurance requirements, § 10:3, 10:4

SELF-PROPELLING EQUIPMENT
Property insurance, § 154:95

SELF-SERVING DECLARATIONS
Hearsay exclusion and exceptions, § 249:26

SELF-TREATMENT
Accident and life insurance, § 141:94

SENILITY
Good health of insured, § 88:67

SENSORY SYSTEMS
Good health of insured, § 88:62 et seq.

SEPARABILITY CLAUSE
Combining or stacking of coverages, § 169:42, 169:105

SEPARABLE CAUSES OF ACTION
Jurisdiction of federal proceedings, § 229:88 to 229:90

SEPARABLE CONTROVERSY
Jurisdiction of federal proceedings, § 229:89

SEPARATE AGREEMENTS
Subrogation, § 224:2

SEPARATE COUNSEL
Third-party claims, § 205:82

SEPARATE COUNTS
Pleadings, § 244:6

SEPARATE INSURANCE
Estoppel and waiver, § 239:124

SEPARATE INTERESTS
Property coverages, § 243:40, 243:41

SEPARATE PROPERTY
Community property, classification of insurance and proceeds as separate property of one spouse, § 64:6

SEPARATION OF SPOUSES
See Divorce or Separation (this index)

SEQUENTIAL POLICIES
Coinsurance Contracts (this index)
SEQUENTIAL POLICIES—Cont’d
Defense, § 200:36

SERIAL NUMBER OF VEHICLE
Description of vehicles, § 90:9

SERIOUSNESS OF DISORDER
Good health of insured, § 87:51, 87:52, 87:66, 87:68

SERVICEMEMBER’S GROUP LIFE INSURANCE
Government insurance, § 10:19

SERVICE OF PROCESS
See Process and Service of Process and Papers (this index)

SERVICE PROVIDER
Jurisdiction, § 228:31
No-fault coverage, § 242:18

SERVICE STATIONS AND GARAGES
See also Automobile Insurance (this index)
Automobile insurance, § 111:47, 112:17
Contractors’ payment bonds, § 165:117
Defective mechanical work, § 132:62
Demand
Defense and indemnification, above
Indemnification. Defense and indemnification, above
Risks covered under policies, generally, § 132:61, 132:62

SETOFFS
See Counterclaim and Setoff (this index)

SETTING ASIDE
Cancellation and rescission, § 31:64, 32:92
Reinstatement and revival, § 33:112 to 33:119
Release, § 216:49
Subrogation, § 225:134

SETTLEMENT AND COMPROMISE
Generally, § 203:1 et seq., 215, 216
Acceptance
Generally, § 215:18 et seq.
Avoidance, § 215:67
Failed negotiations, § 215:21
Form, § 215:19
Questions of law or fact, § 215:22
Administrative approval, § 215:42
Advice, attorney’s and agent’s, § 203:33
Agent’s advice, § 203:33
Agents and brokers, waiver of notice and proof of loss, § 53:17
Approval of compromise, § 215:41, 215:42
Arbitration, appraisal, or submission agreements, § 210:73
Arbitration awards, § 213:47
Assignment, § 215:50
Attorneys, § 203:33, 215:52
Authority-settle
Consent, insured’s, § 203:8 to 203:11
Authority to settle
Generally, § 203:7 et seq.
Immediate economic interest in form of deductibles, § 203:9
Reserving settlement authority to insured, § 203:10
Statutes, § 203:11
Validity, § 215:11
Automobile Insurance (this index)
Automobile liability insurance, § 170:29, 170:35, 170:52

Avoidance
Generally, § 215:59 et seq.
Acceptance of lesser amount in ignorance of rights, § 215:67
Capacity at time of settlement, § 215:66
Collusion, § 215:62
Consideration, lack of invalidity of, § 215:60
False but innocent misrepresentation of facts, § 215:64
Fraud, § 215:62
SETTLEMENT AND COMPROMISE—Cont’d
Avoidance—Cont’d
Fraudulent misrepresentation of facts, § 215:63
Mistake, § 215:59
Prior payments, § 215:68 to 215:70
Release, failure to read, § 215:65
Returning payment, § 215:68 to 215:70
Unauthorized completion of forms, § 215:61
Bad faith, prior, § 203:44
Belief that some or all of claim not covered, § 203:24
Beneficiaries, § 215:46
Burden of proof, § 203:5, 215:6
Cancellation and rescission, notice in final settlement document, § 32:15
Capacity to contract, § 215:10, 215:66
Check, acceptance of performance by acceptance of, § 215:25
Circumstances prerequisite-duty, § 203:18 to 203:20
Coinsurance, § 220:39
Collusion, § 215:62
Commercial General Liability Policies (this index)
Commercial Property Insurance (this index)
Communication of offers to insured, § 203:16
Completeness of agreement, § 215:15
Completion of forms, § 215:61
Conflict of interest, § 215:4
Consent, insured’s, § 203:8 to 203:11
Consideration for compromise Generally, § 215:29 et seq.
Disputed claims, § 215:34 to 215:36
Mode of payment, § 215:37
Partial payment, § 215:31 to 215:33
Performance of existing obligation, § 215:39
Question of fact or law, § 215:30

SETTLEMENT AND COMPROMISE—Cont’d
Consideration for compromise—Cont’d
Statutes, § 215:33
Substituting loan agreement for remaining policy obligation, § 215:40
Surrender of doubtful claim, § 215:38
Uniform commercial code, § 215:32
Waiver and estoppel, § 215:36
Consideration, lack of invalidity of, § 215:60
Construction and interpretation, § 215:3
Contribution and apportionment Generally, § 218:8
Credit for settlement payments, § 218:45, 218:46
Indemnification for entire loss, § 217:18
Judgment or settlement precede contribution, policy requirement of, § 218:30
Reasonable settlement offer, refusal of, § 218:31
Unilateral settlement as voluntary payment barring contribution, § 218:29
Voluntary nature of payment, generally, § 218:27 to 218:32
Cooperation, § 199:48, 199:49
Co-owners, § 215:51
Counteroffer, duty to make, § 203:22
Death beneficiaries, § 215:46
Declaratory judgment actions, § 203:24
Deductibles, § 203:9
Definiteness and completeness of agreement, § 215:15
Delayed payment or nonpayment, § 207:28, 207:32
SETTLEMENT AND
COMPROMISE—Cont’d
Demand for settlement, § 203:19
Demonstrative evidence, admissibility of settlement as, § 253:264
Doubtful claim, § 215:38
Draft, acceptance of performance by acceptance of, § 215:25
Duration of offer, § 215:16
Duty to settle, generally, §§ 203:12 et seq.
Economic interest, § 203:9
Enforcement, generally, §§ 215:55 et seq.
Equitable remedies, § 232:174
Estate taxes, settlement options, § 63:38
Estoppel and Waiver (this index)
Evaluation of claim against insured, §§ 203:31 to 203:33
Evidence, § 203:31
Existing obligation, § 215:39
Expert witnesses, § 252:78
Extending to offers made after verdict, § 203:17
Failed negotiations, § 215:21
False but innocent misrepresentation of facts, § 215:64
Fidelity insurance, §§ 162:5 to 162:8
Forms, §§ 215:12, 215:61
Frauds, statute of, § 215:13
Fraudulent misrepresentation of facts, § 215:63
Full payment, giving receipt for, § 215:26
Garagekeepers policies. Service Stations and Garages (this index)
General liability insurance, §§ 172:6, 172:59, 172:69
Good faith, §§ 203:14, 203:24
Homeowners’ Insurance (this index)
Ignorance of rights, § 215:67
Immediate economic interest in form of deductibles, § 203:9

SETTLEMENT AND
COMPROMISE—Cont’d
Improper refusal-compromise, §§ 203:39 to 203:42
Initiate settlement, duty to, §§ 203:21, 203:22
Innocent misrepresentation of facts, § 215:64
Interest on money, § 215:54
Judicial approval, § 215:41
Justiciability, § 227:47
Liability insurance, §§ 226:130, 226:131, 243:29
Limitation of actions
Generally, § 234:51
Commencement of period, §§ 236:103, 236:114, 236:132
to 236:134, 236:135, 236:153, 236:154
Contractual limitation periods, §§ 235:106, 235:115
Promise to make future settlement, breach of, § 234:61
Waiting period, § 236:179
Wrongful settlement, § 234:51
Loan agreement, § 215:40
Minor, rights of, § 215:49
Misrepresentation, §§ 215:63, 215:64
Mistake, § 215:59
Mode of payment, § 215:37
Multiple claims or claimants, §§ 203:28, 203:29
Multiple insurers, § 215:48
Negotiations, § 215:21
No limits test, § 203:25
Nonparties, effect upon
Generally, § 215:45 et seq.
Assignee of policy benefits, § 215:50
Death beneficiaries, § 215:46
Minor, rights of, § 215:49
Mortgagors and mortgagees, § 215:47
Multiple insurers, § 215:48
SETTLEMENT AND COMPROMISE—Cont’d
Nonparties, effect upon—Cont’d
Nonsettling co-owners, § 215:51
Notice and proof of loss. See Estoppel and Waiver (this index)
Notice of settlement, § 203:40
Offer
Generally, § 215:12 et seq.
Completeness of agreement, § 215:15
Definiteness and completeness of agreement, § 215:15
Duration of offer, § 215:16
Effect of, § 215:17
Form, § 215:12
Frauds, statute of, § 215:13
Statutes, § 215:13, 215:14
Opportunity to settle, § 203:18
Other claims, effect on, § 215:52 to 215:54
Ownership, § 215:51
Parol evidence rule, application to, § 253:63
Partial payment, § 215:31 to 215:33
Payments
Generally, § 215:26
Prior payments, § 215:68 to 215:70
Penalties, fees and similar consequences, § 204:89
Performance
Consideration for compromise, § 215:39
Policy limits, offer within, § 203:20
Prior bad faith, § 203:44
Prior judgment, § 239:24
Prior payments, § 215:68 to 215:70
Professional Liability Insurance (this index)
Proof of reasonable settlement, § 203:42
Proper refusal-compromise, § 203:36 to 203:38
Proper settlement, circumstances of, § 203:41

SETTLEMENT AND COMPROMISE—Cont’d
Reasonableness of settlement offer
Generally, § 203:23 et seq.
Agent’s advice, § 203:33
Attorney’s advice, § 203:33
Belief that some or all of claim not covered, § 203:24
Evaluation of claim against insured, § 203:31 to 203:33
Good faith, § 203:24
Multiple claims or claimants, § 203:28, 203:29
No limits test, § 203:25
Risk comparison, § 203:32
Terms of offer, § 203:30
Weight of evidence, § 203:31
Reasonable settlement, § 203:12, 203:41, 203:42
Receipt for full payment, § 215:26
Refusal-settle
Improper refusal-compromise, § 203:39 to 203:42
Proper refusal-compromise, § 203:36 to 203:38
Refusal to settle
Generally, § 203:36 et seq.
Notice of settlement, § 203:40
Proof of reasonable settlement, § 203:41
Proper settlement, circumstances of, § 203:41
Reasonable settlement, § 203:42
Unwarranted settlement, § 203:38
Wrongful refusal, § 203:39
Reimbursement, § 226:40, 226:43
Release
see also release or discharge (this index)
Avoidance, § 215:65
Concealment on settlement, § 216:51
Fraud, misrepresentation, or concealment, § 216:51
Reasonableness of settlement offer, § 203:30
SETTLEMENT AND COMPROMISE—Cont’d
Remaining policy obligation, substituting loan agreement for, § 215:40
Repudiation, effect of, § 215:58
Reservation of issue, § 215:9
Reserving settlement authority to insured, § 203:10
Returning payment, § 215:68 to 215:70
Satisfaction, generally, § 215:43 et seq.
Service Stations and Garages (this index)
Statute of frauds, § 215:13
Statutes
Generally, § 203:4
Authority to settle, § 203:11
Consideration for compromise, § 215:33
Offer, § 215:14
Subrogation (this index)
Substituting loan agreement for remaining policy obligation, § 215:40
Surrender of doubtful claim, § 215:38
Terms of offer, § 203:30
Third-Party Claims (this index)
Third persons, claims against, § 203:43
Time limits of offer, response within, § 203:15
Time of settlement, § 215:66
Title insurance, § 159:91, 185:72
Unauthorized completion of forms, § 215:61
Uniform commercial code, § 215:32
Uninsured and underinsured motorist coverage, § 171:19, 214:27
Unwarranted settlement, § 203:38
Validity, generally, § 215:5 et seq.
Valued policies or statutes, § 175:109
Verdict, extending to offers made after verdict, § 203:17
Waiver. See Estoppel and Waiver (this index)
Weight of evidence, § 203:31

SETTLEMENT AND COMPROMISE—Cont’d
Wrongful refusal, § 203:39

SETTLEMENTS
Reinsurance, § 9:25

SETTLORS
Trusts and trustees, settlor’s reservation of rights and powers, § 67:29, 67:30

SEVERABILITY OF CONTRACT
Generally, § 23:1 et seq.
Arbitration awards, § 213:27
Fraud or mistake, § 23:7
Life insurance with disability or other additional features, § 23:9
Marine insurance, § 23:8
Representations, warranties, conditions, and concealment, § 83:28
Risk, entirety of, § 23:4
Separate valuation of insured items, § 23:5

SEVERANCE OF ACTIONS
Generally, § 232:24

SEVERANCE OF ESTATE
Entireties, estates by, § 68:30

SEVERANCE PROVISIONS
See Disability Insurance (this index)

SEWERS AND DRAINS
Property insurance, § 153:55, 155:70 to 155:72

SEX DISCRIMINATION
Generally, § 4:2

SEXUAL AND REPRODUCTIVE SYSTEM
Good health of insured, § 88:79 to 88:82, 88:96
Medical insurance, sex-change operation, § 181:32

SEXUAL ASSAULT
Automobile insurance, § 119:61

Index-604
SEXUAL MISCONDUCT
See also Physicians (this index)
Accident and life insurance, § 143:125

SHARECROPPERS
Generally, § 68:46
Insurable interest, § 42:54

SHEETING
Contractors’ payment bonds, § 165:127

SHELTERS AND TEMPORARY HOUSING
Contractors’ payment bonds, § 165:90

SHERMAN ACT
Generally, § 4:9 to 4:12
Boycotts and coercion, § 4:10
Price fixing, § 4:11
Tying agreements, § 4:11

SHIFTING AND SUCCESSIVE GOODS
Description, § 20:37

SHIPPERS AND CARRIERS
See also Subrogation (this index)
Liability insurance, § 201:33
Limitation of actions, § 236:29
Property insurance, § 242:87

SHIPS, VESSELS, CARGO, STORES, AND THE LIKE
Generally, § 40:19
Agents
Coowners of vessels as, § 44:11
Husband of ship, § 44:25
Away from insured’s premises, exclusion for use, § 127:37
Blockades. See Marine Insurance (this index)
Bottomry and Respondentia Bonds and Interests (this index)
Buildings and similar structures, § 177:33
Burden of proof, representations, warranties, and conditions as to marine risks, § 99:61
Catchings, description of, § 20:55

SHIP, VESSELS, CARGO, STORES, AND THE LIKE—Cont’d
Connection between liability and watercraft, sufficiency of, § 127:41
Contraband goods, representations, warranties, and conditions as to marine risks, § 99:43
Coowners of vessels as agents, § 44:11
Custom or usage, representations, warranties, and conditions as to marine risks, § 99:58
Deck, description of goods on, § 20:52
Description of subject matter, generally, § 20:48 to 20:57
Disclosure, representations, warranties, and conditions as to marine risks, § 99:2, 99:3
Endorsement, description of goods to be added by, § 20:53
Equipment, description of, generally, § 20:56
Exceptions and exclusions, § 127:39 to 127:44
Freight, description of, generally, § 20:54
Goods, wares, and, and merchandise, description of, generally, § 20:51
Husband of ship as agent, § 44:25
Insurable interest of vessel owners, § 42:17
Marine Insurance (this index)
Medical payments, § 158:38
Ownership requirement, § 127:40
Power of craft, exclusion limited by, § 127:42
Property insurance, § 148:38, 155:98
Seaworthiness (this index)
Size of craft, exclusion limited by, § 127:42
Stores, description of, generally, § 20:56
Stowage of cargo, representations, warranties, and conditions as to marine risks, § 99:44
Subrogation, § 225:247

Index-605
SHIPS, VESSELS, CARGO, STORES, AND THE LIKE—Cont’d
Time of loss of freight as within period of coverage
Generally, § 102:38 to 102:46
Attachment, § 102:39
Goods on land or between land and vessel
Generally, § 102:40, 102:41
Unloading and reloading, § 102:41
Point of intended termination
Generally, § 102:42 to 102:46
Extending coverage for specified time period after landing, provision, § 102:46
Partial unloading, § 102:44
In transit, coverage while, § 102:43
Warehouse clause, § 102:45
Use and occupancy, § 94:101
SHORT-RATE TABLES
Premiums, return of, § 79:22
SICK BENEFITS
Release, § 216:40
SICKNESS OR ILLNESS
Good Health of Insured (this index)
Limitation of actions, § 234:48, 235:44
Premiums and assessments, excuse for nonpayment of, § 75:12, 75:16 et seq.
SIDEWALK
Automobile property insurance, § 156:60
Liability insurance, § 201:40
SIGNALLING DIRECTIONS
Automobile insurance, § 111:39, 111:45
SIGNATURE
See also Countersignature (this index)
Arbitration awards, § 213:7
SIGNATURE—Cont’d
Cancellation and rescission, signing of notice, § 32:14
Cooperation, § 199:28
Electronic, § 14:4
Execution of policy, § 14:3, 14:4
Knowledge presumptions, § 254:180
Notice, § 189:105, 189:106
Warranties, § 83:12
SILENCE
Admission, silence as, § 254:234
Modification of contract, § 25:19
Notice and proof of loss, estoppel and waiver, § 195:2, 195:3
Representations, warranties, conditions, and concealment, § 85:25
SILICOSIS
Good health of insured, § 136:38
SIMILAR ACTS OR MATTERS
Custom and usage, § 22:54
Discovery, § 251:31
Venue, § 230:46
Witnesses, § 252:62
SIMULATED AMBIGUITY
Liberal construction in favor of insured, § 22:16
SIMULTANEOUS DEATH
Beneficiaries, § 61:43 et seq.
SINGLE OCCURRENCES
Deductions and offsets, § 178:2
SINGLE POLICY
Subrogation, § 224:38 to 224:41
SINKHOLE
Property insurance, § 153:75
SISTERSHIP EXCLUSION
Commercial liability insurance, § 201:68
60 DAYS
Notice and proof of loss, uninsured and underinsured motorist coverage, § 190:54
<table>
<thead>
<tr>
<th><strong>SIZE</strong></th>
<th>See also <strong>Construction and Interpretation</strong> (this index)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cancellation and rescission, notice of size and placement of text, § 32:13</td>
<td>Group insurance, size of group, § 8:46</td>
</tr>
</tbody>
</table>

**SKELETAL SYSTEM**  
See **Disability Insurance** (this index)

**SKILL**  
Agents and brokers, § 46:30, 46:32

**SKILLED AND SEMISKILLED TRADES**  
Contractors’ payment bonds, § 165:74  
Disability insurance, obligation to acquire new skills, § 147:51

**SKIN CONDITIONS**  
Good health of insured, § 88:98, 136:43

**SLANDER**  
See **Libel and Slander** (this index)

**SLEEP APNEA**  
Disability insurance, § 147:103

**SLEEPING SICKNESS**  
Good health of insured, § 88:97

**SLEET**  
Property insurance, § 153:33

**SLOGANS**  
Commercial liability insurance, § 201:55

**SMALLPOX**  
Accident and life insurance, § 141:48

**SMOKE**  
Fire insurance, § 149:25, 149:36, 149:37

**SMOKE INHALATION**  
Disability provisions, § 147:93

**SMOKING**  
Good health of insured, § 88:23

**SNOW**  
See **Property Insurance** (this index)

**SNOWMOBILE**  
Automobile insurance, § 116:22

**SOCIAL RELATIONSHIPS**  
Subrogation, § 224:70, 224:71

**SOCIAL SECURITY**  
Disability insurance, § 146:11, 182:32  
Medical insurance, § 180:23  
No-fault insurance, § 171:70  
Uninsured and underinsured motorist coverage, § 171:43  
Workers’ compensation, § 173:63

**SOFTWARE ENGINEER**  
Disability insurance, § 147:121

**SOLE OWNERSHIP**  
See **Title and Ownership** (this index)

**SOLICITATION**  
See also **Soliciting Agents** (this index)  
Reinstatement and revival, estoppel and waiver, § 33:100  
Service of process, § 231:69

**SOLICITING AGENTS**  
Generally, § 45:23, 47:29 to 47:36, 48:61  
Actual authority, express or implied, § 48:5  
Assignment, § 52:14  
Construction of statutes, § 47:30  
Criminal liability, § 55:18 to 55:20  
Execution of contracts, § 51:15  
Imputation of knowledge, § 47:36, 49:25  
Limitations on authority, generally, § 48:35  
Modification of contract, § 51:53  
Notice and proof of loss, § 53:24  
Other, over, or double insurance, change or increase of risk by, § 52:29  
Parol contracts, § 51:27

Index-607
SOLICITING AGENTS—Cont’d
Preliminary contracts of insurance, power to make, § 51:35
Reformation, § 27:19, 27:20
Stipulations, § 47:33
Waiver of policy provisions, § 50:20

SOLVENTS
Use and occupancy, § 95:31

SOOT
Fire insurance, § 149:25, 149:36, 149:37

SOUND VALUE
Limitations and restrictions, § 175:14

SPARS
Marine insurance, § 221:35

SPECIAL AGENTS
Generally, § 48:53 to 48:63

SPECIAL CHARGES
Marine insurance, § 221:82

SPECIAL DAMAGES
Jurisdiction of federal proceedings, § 229:58
Third-party claims, § 205:88

SPECIAL FINDINGS
Appeals
Absence of special findings, § 248:63
Conflict between general verdict and special findings, § 248:59
Conflict between special findings, § 248:61, 248:62
Judgment notwithstanding the verdict (jnov), § 248:12
Verdicts, § 247:50 to 247:52

SPECIALIST
Arbitrators, appraisers, and proceedings before them, § 211:11

SPECIAL PROFESSIONAL ITEMS

SPECIAL PURPOSE FUNDS
Mutual insurance and insurance companies, § 39:21

SPECIAL STATUTES
Limitation of actions, § 234:34 to 234:38

SPECIFICITY
Pleadings, § 244:4

SPECIFIC PERFORMANCE
Equitable Relief (this index)

SPECIMEN POLICIES
See Standard Form of Policy (this index)

SPEECH LOSS
Disability provisions, § 147:100

SPEECH THERAPY
Medical insurance, § 181:56

SPEED CONTESTS
Automobile insurance, § 121:94

SPENDTHRIFT RESTRICTIONS
Assignment, § 34:5

SPINE DISORDERS
Accident and life insurance, § 141:37
Disability insurance, § 146:64
Disability provisions, § 147:86

SPIRITUAL TREATMENT
Workers’ compensation, § 174:18

SPITTING BLOOD
Good health of insured, § 88:35

SPLITTING CAUSE OF ACTION
Prior Judgment (this index)
Subrogation (this index)

SPOLIATION OF EVIDENCE
Generally, § 208:12, 208:29
Access to evidence and burden of proof, § 254:5
STATE—Cont’d
Jurisdiction (this index)
Justiciability, § 227:25
Limitation of actions
Generally, § 234:11
Commencement of period, § 236:162
Contract, law of state of, § 234:15
Contract, state law designated by, § 234:12
Forum state, law of, § 234:13
Of occurrence, law of, § 234:14
Medical Insurance (this index)
Penalties, fees and similar consequences, § 204:106
Prejudice or bias, § 193:27
Sanctions, § 233:94, 233:100
Service of process
Federal court actions, § 231:12
Foreign insurers, § 231:35
Ordinary agent, § 231:84
Outside state, § 231:91
Removal of action from state to federal courts, § 231:15
State officer, service upon, § 231:53, 231:58, 231:61
Subrogation, § 223:52 to 223:59, 223:139, 225:319
Venue (this index)
Workers’ compensation, payment to state in absence of survivors, § 173:26
STATE ACTION DOCTRINE
Antitrust legislation, § 4:8
STATE AGENCIES
Costs of action, § 233:48
Jurisdiction of federal proceedings, § 229:27
STATE AND LOCAL PUBLIC CONSTRUCTION
Contractors’ bonds, § 163:24
STATE FUNDS
Property insurance, § 153:30
Subrogation, § 225:184, 225:330

STATE GUARANTY FUNDS
Jurisdiction of federal proceedings, § 229:27

STATE INDEMNIFICATION FUND
Generally, § 171:75 to 171:77
Deductions and setoffs, § 171:77
Exclusions of amounts or types of damages, § 171:75
Limitations, statutory limitations of liability, § 171:75 to 171:77
Multiple claimants, § 171:76
Statutory limitations of liability, § 171:75 to 171:77
Subrogation, § 225:6

STATE INSURANCE BOARDS, COMMISSIONERS, AND SIMILAR AUTHORITIES
Generally, § 2:7 et seq.
Authority of officials, § 254:267
Burden of proof in regulatory proceedings, § 254:137
Declaratory judgments, § 243:96
Delegation of power, § 2:9
Documentary evidence, records as, § 253:187
Due process in exercise of power, § 2:10
Estoppel based on past practices, § 2:13
Joinder of parties, § 243:96, 243:112
Judicial notice
Acts and records of, § 254:266
Authority of officials, § 254:267
Judicial review, § 2:14 to 2:19
Licensing, § 2:11
Misappropriation of funds, § 242:208
Rate determination, § 2:12
Records of as documentary evidence, § 253:187

STATE INSURANCE COMMISSIONER
Declaratory judgments, § 232:57

STATE INSURANCE FUNDS
Government insurance, § 10:12 to 10:16
INDEX

STATE INSURANCE GUARANTY FUNDS
Other insurance clauses, § 219:22

STATE OFFICERS AND EMPLOYEES
Actions against insurers, § 242:198
Defenses, § 239:154
Foreign insurers, state official designated as agent for service of process, § 3:27
Process and Service of Process and Papers (this index)
Subrogation, § 223:59

STATE OF MIND
Cancellation and rescission, surrender requirements, § 32:87

STATEWIDE SERVICE
Service of process, § 231:73

STATIONARY VEHICLE
Accident and life insurance, § 142:58

STATUS CLAUSES
Accident and life insurance, § 143:48

STATUTE OF FRAUDS
See Frauds, Statute of (this index)

STATUTES OF LIMITATIONS
See Limitation of Actions (this index)

STATUTORY BONDS
Parties, § 242:141
Presumptive execution of, § 254:169

STAY OF PROCEEDINGS
See also Arbitration and Appraisal (this index)
Arbitrators, appraisers, and proceedings before them, § 211:69 to 211:71
Cooperation, § 199:131

STEAM
Contractors’ payment bonds, § 165:153
Fire insurance, § 149:36, 149:37
Property insurance, § 155:65

STEAM BURSTS
Marine insurance risks, § 137:35

STEPBROTHERS AND STEPSISTERS
Life insurance, insurable interest, § 43:8

STEP DOWN
Subrogation, § 224:14

STEPPARENTS AND STEPCHILDREN
Beneficiaries, § 59:30
Life insurance, insurable interest, § 43:4, 43:6

STERILIZATION
Medical insurance, § 144:54, 181:31

STIPULATED LIABILITY
Subrogation, § 224:168

STIPULATION OF CONTRACT
Cooperation, § 199:6, 199:86
Governing law, stipulation and waiver of intent of parties, § 24:21 to 24:23
Reformation, stipulations as to use, occupancy, and the like, § 27:61
Representations, warranties, conditions, and concealment, § 83:8, 83:24
Soliciting agents, § 47:33
Subrogation, § 225:53

STOCK AND STOCKHOLDERS
Dividends (this index)
Fire insurance, § 149:51
Group insurance, dividends, § 8:24 to 8:29
Insurable interest
Generally, § 42:10
Life insurance, § 43:16
Profit-sharing bonds, § 41:29
Invalid securities insurance, § 185:116
Liability insurance, § 201:35
Loss of security insurance, § 185:117

Index-611
STOCK AND STOCKHOLDERS
—Cont’d
Property insurance, § 148:41, 155:100
Stock Companies (this index)
Subscriptions (this index)
Witnesses, § 252:15
Workers’ compensation, § 173:43

STOCK COMPANIES
Generally, § 39:3 to 39:14
Acquisition of property, § 39:9
Agents and brokers, § 48:52
Capital, § 39:4
Directors and officers, § 39:5
Investments and loans, § 39:11
Law practice, § 39:13
Loans, § 39:11
Mutualization, § 39:8
Officers of insurer, § 39:5
Risk, selection of type of, § 39:10

STOCK IN TRADE OR MERCHANDISE
Description of subject matter, § 20:44 to 20:47
Sales from stocks of goods held for resale, § 93:13
Use and occupancy, § 95:9

STOLEN PROPERTY
Automobile property insurance, § 156:33
Burglary (this index)
Fidelity Bonds and Insurance (this index)
Fidelity insurance, § 161:115
Insurable interest, § 42:57
Marine insurance, perils at sea provisions, § 137:39
Property Insurance (this index)
Sales, § 91:51

STOMACH DISORDERS
Good health of insured, § 88:43 to 88:47

STONE BUILDINGS
Description of subject matter, § 20:24

STONES, PRECIOUS
Property insurance, § 148:43

STORAGE
Adjustment of losses, § 178:43 to 178:45
Automobile property insurance, § 157:50
Description of goods held in, § 20:39 to 20:43
Insurable interest, § 42:13 to 42:19
Mitigation of damages, § 178:13
Uninsured and underinsured motorist coverage, § 171:4
Use and occupancy, § 94:27, 95:21 et seq.

STORAGE TANKS
Property loss, generally, § 177:72

STORES
See Ships, Vessels, Cargo, Stores, and the Like (this index)

STORMS
Marine insurance risks, § 137:28

STOWAGE OF CARGO
Representations, warranties, and conditions as to marine risks, § 99:44
Witnesses, § 252:91

STRAIN
See Accident and Life Insurance (this index)

STRANDING
Marine insurance, § 183:36, 183:37, 221:16 to 221:18

STRANGERS
See Third Persons (this index)

STREETS
See Highways, Streets, and Roads (this index)

STRESS
See also Accident and Life Insurance (this index)
INDEX

STRESS—Cont’d
Good health of insured, § 136:34, 136:48

STRESS ANALYZERS
See Polygraph Tests (this index)

STRIGHT COMPLIANCE WITH PROVISIONS OF STATUTE OR POLICY
Cancellation and rescission, § 30:13, 30:17
Cooperation, § 199:16, 199:87
Evidence (this index)
Iron safe clauses, § 97:18
Modification of policy, § 51:49, 51:50
Notice and Proof of Loss (this index)

STRICK CONSTRUCTION
Cancellation and rescission, § 30:10, 30:16
Contractors’ bonds, § 163:38
Disability insurance, § 146:27, 146:40
Marine insurance, § 183:18
Penalties, fees and similar consequences, § 204:60, 204:78
Warranties, strict construction against, § 83:1

STRICK LIABILITY
Uninsured and underinsured motorist coverage, § 214:23

STRIKE AND LABOR ACTIVITY INSURANCE
Generally, § 167:66 to 167:68
Riot, § 167:68
Workers’ compensation, § 173:35

STRIKE, MOTION TO
Responses to defects in pleadings, § 244:77

STROKES
Good health of insured, § 136:42

STRUCTURES
See Buildings and Structures (this index)

SUBAGENTS
Generally, § 54:18 et seq., 57:58 et seq.
Adjusters, § 48:69
Compensation, § 57:16 to 57:18
Delegation of authority, § 54:18
Imputation of knowledge, § 49:27
Public official and appointed fiduciary bonds, § 166:90

SUBCONTRACTORS
Construction contract guaranties, § 184:34
Contractors’ bonds, § 163:48, 163:50, 163:89
Contractors’ payment bonds, § 165:22, 165:23, 165:64
Contractors’ performance bonds, § 164:21, 164:54
Labor and material bonds, § 191:47, 192:127
Property insurance, § 155:44

SUBCONTRACT PROVISIONS
Subrogation, § 224:82

SUBJECT MATTER JURISDICTION
Federal proceedings, § 229:4, 229:5
State proceedings, § 228:3

SUBLEASES
Insurable interest, § 42:52
Rent loss insurance, § 185:29

SUBMERSION
Marine insurance, § 183:36, 183:37

SUBMISSION AGREEMENTS
Generally, § 210:38 to 210:40
See also Arbitration, Appraisal, or Submission Agreements (this index)
Arbitrate future disputes as submission, agreement to, § 210:40
Arbitration, appraisal, or award, § 194:46, 194:48
Arbitration awards, § 213:40
Statutes, § 210:39
<table>
<thead>
<tr>
<th>SUBMISSION-JURISDICTION</th>
<th>SUBROGATION—Cont’d</th>
</tr>
</thead>
<tbody>
<tr>
<td>State proceedings, § 228:12 to 228:14</td>
<td>Amounts recoverable—Cont’d</td>
</tr>
<tr>
<td>SUBORDINATE</td>
<td>Burden of proof, § 223:96, 223:151</td>
</tr>
<tr>
<td>Fidelity insurance, § 161:56</td>
<td>Caps on recovery, § 223:91, 223:92</td>
</tr>
<tr>
<td>Public official and appointed fiduciary bonds, § 166:35</td>
<td>Coinsurers sharing proportionately, § 223:97</td>
</tr>
<tr>
<td>SUBORDINATE LODGE</td>
<td>Collateral limitations, effect of, § 223:90 to 223:93</td>
</tr>
<tr>
<td></td>
<td>Common fund, § 223:112, 223:113</td>
</tr>
<tr>
<td></td>
<td>Consortium, claims for loss of, § 223:156</td>
</tr>
<tr>
<td>SUBROGATION</td>
<td>Construction of provisions not explicitly addressing insurer contribution, § 223:130</td>
</tr>
<tr>
<td>Generally, § 222:1 et seq., 223:1 et seq., 224:1 et seq.</td>
<td>Contribution and apportionment</td>
</tr>
<tr>
<td>Abandonment under marine policy, § 222:102</td>
<td>Generally, § 225:213 to 225:217</td>
</tr>
<tr>
<td>Abrogation of immunity under terms of state law, § 223:53</td>
<td>Avoiding insurer contribution, § 223:129</td>
</tr>
<tr>
<td>Acceptance, § 228:139, 225:179</td>
<td>Common law rule, § 223:112, 223:113</td>
</tr>
<tr>
<td>Acquiescence in subrogation based on partial payment, § 223:23</td>
<td>Construction of insurer contribution, § 223:130</td>
</tr>
<tr>
<td>Actual loss, full payment less than, § 223:19 to 223:21</td>
<td>Insurer contribution, generally, § 223:126 to 223:128</td>
</tr>
<tr>
<td>Additional agreement, terms of, § 222:34</td>
<td>Required contribution of insurer, § 225:41, 225:42</td>
</tr>
<tr>
<td>Additional insureds, § 224:14, 224:15</td>
<td>Deductible amounts, § 223:107</td>
</tr>
<tr>
<td>Additional or extended benefits, § 225:80, 225:81</td>
<td>Defense, cost of defending insured, § 223:131</td>
</tr>
<tr>
<td>Adjustment of insurer’s recovery, § 223:108 to 223:111</td>
<td>Equitable distribution as alternative theory, § 223:137</td>
</tr>
<tr>
<td>Adjustor, § 223:106</td>
<td>Equitable fund, § 223:112, 223:113</td>
</tr>
<tr>
<td>Agents and brokers</td>
<td>Equity, § 223:134</td>
</tr>
<tr>
<td>Generally, § 53:40</td>
<td>Erisa, § 223:92, 223:139 to 223:142</td>
</tr>
<tr>
<td>Joinder of parties, § 243:142</td>
<td>Excess and primary policies, conflict between provisions, § 223:99</td>
</tr>
<tr>
<td>Already compensated, § 223:49</td>
<td>Fault in occurrence, insured’s, § 223:153, 223:154</td>
</tr>
<tr>
<td>Alternatives to monetary payment, § 223:10</td>
<td>Fault of insured, § 223:108</td>
</tr>
<tr>
<td>Amendments, applicability of, § 225:65</td>
<td>Federal common law, § 223:140</td>
</tr>
<tr>
<td>Amounts recoverable</td>
<td>Federal employees health benefit act (fehba), § 223:143</td>
</tr>
<tr>
<td>Generally, § 223:85 et seq.</td>
<td></td>
</tr>
</tbody>
</table>
SUBROGATION—Cont’d
Amounts recoverable—Cont’d
Fees awarded or awardable to insured, § 223:104
Future expenses and disability, § 223:155
General measure of recovery, amounts paid for claim as Generally, § 223:85 et seq.
Burden of proof, § 223:96
Caps on recovery, § 223:91, 223:92
Collateral limitations, effect of, § 223:90 to 223:93
Erisa plan subrogation, § 223:92
Funds passing beyond hands of third party, § 223:89
Funds subject to subrogation rights, generally, § 223:89
Itemization, § 223:94
Judgment, determination as whether judgment includes funds related-subrogation claim, § 223:94 to 223:96
Limitation of liability as between insured and third party, § 223:90
Mortgagee is subrogor, measure of recovery when, § 223:87
Property damage, measure of insurer’s recovery for payment of, § 223:86
Reasonableness of settlement allocation to specific loss, § 223:95
Settlement, determination as whether settlement includes funds related-subrogation claim, § 223:94 to 223:96
Title insurer’s recovery for clearing title, measure of, § 223:88
Valued policy, § 223:93
Independent adjustor and engineer, cost of, § 223:106
Insolvency of insurer, § 223:110
Judgment, § 223:94 to 223:96, 223:161

SUBROGATION—Cont’d
Legal determination, necessity for, § 223:149, 223:150
Less than entire loss, judgment for, § 223:161
Less than entire loss, settlement for, § 223:158 to 223:160
Limitation of liability as between insured and third party, § 223:90
Limitation to reasonable fees, § 223:118

Made whole rule
Generally, § 223:133 et seq.
Attorneys’ fees, recovery from third party, § 223:162
Contract terms, equitable principle, and statutes, conflict between, § 223:145 to 223:148
Equitable distribution as alternative theory, § 223:137
Equitable principle, contract terms, and statutes, conflict between, § 223:145 to 223:148
Equity, § 223:134
Erisa, § 223:139 to 223:142
Federal common law, § 223:140
Federal employees health benefit act (fehba), § 223:143
Interest on money, § 223:163
Less than entire loss, judgment for, § 223:161
Less than entire loss, settlement for, § 223:158 to 223:160
Litigation costs, recovery from third party, § 223:162
Medicare reimbursement statute, § 223:144
Plan language to override rule, § 223:141, 223:142
Preemption of state rules, § 223:139
Pro rata recovery as alternative theory, § 223:138
Statutes, equitable principle, and contract terms, conflict
SUBROGATION—Cont’d
Amounts recoverable—Cont’d
Made whole rule—Cont’d
between, § 223:145 to 223:148
Surety bonds and similar contracts, § 225:268
Third party, recovery from, generally, § 223:158 et seq.
Value of insured’s loss, determination of
Generally, § 223:149 et seq.
Burden of proving that insured has been made whole, § 223:151
Consortium, claims for loss of, § 223:156
Fault in occurrence, insured’s, § 223:153, 223:154
Future expenses and disability, § 223:155
Legal determination, necessity for, § 223:149, 223:150
Noneconomic factors, § 223:157
Question of fact, § 223:150
Statutory regulation, insured’s fault in occurrence, § 223:154
Total loss, generally, § 223:152 et seq.
Marine insurance, § 225:236, 225:237
Medicare reimbursement statute, § 223:144
Mortgagee is subrogor, measure of recovery when, § 223:87
Notification of suit, § 223:117
Penalties, § 223:103
Plan language to override rule, § 223:141, 223:142
Preemption of state rules, § 223:139
Priority, insurer closest to risk takes, § 223:100
Property damage, measure of insurer’s recovery for payment of, § 223:86

SUBROGATION—Cont’d
Amounts recoverable—Cont’d
Pro rata recovery as alternative theory, § 223:138
Punitive damages, § 223:103
Question of fact, § 223:150
Response to notification of suit, § 223:117
Sales tax, § 223:105
Shares when multiple insurers are subrogated, § 223:97 to 223:100
Statutory regulations
Specific amounts, subrogee-insurer’s right to recover, § 223:102
Value of insured’s loss, determination of, § 223:154
Subrogee-insurer’s right to recover specific amounts
Generally, § 223:101 et seq.
Cost of independent adjustor and engineer, § 223:106
Deductible amounts, § 223:107
Fees awarded or awardable to insured, § 223:104
Interest, § 223:101, 223:102
Penalties, § 223:103
Punitive damages, § 223:103
Sales tax, § 223:105
Statutory regulations concerning interest, § 223:102
Surety bonds and similar contracts
Bank depository bonds, § 225:265 to 225:268
Labor and material bonds, § 225:320 to 225:323
Title insurer’s recovery for clearing title, measure of, § 223:88
Valued policy, § 223:93
Another insurer making payment from previous accident, § 225:83
Antisubrogation rule
Generally, § 224:1 et seq.
Amount wrongdoer insured for, § 224:7
SUBROGATION—Cont’d

Antisubrogation rule—Cont’d
Arson by insured, claims of, § 224:11
Assignment from mortgagee to insurer, § 224:29
Automobile insurance, § 224:39
Automobile liability insurance, § 224:13 to 224:16
Aviation policy, § 224:40
Bailor-bailee relationships, § 224:31
Beneficiary, loss caused by, § 224:49
Builder’s risk or construction policy, § 224:41
Business relationships, § 224:68
Coinsured breach of duty to provide other insurance, application to claims that, § 224:9
Coinsured status, creation of, § 224:63
Condition, carrier benefit conditioned on policy not prohibiting, § 224:52, 224:53
Construction and interpretation, § 224:50
Construction contracts, § 224:60, 224:61
Construction policy, § 224:41
Construction project relationships, § 224:18, 224:19, 224:32
Contracts
Construction contracts, § 224:60, 224:61
Obligation to carry insurance for benefit of another, § 224:43
Shipping documents giving carrier benefit of shipper’s insurance, § 224:54 to 224:56
Contractual subrogation, § 224:4
Contribution to premium, tenant’s, § 224:64, 224:66
Employee of beneficiary, loss caused by, § 224:49
Employer-employee determinations, § 224:17

SUBROGATION—Cont’d

Antisubrogation rule—Cont’d
Entities named or covered under policy, generally, § 224:12 et seq.
Equitable subrogation, § 224:4
Exception to rule for coinsured’s design or fraud, § 224:10, 224:11
Family relationships, § 224:69
Government at large and individuals, relationships between, § 224:71
Icc endorsement insureds, § 224:16
Insured, generally, § 224:12 et seq.
Landlord-tenant relationship
Generally, § 224:14, 224:15, 224:33, 224:63 et seq.
Coinsured status, creation of, § 224:63
Contribution to premium, tenant’s, § 224:64, 224:66
Statute requiring tenant to pay damages, § 224:67
Marine insurance, § 225:246, 225:247
Mortgagor-mortgagee relationships
Generally, § 224:21 et seq.
Assignment from mortgagee to insurer, § 224:29
Both mortgagee and mortgagor, § 224:24
Against mortgagee, § 224:30
Mortgagee only, § 224:23, 224:24
Against mortgagor, § 224:22
Preclusion of subrogation, § 224:26
Simple mortgage clause covering mortgagor and mortgagee, § 224:25
Standard or union mortgage clause, § 224:26 to 224:28
Union mortgage clause, § 224:26 to 224:28
Multiple parties or multiple risks
Generally, § 224:37 et seq.
SUBROGATION—Cont’d
Antisubrogation rule—Cont’d
Multiple parties or multiple risks—Cont’d
Automobile insurance policy, § 224:39
Aviation policy, § 224:40
Builder’s risk or construction policy, § 224:41
Multiple policies, § 224:37
Partial coverage of single policy, § 224:38 to 224:41
Multiple policies, § 224:37
Obligation-carry insurance for benefit of another
Shipping documents giving carrier benefit of shipper’s insurance
Agreement-extend benefit, conflict with policy, § 224:54 to 224:56
Shipping contract provisions, § 224:45 to 224:49
Obligation to carry insurance for benefit of another
Generally, § 224:42 et seq.
Beneficiary, loss caused by, § 224:49
Condition, carrier benefit conditioned on policy not prohibiting, § 224:52, 224:53
Construction and interpretation, § 224:50
Construction contracts, § 224:60, 224:61
Employee of beneficiary, loss caused by, § 224:49
Personal property rental agreements, § 224:59
Real estate leases, § 224:57, 224:58
Sales contracts, § 224:62
Shipping documents giving carrier benefit of shipper’s insurance
Generally, § 224:44 et seq.
Beneficiary, loss caused by, § 224:49

SUBROGATION—Cont’d
Antisubrogation rule—Cont’d
Obligation to carry insurance for benefit of another—Cont’d
Shipping documents giving carrier benefit of shipper’s insurance—Cont’d
Condition, carrier benefit conditioned on policy not prohibiting, § 224:52, 224:53
Construction, § 224:50
Employee of beneficiary, loss caused by, § 224:49
Extended benefit of insurance, generally, § 224:45
Policy prohibition against extended benefit, § 224:51
Statutory regulations, § 224:50
Validity of provision, § 224:48, 224:49
Warranty against transfer, breach of, § 224:55
Statutory regulations, § 224:50
Validity of provision, § 224:48, 224:49
Waiver, agreements waiving subrogation, § 224:43
Warranty against transfer, breach of, § 224:55
Other liability insurance, § 224:17 to 224:20
Partial coverage of single policy, § 224:38 to 224:41
Personal property rental agreements, § 224:59
Personal relationships, § 224:70
Preclusion, § 224:5, 224:6, 224:26
Property insurance
Generally, § 224:21 et seq.
Bailor-bailee relationships, § 224:31
Construction project relationships, § 224:32
Lessor-lessee relationships, § 224:33

Index-618
INDEX

SUBROGATION—Cont’d
Antisubrogation rule—Cont’d
Property insurance—Cont’d
Shippee-carrier relationships, § 224:34
Public policy, § 224:3
Real estate leases, § 224:57, 224:58
Sales contracts, § 224:62
Separate agreement to indemnify loss, § 224:2
Shippee-carrier relationships, § 224:34
Shipping contract provisions, § 224:45 to 224:49
Simple mortgage clause covering mortgagor and mortgagee, § 224:25
Social relationships, § 224:70, 224:71
Standard or union mortgage clause, § 224:26 to 224:28
Status of insured derived from other circumstances, § 224:42 et seq.
Statutes, § 224:50, 224:67
Surety bonds and similar contracts, § 225:274
Title insurance, § 224:36
Union mortgage clause, § 224:26 to 224:28
Validity of provision, § 224:48, 224:49
Warranty against transfer, breach of, § 224:55
Workers’ compensation, § 225:230
Arbitration
Arbitration, or submission agreements, § 210:19
Automobile no-fault and personal injury protection insurance, § 225:71, 225:72
Demand, failure to, § 224:167
Proceedings, generally, § 225:69, 225:70
Stipulated liability in, § 224:168
Uninsured and underinsured motorist insurance, § 225:53
SUBROGATION—Cont’d
Arbitration and Appraisal (this index)
Arson by insured, claims of, § 224:11
Assault, § 225:195
Assignment
Generally, § 222:53 et seq.
Agreements, § 222:57, 222:80
Antisubrogation rule prohibiting subrogation recovery from own insured, § 224:29
Automobile no-fault and personal injury protection insurance, § 225:67
Cause of action, § 222:62, 222:70
Claimant, assignment by claimant distinguished, § 222:58
Deductible policy, § 222:69
Effect, generally, § 222:64 et seq.
Equitable subrogation, § 222:55
Evidence, need to prove subrogation, § 222:65
Existing subrogation rights, effect on, § 222:64
Federal government, claims against, § 222:74
Fidelity insurance and financial institution blanket bonds, § 225:270
Handling of claim, effect on right of assignor to dispute assignee’s, § 222:66
Impairment of rights, § 224:125
Insurer, assignment by insurer distinguished, § 222:59
Labor and material bonds, § 225:301, 225:316
Legal malpractice claims, § 222:78
Loan receipt transaction, § 222:89
Medical payment claims, application to, § 222:76, 222:77
Mortgagor-mortgagee relationships, § 224:29
Parties, status of, § 222:67
Personal injury claims, § 222:72, 222:75 to 222:77
Practical distinction, § 222:54
Prohibition against assignment
Generally, § 222:71 et seq.
SUBROGATION—Cont’d
Assignment—Cont’d
Prohibition against assignment—Cont’d
Agreements, other reimbursement agreements, § 222:80
Federal government, claims against, § 222:74
Legal malpractice claims, § 222:78
Medical payment claims, application to, § 222:76, 222:77
Personal injury claims, § 222:72, 222:75 to 222:77
Reimbursement rights as, § 222:79, 222:80
Tort claims, generally, § 222:71 et seq.
Validity, § 222:76, 222:77
Provisions requiring, § 222:56
Reimbursement rights as, § 222:79, 222:80
Requisites, § 222:60 to 222:62
Scope, § 222:63
Surety bonds and similar contracts, § 225:270, 225:301, 225:316
Theoretical distinction, § 222:53
Uninsured and underinsured motorist insurance, § 225:4, 225:56
Uninsured/underinsured motorist insurance, § 225:4, 225:56
Validity, § 222:76, 222:77
Waiver, § 224:170
Workers’ compensation, § 225:144, 225:164, 225:227
Automobile insurance, § 224:39
Automobile liability insurance, § 224:13 to 224:16
Automobile no-fault and personal injury protection insurance
Generally, § 225:57 et seq.
Acceptance of payments as waiver of objection to lien, § 225:139
Additional or extended benefits, § 225:80, 225:81

SUBROGATION—Cont’d
Automobile no-fault and personal injury protection insurance—Cont’d
Amendments, applicability of, § 225:65
Amounts recoverable
Generally, § 225:107 et seq.
Attorneys’ fees, § 225:122 to 225:124
Economic loss distinguished, § 225:108
Equitable distribution, § 225:121
Extended economic loss distinguished, § 225:108
Fault, tortfeasor’s percentage of, § 225:109
Insufficient policy limits, § 225:110
Insured liable for share, § 225:124
Insurer liable for share, § 225:123
Judgment for less than loss as precluding subrogation, § 225:119
Limits of insurer’s policy, § 225:117
Made whole rule
Generally, § 225:113 et seq.
Contrary agreement, § 225:115
Determination of when whole, § 225:116, 225:117
Between insurers, § 225:114
Limits of insurer’s policy, § 225:117
Noneconomic loss distinguished, § 225:108
Punitive and statutory treble damages, § 225:125
Reduction for recovery foregone by insurer’s failure to collect directly from tortfeasor’s insurer, § 225:111
Setoffs and credits against insurer’s liability, § 225:112

Index-620
SUBROGATION—Cont’d
Automobile no-fault and personal injury protection insurance
—Cont’d
Amounts recoverable—Cont’d
Settlement for less than loss, § 225:120, 225:121
Settlement for more than loss, § 225:118
Statutes, § 225:122
Another insurer making payment from previous accident, § 225:83
Arbitration and/or intervention, § 225:71, 225:72
Arbitration proceedings only, § 225:69, 225:70
Assigned claims insurers, § 225:67
Attorneys’ fees, § 225:122 to 225:124
Authority to release, § 225:130
Basic benefits not subject to subrogation, § 225:79
Burden of proof, § 225:100, 225:136
Collect, failure to, § 225:111
Commercial vehicle insurer, § 225:89
Commercial vehicle, owner of, § 225:91
Consent to settlement, § 225:135
Construction as nonexclusive, § 225:70
Contrary agreement, § 225:115
Conventional subrogation, § 225:76 to 225:78
Credits, § 225:112
Damages, treble, § 225:125
De facto lien created by insurer’s consent to settlement, § 225:135
Defenses
Generally, § 225:126 et seq.
Acceptance of payments as waiver of objection to lien, § 225:139
Authority to release, § 225:130
Burden of proof, § 225:136

SUBROGATION—Cont’d
Automobile no-fault and personal injury protection insurance
—Cont’d
Defenses—Cont’d
De facto lien created by insurer’s consent to settlement, § 225:135
Destruction of no-fault subrogation rights, § 225:133, 225:134
Discretion of court to set aside agreement, § 225:134
Governmental defendant’s immunity, § 225:141
No cause of action, § 225:140
Notice, § 225:126, 225:142
Release of third party
Generally, § 225:126 et seq.
Authority to release, § 225:130
Burden of proof, § 225:136
Court discretion to set aside agreement, § 225:134
De facto lien created by insurer’s consent to settlement, § 225:135
Destruction of no-fault subrogation rights, § 225:133, 225:134
General release failed to address equitable allocation, § 225:132
No effect on no-fault subrogation rights, generally, § 225:128 et seq.
Notice, § 225:126
Protect insurer’s rights, duty to, § 225:127
Reparations benefits, § 225:137
Set aside agreement, § 225:134
Settlement addresses insurer’s rights, § 225:129
Settlement excluded no-fault benefits, § 225:131
Reparations benefits, § 225:137
Set aside agreement, § 225:134
SUBROGATION—Cont’d
Automobile no-fault and personal injury protection insurance
—Cont’d
Defenses—Cont’d
Settlement, § 225:129, 225:131
Waiver, failure to intervene as, § 225:138
 Destruction of no-fault subrogation rights, § 225:133, 225:134
Discretion of court to set aside agreement, § 225:134
Economic loss distinguished, § 225:108
Enactments, applicability of, § 225:65
Equitable allocation, § 225:132
Equitable distribution, § 225:101, 225:121
Equitable subrogation available, § 225:64
Erroneous payments, § 225:104
Excess insurer, § 225:90
Exclusive, mutually exclusive methods of recovery, § 225:72
Exclusive provisions, § 225:63, 225:64
Extended economic loss distinguished, § 225:108
Fault, § 225:93, 225:109
Governmental defendant’s immunity, § 225:141
Government self-insurer, recovery from, § 225:142
Immunity, § 225:141
Intervention, § 225:138
Involved parties, § 225:60
Itemize recovery, failure to, § 225:99, 225:100
Judgment for less than loss as precluding subrogation, § 225:119
Law governing rights, § 225:58
Liens, § 225:135, 225:139
Limitations and restrictions, § 225:110, 225:117
Loan receipt as payment, § 225:84

SUBROGATION—Cont’d
Automobile no-fault and personal injury protection insurance
—Cont’d
Mutually exclusive methods of recovery, § 225:72
No cause of action, § 225:140
Noneconomic loss distinguished, § 225:108
Nonmotorist tortfeasor, recovery from, § 225:97, 225:98
Nonsubrogated insurer, § 225:61
Notice, § 225:59, 225:60, 225:126, 225:142
Objection, § 225:139
Overpayment, § 225:105, 225:106
Parent or other person responsible for tortfeasor’s actions, § 225:87
Payments, § 225:82 to 225:84, 225:139
Punitive and statutory treble damages, § 225:125
Recording of lien, § 225:74
Recoupment of unintended or undeserved benefits, § 225:104 to 225:106
Recovery, right to
Generally, § 225:85 et seq.
Burden of proof, § 225:100
Commercial tortfeasor, generally, § 225:86
Commercial vehicle insurer, § 225:89
Commercial vehicle, owner of, § 225:91
Equitable distribution, settlement with tortfeasor’s insurer and, § 225:101
Erroneous payments, § 225:104
Excess insurer, § 225:90
Fault of others, uninsured through, § 225:93
Insurer of tortfeasor, generally, § 225:88
Itemize recovery, failure to, § 225:99, 225:100
Nonmotorist tortfeasor, recovery from, § 225:97, 225:98
SUBROGATION—Cont’d
Automobile no-fault and personal injury protection insurance
—Cont’d
Recovery, right to—Cont’d
Overpayment, § 225:105, 225:106
Parent or other person responsible for tortfeasor’s actions, § 225:87
Recoupment of unintended or undeserved benefits, § 225:104 to 225:106
Reimbursement from insured’s recovery against particular parties
Generally, § 225:95 et seq.
Burden of proof, § 225:100
Equitable distribution, settlement with tortfeasor’s insurer and, § 225:101
Itemize recovery, failure to, § 225:99, 225:100
Noncovered nonmotorist tortfeasor, recovery from, § 225:98
Nonmotorist tortfeasor, recovery from, § 225:97, 225:98
Settlement with tortfeasor’s insurer and equitable distribution, § 225:101
Statutory regulation as to recovery by judgment or settlement, § 225:96
Tortfeasor, insured’s recovery from, generally, § 225:95, 225:96
Uninsured or underinsured motorist coverage, insured’s recovery from, § 225:102
Workers’ compensation carrier, recovery from, § 225:103
Settlement with tortfeasor’s insurer and equitable distribution, § 225:101
Statutes, § 225:96
Tortfeasor, generally, § 225:85
SUBROGATION—Cont’d
Automobile no-fault and personal injury protection insurance
—Cont’d
Recovery, right to—Cont’d
Uninsured vehicle, owner of, § 225:92, 225:93
Workers’ compensation carrier, § 225:94, 225:103
Reduction for recovery foregone by insurer’s failure to collect directly from tortfeasor’s insurer, § 225:111
Reparations benefits, § 225:137
Repeals, applicability of, § 225:65
Security, private persons posting, § 225:66
Self-insurer, § 225:142
Set aside agreement, § 225:134
Setoffs and credits against insurer’s liability, § 225:112
Settlement
Amounts recoverable, § 225:118, 225:120, 225:121
Reimbursement from insured’s recovery against particular parties, § 225:101
Statutes
Generally, § 225:62 et seq.
Amendments, applicability of, § 225:65
Amounts recoverable, § 225:122, 225:125
Arbitration and/or intervention, § 225:71, 225:72
Arbitration proceedings only, § 225:69, 225:70
Assigned claims insurers, § 225:67
Construction as nonexclusive, § 225:70
Enactments, applicability of, § 225:65
Entities considered insurers for purposes of statute, § 225:66, 225:67

Index-623
<table>
<thead>
<tr>
<th>SUBROGATION—Cont’d</th>
<th>SUBROGATION—Cont’d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile no-fault and personal injury protection insurance —Cont’d</td>
<td>Bank depository bonds—Cont’d</td>
</tr>
<tr>
<td>Statutes—Cont’d</td>
<td>Collateral provided by bank, claims against, § 225:266</td>
</tr>
<tr>
<td>Equitable subrogation available, § 225:64</td>
<td>Excess security, dividends and the like, § 225:267, 225:268</td>
</tr>
<tr>
<td>Exclusive, mutually exclusive methods of recovery, § 225:72</td>
<td>Irregularity of bond, § 225:261</td>
</tr>
<tr>
<td>Exclusive provisions, § 225:63, 225:64</td>
<td>Made whole rule, § 225:268</td>
</tr>
<tr>
<td>Lien on insured’s recovery, § 225:73, 225:74</td>
<td>Priority of claim, § 225:263</td>
</tr>
<tr>
<td>Mutually exclusive methods of recovery, § 225:72</td>
<td>Settlement with bank destroys remaining rights, § 225:264</td>
</tr>
<tr>
<td>Recording of lien, § 225:74</td>
<td>Basic benefits not subject to subrogation, § 225:79</td>
</tr>
<tr>
<td>Recovery, right to, § 225:96</td>
<td>Beneficiary, loss caused by, § 224:49</td>
</tr>
<tr>
<td>Security, private persons posting, § 225:66</td>
<td>Benefit to insurer, need for showing of, § 223:127</td>
</tr>
<tr>
<td>Statutory lien on insured’s recovery, § 225:73, 225:74</td>
<td>Bonds, existing cause of action, § 223:69</td>
</tr>
<tr>
<td>Validity, § 225:62</td>
<td>Builder’s risk or construction policy, § 224:41</td>
</tr>
<tr>
<td>Subrogation agreement, § 225:76, 225:77</td>
<td>Business relationships, § 224:68</td>
</tr>
<tr>
<td>Treble damages, § 225:125</td>
<td>Cancellation of policy, § 242:191</td>
</tr>
<tr>
<td>Uninsured vehicle, owner of, § 225:92, 225:93</td>
<td>Caps on recovery, § 223:91, 223:92</td>
</tr>
<tr>
<td>Validity, § 225:62</td>
<td>Carrier</td>
</tr>
<tr>
<td>Aviation policy, § 224:40</td>
<td>Cause of action</td>
</tr>
<tr>
<td>Bad faith, § 223:73, 224:154</td>
<td>Assignment, § 222:62, 222:70</td>
</tr>
<tr>
<td>Bailor-bailee relationships, § 224:31</td>
<td>Cause of action against third party, effect on, § 222:14</td>
</tr>
<tr>
<td>Balance due under contract, § 225:327 to 225:329</td>
<td>Full policy payment versus partial policy payment, § 223:21</td>
</tr>
<tr>
<td>Bank depository bonds</td>
<td>Marine insurance, § 225:244, 225:245</td>
</tr>
<tr>
<td>Generally, § 225:260 et seq.</td>
<td>Surety bonds and similar contracts, § 225:308 to 225:311</td>
</tr>
<tr>
<td>Alternative to actual payment by surety, liability for funds as, § 225:262</td>
<td>Third parties, § 222:14</td>
</tr>
<tr>
<td>Amounts recoverable, § 225:265 to 225:268</td>
<td>Workers’ compensation, § 225:146 to 225:149, 225:227</td>
</tr>
</tbody>
</table>
SUBROGATION—Cont’d
Claimant, assignment by claimant distinguished, § 222:58
Coinsurance
Amounts recoverable, § 223:97
Antisubrogation rule prohibiting subrogation recovery from own insured, § 224:9 to 224:11
Impairment of rights, § 224:10
Landlord-tenant relationship, § 224:63
Settlement of action as affecting rights against coinsurers, § 224:165
Collateral limitations, effect of, § 223:90 to 223:93
Collateral provided by bank, claims against, § 225:266
Collateral source statutes and rules, § 223:49, 223:111
Collateral transaction distinguished, § 224:78
Commercial vehicle insurer, § 225:89
Commercial vehicle, owner of, § 225:91
Common fund, § 223:112, 223:113
Comparative fault, § 225:32
Concurrent insurers, § 243:134
Conditions, antisubrogation rule prohibiting subrogation recovery from own insured, § 224:52, 224:53
Conflict, § 222:22, 222:23
Consent
Automobile no-fault and personal injury protection insurance, § 225:135
Insured, consent of, § 222:13
Uninsured and underinsured motorist coverage, § 225:43, 225:44
Waiver, § 224:162
Consortium, claims for loss of, § 223:156
Construction and interpretation
Amounts recoverable, § 223:130, 225:37
SUBROGATION—Cont’d
Construction and interpretation—Cont’d
Antisubrogation rule prohibiting subrogation recovery from own insured, § 224:41, 224:50
Automobile no-fault and personal injury protection insurance, § 225:70
Contractual subrogation, § 222:33 to 222:35
Impairment of rights, § 224:87 to 224:89, 224:91
Loan receipt transactions, § 222:87, 241:51
Uninsured and underinsured motorist insurance, § 225:37
Construction contracts, § 224:60, 224:61
Construction policy, § 224:41
Construction project relationships, § 224:18, 224:19, 224:32
Contest, § 223:29
Contractors, § 225:317, 225:323
Contractual liability, § 225:188
Contractual obligations, liability extended to, § 223:40
Contractual rights, § 225:6
Contractual subrogation
Generally, § 222:31 et seq.
Additional agreement, terms of, § 222:34
Antisubrogation rule prohibiting subrogation recovery from own insured, § 224:4
Construction and interpretation, § 222:33 to 222:35
Evidence, proof of subrogation rights, § 222:40
Health and medical policy provisions, extent of insurer’s rights under, § 222:35
Limiting subrogation rights, § 222:36
Minors as bound by policy clause, § 222:38
Necessity of superior equity, § 222:39

Index-625
SUBROGATION—Cont’d
Contractual subrogation—Cont’d
Persons bound by policy clause, § 222:37, 222:38
Statutes, § 222:45, 222:46
Validity of policy subrogation clauses, § 222:32
Contrary agreement, § 225:36, 225:37, 225:40, 225:115
Contribution and apportionment
Generally, § 217:5, 225:187
Amounts recoverable
Generally, § 225:213 to 225:217
Avoiding insurer contribution, § 223:129
Common law rule, § 223:112, 223:113
Construction of insurer contribution, § 223:130
Insurer contribution, generally, § 223:126 to 223:128
Required contribution of insurer, § 225:41, 225:42
Antisubrogation rule prohibiting subrogation recovery from own insured, § 224:64, 224:66
Equitable contribution, § 222:98
Uninsured and underinsured motorist insurance, § 225:41
Voluntary contribution to settlement, § 224:164
Workers’ compensation, § 225:213 to 225:217
Conventional subrogation
Generally, § 222:21 to 23
Automobile no-fault and personal injury protection insurance, § 225:76 to 225:78
Labor and material bonds, § 225:301
Costs of action and attorneys’ fees
Generally, § 223:131, 223:132, 233:77
Amounts recoverable
Another insurer, recovery from, § 223:132
Made whole rule, § 223:162

SUBROGATION—Cont’d
Costs of action and attorneys’ fees—Cont’d
Amounts recoverable—Cont’d
Other insurer, claim against, § 223:131, 223:132
Automobile no-fault and personal injury protection insurance, § 225:122 to 225:124
Defense costs, § 223:12
Labor and material bonds, § 225:321
Made whole rule, § 223:162
Medical expense benefits, § 223:79, 223:80
Pollution cleanup costs, § 223:64
Reimbursement from principal for cost of defending claim, § 225:286
Surety bonds and similar contracts
Generally, § 225:259
Labor and material bonds, § 225:321
Reimbursement from principal for cost of defending claim, § 225:286
Uninsured and underinsured motorist insurance, § 225:41, 225:42
Workers’ compensation
Amount recoverable, generally, § 225:213 et seq.
Attorneys’ fees, generally, § 225:213 et seq.
Contribution of subrogee, § 225:213 to 225:217
Future benefits, § 225:214
Measure of reasonable attorneys’ fees, § 225:218
Statute, § 225:215, 225:217
Covenant, insured’s breach of covenant to sue wrongdoer, § 222:92
Covenant not to sue, § 224:105
Cowrongdoer, sums received from, § 225:292
Credit guaranty, § 225:334, 225:335
Creditors, § 223:20
Credits, § 225:112
Criminal assault, § 225:195
INDEX

SUBROGATION—Cont’d
Damage from riot, § 223:58
Damages
Antisubrogation rule prohibiting subrogation recovery from own insured, § 224:67
Automobile no-fault and personal injury protection insurance, § 225:125
Impairment of rights, § 224:124
Medical malpractice damages, § 223:65
Punitive damages, § 223:103, 225:125
Workers’ compensation, § 225:189
Death, § 223:67, 225:184
Debts, § 225:293
Deductible amounts, § 223:107
Deductible policy, § 222:69
Deductions and offsets, § 178:4
De facto lien created by insurer’s consent to settlement, § 225:135
Default, § 225:256, 225:325

Defenses
Amounts recoverable, § 223:131
Estoppel, § 224:169 to 224:171
Excess insurer, § 222:19
Existing cause of action, § 223:59
Invalidity of policy of wrongdoer’s insurer, § 224:187
Joinder of insurer in foreclosure, § 224:182
Mortgagee-insured’s foreclosure on insured property, § 224:181, 224:182
Negligence of subrogee insurer, § 224:184, 224:185
Payment of claim, § 223:12
Personal to excess insurer, applicability of, § 222:19
Representations as to subrogation terms of erisa benefit plan, § 224:186
Right of insured to recover, § 224:180
Title insurance, negligence of subrogee insurer, § 224:185
Unclean hands, § 224:183
Definition, § 222:5

SUBROGATION—Cont’d
Degree of liability, § 222:11
Demand by insurer, necessity of, § 222:12
Deserving benefits, § 225:104 to 225:106
Design, coinsured’s, § 224:10, 224:11
 Destruction of no-fault subrogation rights, § 225:133, 225:134
Direct action rights, § 222:100
Direct conflict, § 222:22, 222:23
Directors of insured, § 225:274
Disability, future, § 223:155
Discretion of court to set aside agreement, § 225:134
Dismissal of action without prejudice, § 224:166
Dividends, § 225:267, 225:268
Double payment, § 224:130
Dram shop act claims, § 223:68
Duplicative payments, reimbursement when insured acquires, § 222:81 to 222:83
Duress, § 223:28
Economic loss distinguished, § 225:108

Election or choice
Fidelity insurance and financial institution blanket bonds, § 225:279, 225:280
Workers’ compensation, § 225:156, 225:222, 225:223
Embezzlement, § 225:295
Employer and employee
Generally, § 224:17
Antisubrogation rule prohibiting subrogation recovery from own insured, § 224:17, 224:49
Existing cause of action, § 223:59
Joinder of parties, § 243:141
Enactments, applicability of, § 225:65
Endorsement, § 224:16
Enforcement
Loan receipt transaction, § 222:86
Surety bonds and similar contracts, § 225:295
SUBROGATION—Cont’d
Engineer, cost of, § 223:106
Equitable allocation, § 225:132
Equitable contribution, § 222:98
Equitable fund, § 223:112, 223:113
Equitable indemnity, § 222:99
Equitable principle, § 223:145 to 223:148
Equitable rights, § 225:257, 225:258
Equitable subrogation
  Generally, § 222:22
  Antisubrogation rule prohibiting subrogation recovery from own insured, § 224:4
  Assignment, § 222:55
  Automobile no-fault and personal injury protection insurance, § 225:64
  Fidelity of public officials, fiduciaries, and similar entities, bonds ensuring, § 225:287
  Labor and material bonds, § 225:300
  Statutes, § 222:45, 222:46
  Surety bonds and similar contracts, § 225:287, 225:300
Equity, amounts recoverable, § 223:134
Erisa
  Generally, § 222:49 to 222:52
  Amounts recoverable, § 223:92, 223:139 to 223:142
  Contractual provisions, need for, § 222:50
  Defenses, representations as to subrogation terms of erisa benefit plan, § 224:186
  Existing cause of action, § 223:75
  Preemption, generally, § 222:49
  Review, standard of, § 222:51
  Separate agreement from participant, plan’s right to require, § 222:52
  Erroneous payments, § 225:104
  Estoppel and waiver
  Generally, § 224:139 et seq.

SUBROGATION—Cont’d
Estoppel and waiver—Cont’d
  Antisubrogation rule prohibiting subrogation recovery from own insured, § 224:43
  Arbitration, § 224:167, 224:168
  Assignment, failure to obtain, § 224:170
  Authority, § 224:144
  Automobile no-fault and personal injury protection insurance, § 225:138, 225:139
  Bad faith, § 224:154
  Bankruptcy, § 224:156
  Certificate of title, § 224:169
  Consent to insured’s release, § 224:162
  Defenses, § 224:169 to 224:171
  Denial of liability, § 224:148
  Denying claim, waiver by, § 225:281
  Direct policy waiver by insurer, generally, § 224:142 et seq.
  Dismissal of action without prejudice, § 224:166
  Existing cause of action, § 223:54
  Failure to intervene in insured’s action against tortfeasor, § 224:155
  Failure to make proper or timely payment of loss, § 224:152
  Failure to reserve rights, § 224:149
  Fiduciary duty, breach of, § 224:154
  Instructions of insurer, § 224:158
  Insured’s action against tortfeasor, waiver by conduct involving, generally, § 224:155 et seq.
  Insured’s claim under policy, waiver by conduct involving, generally, § 224:148 et seq.
  Insurer’s claim against tortfeasor, waiver by conduct involving, generally, § 224:166 to 224:168
  Join, opposition or failure to, § 224:156
  Marine insurance, § 225:250 to 225:252

Index-628
SUBROGATION—Cont’d
Estoppel and waiver—Cont’d
Notice of settlement, failure to request, § 224:160
Notice of settlement, failure to respond to, § 224:161
Option of insured, § 224:143
Option, waiver of, § 224:146
Other conduct, waiver or estoppel by virtue of, § 224:169 to 224:171
Participate once joined in action, failure to, § 224:157
Payment of claim without requiring agreement, § 224:150
Release of wrongdoer by insurer, § 224:141
Reservation of rights, defense without, § 224:151
Reservation of rights, voluntary contribution to settlement, § 224:164
Salvage sale, insurer’s, § 224:171
Settlement
Breach of duty to settle, § 224:153
Coinsurers, settlement of action as affecting rights against, § 224:165
Conduct involving settlement, waiver by, generally, § 224:159 et seq.
Reservation of rights, settlement without, § 224:163
Statutory regulations, § 224:146
Timing of direct policy waiver, § 224:145
Voluntary contribution to settlement, § 224:164
Workers’ compensation, § 225:226 to 225:229
Evidence
Amounts recoverable, § 223:96, 225:38
Assignment, § 222:65
Contractual subrogation, § 222:40
Impairment of rights, § 224:75, 224:108
Legal subrogation, § 222:30

SUBROGATION—Cont’d
Evidence—Cont’d
Obligation, subrogation pursuant to, § 223:33
Uninsured and underinsured motorist insurance, § 225:15, 225:38, 225:51

Exceptions
Amounts recoverable, § 223:114, 223:115
Antisubrogation rule prohibiting subrogation recovery from own insured, § 224:10, 224:11
Impairment of rights, § 224:119
Excess, amounts in, § 223:56
Excess insurance
Amounts recoverable, § 223:99
Automobile no-fault and personal injury protection insurance, § 225:90
Carriers, § 222:18, 222:19
Existing cause of action, § 223:73
Marine insurance, § 225:235, 225:237
Obligation, subrogation pursuant to, § 223:32
Excess security, dividends and the like, § 225:267, 225:268
Exclusion, § 225:131
Exclusive methods of recovery, § 225:72
Exclusive provisions, § 225:63, 225:64
Exhausted assets of tortfeasor, § 224:127
Existing action to which insurer can be subrogated, § 225:291, 225:292
Existing cause of action
Generally, § 223:41
Abrogation of immunity under terms of state law, § 223:53
Bad faith, claims by excess insurers against primary insurers, § 223:73
Bond claimant, in favor of, § 225:308 to 225:311

INDEX
Index-629
SUBROGATION—Cont’d
Existing cause of action—Cont’d
Claims denied by insured, § 223:43
Collateral source statutes and rules, § 223:49
Dram shop act claims, § 223:68
Erisa, claims for uninsured or underinsured motorist benefits, § 223:75
Excess insurers against primary insurers, claims by, § 223:73
Failure to procure insurance, claims for, § 223:72
Financial responsibility bond, claims against, § 223:69
Governmental units, claims against
Generally, § 223:50 et seq.
Abrogation of immunity under terms of state law, § 223:53
Federal government, generally, § 223:51 to 223:53
Immunity under terms of state law, § 223:52
Limiting governmental liability to amounts in excess of insurance coverage, § 223:56
State employees, defense of and liability insurance coverage for, § 223:59
State governments and units thereof, § 223:54 to 223:59
State immunity, statutes waiving, § 223:54
Statutes
Defense of, and liability insurance coverage for, state employees, § 223:59
Explicitly barring subrogation claims, § 223:55 to 223:57
Government liability for riot damage, § 223:58
State immunity, § 223:54
Validity of statutes explicitly limiting subrogation rights, § 223:57

SUBROGATION—Cont’d
Existing cause of action—Cont’d
Government insured, statute imposing specified liability of, § 223:66
Health care providers, § 223:62
Immunity, § 223:52, 223:53
Joint tortfeasors, claims against, § 223:70
Judgment against third party, obtaining before suing party’s insurer, § 223:46
Legal determination of nonliability of third party, § 223:42
Marine insurance, in favor of insured, § 223:244, 225:245
Mediation sanctions, claims for, § 223:77
Medical malpractice damages, § 223:65
Parental liability, § 223:63
Policy terms, § 223:44
Pollution cleanup costs, § 223:64
Prevention of action by insured already compensated by insurer, § 223:49
Prohibitory statutes, § 223:47 to 223:49
Railroads for fires, claims against, § 223:71
Reimbursement from insured, claims against third party having statutory right to, § 223:76
Reservation of rights to subrogation, § 223:45
Retroactivity of prohibitory statutes, § 223:48
State governments and units thereof, § 223:54 to 223:59
Statutory responsible for actions of others
Generally, § 223:60 et seq.
Government insured, statute imposing specified liability of, § 223:66
Health care providers, § 223:62
Medical malpractice damages, § 223:65

Index-630
SUBROGATION—Cont’d
Existing cause of action—Cont’d
Statutory responsible for actions of others—Cont’d
Parental liability, § 223:63
Pollution cleanup costs, § 223:64
Statutes, generally, § 223:60 et seq.
Teachers and other school personnel, § 223:61
Teachers and other school personnel, § 223:61
Uninsured or underinsured motorist benefits, claims for, § 223:74, 223:75
Validity of statutes explicitly limiting subrogation rights, § 223:57
Wrongful death claims, § 223:67
Exoneration, § 225:256
Extended benefits, automobile no-fault and personal injury protection insurance, § 225:80, 225:81
Extended economic loss distinguished, § 225:108
Failure to procure insurance, claims for, § 223:72
Family relationships, § 224:69
Federal common law, § 223:140
Federal employees health benefit act (fehba), § 223:143
Federal government
Antisubrogation rule prohibiting subrogation recovery from own insured, § 224:71
Automobile no-fault and personal injury protection insurance, § 225:141, 225:142
Claims against, generally, § 222:74, 223:51 to 223:53
Workers’ compensation, § 225:221
Federal tax claims, § 225:318
Fees
Awarded or awardable to insured, § 223:104

SUBROGATION—Cont’d
Fees—Cont’d
Surety bonds and similar contracts, received from contractors hired to complete project as offset, § 225:323
Fidelity insurance and financial institution blanket bonds Generally, § 160:11, 225:269 et seq.
Alternate to payment, liability for loss as, § 225:271
Antisubrogation rule, § 225:274
Assignment of action, § 225:270
Defenses to surety’s claim Generally, § 225:279 et seq.
Election to proceed against one wrongdoer as releasing another, § 225:279, 225:280
Seizure of assets from wrongdoer employee, § 225:282
Settlements involving alleged third-party wrongdoer, § 225:284
Settlement with third-party claim against it, insured’s, § 225:283
Waiver by denying claim, § 225:281
Directors of insured, § 225:274
Election to proceed against one wrongdoer as releasing another, defenses to surety’s claim, § 225:279, 225:280
Fraternal order, § 225:275
Officers of insured, § 225:274
Partial payment, § 225:272
Parties, § 225:273 to 225:275
Paying or collecting banks, § 225:276
Payment requirement, § 225:271, 225:272
Property given in restitution, § 225:277, 225:278
Scheme participant, failure to pursue claim against, § 225:278
Seizure of assets from wrongdoer employee, § 225:282
SUBROGATION—Cont’d
Fidelity insurance and financial institution blanket bonds —Cont’d
Settlements involving alleged third-party wrongdoer, § 225:284
Settlement with third-party claim against it, insured’s, § 225:283
Third-party recipients of funds, § 225:273
Waiver by denying claim, § 225:281
Fidelity of public officials, fiduciaries, and similar entities, bonds ensuring
Generally, § 225:285 et seq.
Cowrongdoer, sums received from, § 225:292
Equitable subrogation, § 225:287
Existing action to which insurer can be subrogated, § 225:291, 225:292
Knowledge of impropriety by insurer, § 225:294
Liens for embezzled amounts, failure to enforce, § 225:295
Misappropriated funds, recipient of, § 225:291
Other bonds, subrogation against, § 225:288
Payment, liability for loss as, § 225:290
Priority, § 225:289
Reimbursement from principal for cost of defending claim, § 225:286
Set off indebtedness of principal, right to, § 225:293
Fiduciaries, waiver, § 224:154
Financial responsibility bond, claims against, § 223:69
Fire, § 223:71
Foreclosure, § 224:181, 224:182
Fraternal order, § 225:275
Fraud
Amounts recoverable, § 223:115

SUBROGATION—Cont’d
Fraud—Cont’d
Antisubrogation rule prohibiting subrogation recovery from own insured, § 224:10, 224:11
Automobile no-fault and personal injury protection insurance, § 225:106
Fully subrogated insurer, suit by, § 243:131, 243:132
Future benefits, § 225:203, 225:204, 225:209, 225:214
Future expenses and disability, § 223:155
General release, § 224:107, 224:108
Good faith, § 223:27
Good-faith settlement of insured’s own rights, § 224:101
Governing law, § 222:10
Handling claims, § 222:66, 223:82, 225:194
Health care providers, § 223:62
Health, federal employees health benefit act (fehba), § 223:143
Health insurance, § 222:26, 222:35, 242:111
Icc endorsement insureds, § 224:16
Identity of fund, § 225:328, 225:329
Immunity
Automobile no-fault and personal injury protection insurance, § 225:141
Existing cause of action, § 223:52 to 223:54
Impairment of rights
Generally, § 224:72 et seq.
Assignment of personal injury claims, § 224:125
Burden of proof, § 224:123
Coinsurer, release under one policy as affecting rights under another policies, § 224:110
Collateral transaction distinguished, § 224:78
Construction and interpretation, § 224:87 to 224:89
Construction, time of claim in construction context, release

Index-632
INDEX

SUBROGATION—Cont’d
Impairment of rights—Cont’d
of claim before loss, § 224:91
Covenant not to sue, § 224:105
Denial of claim by insurer avoids
duty, § 224:73
Double payment, § 224:130
Duty to protect rights, § 224:72
Evidence, § 224:75, 224:108,
224:123
Exception as to statutory rights,
§ 224:119
Exhausted assets of tortfeasor,
§ 224:127
General release, § 224:107,
224:108
Good-faith settlement of insured’s
own rights, § 224:101
Intention to allocate risk to insur-
ance, § 224:88, 224:89
Intervention, § 224:122
Judgment, § 224:105
Limited release, § 224:107
Loan receipt agreement, execution
of, § 224:86
Notice, § 224:121, 224:122
Payment after entry of judgment,
§ 224:120
Payment of claim, § 224:118
Proceeds of insured’s recovery
from third party, limitation of
recovery rights to, § 224:128
Release of claim after loss
Generally, § 224:99 et seq.
Another claim, release of one
claim as affecting rights
under, § 224:111
Assignment of personal injury
claims, § 224:125
Barred on other grounds,
§ 224:103
Burden of proof, § 224:123
Coinsurer, release under one
policy as affecting rights under
another policies, § 224:110
Against coinsurer, release under
one policy as affecting
rights under another poli-

SUBROGATION—Cont’d
Impairment of rights—Cont’d
Release of claim after loss
—Cont’d
Covenant not to sue or execute
judgment against tortfeasor
as release, § 224:105
Double payment, § 224:130
Evidence, § 224:108
Exception as to statutory rights,
§ 224:119
Exhausted assets of tortfeasor,
§ 224:127
General release, § 224:107,
224:108
Good-faith settlement of insured’s
own rights, § 224:101
Intervention, § 224:122
Knowledge of tortfeasor of
insurer’s subrogation rights
Generally, § 224:113 to
224:115 et seq.
Burden of proof, § 224:123
Exception as to statutory
rights, § 224:119
Intervention, § 224:122
Minority view, settlement
with knowledge barring
subrogation, § 224:116
Notice, § 224:121, 224:122
Payment after entry of judg-
ment, § 224:120
Payment of claim, § 224:118
Settlement with knowledge,
§ 224:113 to 224:115
Settlement with knowledge
defeating subrogation
claim, § 224:117 to
224:119
Limited release, § 224:107
Notice, § 224:121, 224:122
Other parties, release of one
party as affecting liability
of, § 224:112
Other policies, § 224:109,
224:110

Index-633
SUBROGATION—Cont’d
Impairment of rights—Cont’d
Release of claim after loss
—Cont’d
Payment after entry of judgment, § 224:120
Payment of claim, § 224:118
Preventing harm
Assignment of personal injury claims, § 224:125
Damages not covered by insurance, § 224:124
Exhausted assets of tortfeasor, § 224:127
Proceeds of insured’s recovery from third party, limitation of recovery rights to, § 224:128
Worthless claim, § 224:126, 224:127
Proceeds of insured’s recovery from third party, limitation of recovery rights to, § 224:128
Reservation of rights to subrogation, § 224:102
Settlement, knowledge of tortfeasor of insurer’s subrogation rights, § 224:113 to 224:115
Validity, § 224:104
Worthless claim, § 224:126, 224:127
Wrongful impairment via settlement and release
Generally, § 224:129 et seq.
Denial of insured’s unpaid claim under policy, § 224:136, 224:137
Double payment, § 224:130
Insured, action against, § 224:134, 224:135
Against other parties, generally, § 224:132 et seq.
Proceeds from settlement, action insured’s, § 224:135
Recovery from insured’s other insurer, § 224:138

SUBROGATION—Cont’d
Impairment of rights—Cont’d
Release of claim after loss
—Cont’d
Wrongful impairment via settlement and release—Cont’d
Tortfeasors, § 224:129 to 224:133
Release of claim before loss
Generally, § 224:76 et seq.
Breach of contract, § 224:84, 224:85
Claims outside scope of waiver, § 224:95
Collateral transaction distinguished, § 224:78
Construction and interpretation, § 224:87 to 224:89
Construction, time of claim in construction context, § 224:91
Contractual waiver of claim, generally, § 224:76 et seq.
Enforceability, generally, § 224:79 et seq.
Extent of insurance coverage, waiver to, § 224:92
Extent that it does not invalidate insurance or increase premium, § 224:93
Intention to allocate risk to insurance, § 224:88, 224:89
Loan receipt agreement, execution of, § 224:86
Policy provisions, consistency of contract provisions with, § 224:83
Purpose of agreements, § 224:77
Rely on waiver, right to, § 224:84, 224:85
Statutory prohibition of indemnification clauses, § 224:80
Subcontract provisions, consistency of contract provisions with, § 224:82
Time of claim in construction context, § 224:91
SUBROGATION—Cont’d

Impairment of rights—Cont’d
Release of claim before loss
—Cont’d
Validity of contractual waiver, generally, § 224:79 et seq.
Valid waiver, effect of, § 224:96 to 224:98
Waiver, subrogation outside of scope of waiver permitted, § 224:98
Rely on waiver, right to, § 224:84, 224:85
Reservation of rights to subrogation, § 224:102
Statutory prohibition of indemnification clauses, § 224:80
Subcontract provisions, consistency of contract provisions with, § 224:82
Tortfeasors, release of claim after loss, § 224:105, 224:129 to 224:133
Uninsured and underinsured motorist insurance, § 225:46, 225:51
Validity
Release of claim after loss, § 224:104
Release of claim before loss, § 224:96 to 224:98
Worthless claim, § 224:126, 224:127
Impleader, § 243:10

Indemnity
Antisubrogation rule prohibiting subrogation recovery from own insured, § 224:2
Equitable indemnity, § 222:99
Impairment of rights, § 224:80
Uninsured and underinsured motorist insurance, § 225:6

Insolvency
Amounts recoverable, § 223:110
Guarantee associations, § 6:30
Labor and material bonds, § 225:317
Statutes, § 222:47

SUBROGATION—Cont’d

Instructions of insurer, § 224:158
Insurer’s payment of claim
Generally, § 223:3 et seq.
Burden of proof, § 223:9
Claim, payment must relate to insured’s claim, § 223:6, 223:7
Judicial recognition of need for payment unnecessary, § 223:8
Mortgagee’s rights against mortgagor, § 223:4
Related entity, payment to, § 223:7

Intent
Automobile no-fault and personal injury protection insurance, § 225:104 to 225:106
Impairment of rights, § 224:88, 224:89
Loan receipt transaction, § 222:87

Interest on money
Labor and material bonds, § 225:322

Intervention
Automobile no-fault and personal injury protection insurance, § 225:71, 225:72, 225:138
Impairment of rights, § 224:122
Waiver, § 224:155
Involved parties, § 225:60
Irregularity of bond, § 225:261
Itemize recovery, failure to, § 225:99, 225:100

Joinder of parties
Generally, § 243:131 et seq.
Concurrent insurers, § 243:134
Defendants, joinder of, generally, § 243:136 et seq.
Denial of liability, § 243:140
Different claims, § 243:138
Employer and employee, § 243:141
Foreclosure, § 224:182
Fully subrogated insurer, suit by, § 243:131, 243:132
Insured, joinder of, § 243:132, 243:135
SUBROGATION—Cont’d
Joinder of parties—Cont’d
Partially subrogated insurer as necessary party, § 243:120 to 243:123
Partially subrogated insurer is not necessary party, generally, § 243:124 et seq.
Partially subrogated insurer, suit by, § 243:133 to 243:135
Plaintiffs, joinder of, generally, § 243:131 et seq.
Principal and agent, § 243:142
Statutes, § 243:136
Uninsured and underinsured motorist coverage carrier, § 243:143
Join, opposition or failure to, § 224:156
Joint tortfeasors
Existing cause of action, § 223:70
Uninsured and underinsured motorist insurance, § 225:27, 225:28, 225:33
Judgment
Amounts recoverable, § 223:94 to 223:96, 223:161
Automobile no-fault and personal injury protection insurance, § 225:96, 225:119
Existing cause of action, § 223:46
Impairment of rights, § 224:105, 224:120
Uninsured and underinsured motorist insurance, § 225:14, 225:31, 225:47
Workers’ compensation, § 225:160, 225:187
Jurisdiction
Federal proceedings, § 229:34
State proceedings, § 228:44
Justiciability, § 227:48
Knowledge
Fidelity of public officials, fiduciaries, and similar entities, bonds ensuring, § 225:294
Marine insurance, § 225:249

SUBROGATION—Cont’d
Labor and material bonds
Generally, § 225:296 et seq.
Amounts recoverable, § 225:320 to 225:323
Assignment, § 225:301, 225:316
Balance due under contract, § 225:327 to 225:329
Conventional subrogation, § 225:301
Cost of defending claims against principal and/or surety, § 225:321
Equitable subrogation, § 225:300
Existence of cause of action in favor of bond claimant, § 225:308 to 225:311
Federal tax claims, § 225:318
Fees received from contractors hired to complete project as offset, § 225:323
Funds subject to subrogation, generally, § 225:324 et seq.
Identity of fund, § 225:328, 225:329
Insolvent contractor’s receiver or bankruptcy trustee, § 225:317
Interest, § 225:322
Lender, claim of, § 225:314 to 225:316
Lien, expiration of, § 225:305
Offsets, balance due as of, § 225:329
Partial payment, § 225:304
Parties, § 225:310, 225:311
Payment of claims by surety
Generally, § 225:302 et seq.
Lien, expiration of, § 225:305
Partial payment, § 225:304
Perfect, failure to, § 225:305
Promise to pay insufficient, § 225:303
Sue, expiration of time to sue on bond, § 225:306
Voluntariness of payment, § 225:305 to 225:307
Payments made under contract before default, § 225:325
Perfection, § 225:305, 225:315

Index-636
SUBROGATION—Cont’d
Limitations and restrictions—Cont’d
Legal subrogation, § 222:25 to 222:27
Uninsured and underinsured motorist insurance, § 225:5
Workers’ compensation, § 225:201
Litigation costs, amounts recoverable
Litigation costs and attorneys’ fees in action involving insurer subrogated to claim against other insurer, § 223:131, 223:132
Made whole rule, recovery from third party as making insured whole, determination of, § 223:162
Litigation costs and attorneys’ fees in action against tortfeasor
Generally, § 223:112 et seq.
Benefit of insurer requirement, § 223:116, 223:117
Benefit to insurer, need for showing of, § 223:127
Common fund, § 223:112, 223:113
Common law rule, generally, § 223:112 et seq.
Construction of provisions not explicitly addressing insurer contribution, § 223:130
Contribution
Generally, § 223:112, 223:113
Construction of provisions not explicitly addressing insurer contribution, § 223:130
Policy provision calling for contribution, § 223:126 to 223:128
Provisions avoiding contribution, § 223:129
Equitable fund, § 223:112, 223:113
Exception as to insured’s fraud, § 223:115
Exception, third-party recovery took account of need to reimburse insurer, § 223:114
General rule, § 223:112, 223:113

SUBROGATION—Cont’d
Litigation costs and attorneys’ fees in action against tortfeasor—Cont’d
Insurer of tortfeasor, application of statutes to, § 223:123
Insurer which took part in recovery, application statutes to, § 223:124
Limitation to reasonable fees, § 223:118
Measure of insurer’s liability for costs, § 223:119
Notification of suit, § 223:117
Policy, generally, § 223:126 to 223:128 et seq.
Recovery by means other than litigation and judgment, § 223:125
Response to notification of suit, § 223:117
Statutory regulation, generally, § 223:120 et seq.
Loan, labor and material bonds, § 225:314 to 225:316
Loan receipt agreement, § 224:86
Loan receipt as payment, § 225:84
Loan receipt transaction
Generally, § 222:84 et seq.
Assignment of tort claim distinguished, § 222:89
Construction and interpretation, § 222:87
Covenant, insured’s breach of covenant to sue wrongdoer, § 222:92
Enforceability, § 222:86
Insufficient payment of insured’s claim to warrant subrogation
Generally, § 222:90 et seq.
Covenant, insured’s breach of covenant to sue wrongdoer, § 222:92
Extent of insurer’s recovery, § 222:94
Recovery of insured against wrongdoer, § 222:93, 222:94
SUBROGATION—Cont’d
Loan receipt transaction—Cont’d
Insufficient payment of insured’s claim to warrant subrogation
—Cont’d
Recovery of insurer against insured, § 222:93
Right or obligation of insured to sue wrongdoer, § 222:91
Shippers, § 222:95
Intent of parties, § 222:87
Payment of claim, § 223:13, 223:14
Recovery of insured against wrongdoer, § 222:93, 222:94
Recovery of insurer against insured, § 222:93
Release of claims distinguished, § 222:88
Shippers, insufficient payment of insured’s claim to warrant subrogation, § 222:95
Sufficient payment of insured’s claim to support subrogation, § 222:96
Validity, § 222:85, 222:86
Made whole rule, bank depository bonds, § 225:268
Malpractice
Existing cause of action, § 223:65
Same loss, related to, § 223:81, 223:82
Medical and disability benefits, § 225:202
Medical expense benefits, § 223:79, 223:80
Medical insurance, § 222:26, 222:35
Medical insurance—Cont’d
Marine insurance—Cont’d
Payment of loss as point when subrogation arises, § 225:239
Payment without knowledge of release, § 225:249
Release of third party, § 225:248, 225:249
Salvage vessel, efforts of, § 225:252
Secure advances, policy obtained by, § 225:243
Shipper, policy obtained by, § 225:242
Ships of same owner, § 225:247
Third-party claim, § 225:245
Void policy, § 225:238
Waiver and estoppel, § 225:250 to 225:252
Mediation sanctions, claims for, § 223:77
Uninsured and underinsured motorist insurance, § 225:5
Medical reimbursement statute, § 223:144
Military claims act, § 225:196
Minors
Contractual subrogation, § 222:38
Medical expenses of, § 223:80
Misappropriated funds, recipient of, § 225:291
Mistake, § 225:105
Mistaken payments, § 222:97

Index-639
SUBROGATION—Cont’d
Mortgages
Generally, § 65:92, 65:93
Amounts recoverable, § 223:87
Defenses, § 224:181, 224:182
Full policy payment versus partial
policy payment, § 223:20
Insurer’s payment of claim,
§ 223:4
Right of subrogor-mortgagee,
effects on, § 222:15
Same loss, related to, § 223:83
Multiple insurers, § 223:97 to
223:100
Multiple policies, § 224:37
Mutually exclusive methods of
recovery, § 225:72
Named insured as party, § 225:23
Negligence
Defenses, § 224:184, 224:185
Workers’ compensation,
§ 225:159, 225:210, 225:231,
225:232
No cause of action, § 225:140
No-fault benefits, § 225:197
Noneconomic loss distinguished,
§ 225:108
Nonmotorist tortfeasor, § 225:26 to
225:98
Notice
Amounts recoverable, § 223:117
Automobile no-fault and personal
injury protection insurance,
§ 225:59, 225:60, 225:126,
225:142
Impairment of rights, § 224:121,
224:122
Uninsured and underinsured
motorist insurance, § 225:49
to 225:51
Waiver, § 224:160, 224:161
Workers’ compensation,
§ 225:149, 225:221
Objection, § 225:139
Obligation, subrogation pursuant to
Generally, § 223:25 et seq.
Contest, failure to, § 223:29
Contest, reservation of right to,
§ 223:29

SUBROGATION—Cont’d
Obligation, subrogation pursuant to
—Cont’d
Duress, payments under, § 223:28
Evidence, § 223:33
Excess insurers, payments by,
§ 223:32
Insurer, application in favor of,
§ 223:26
Liberal application of rule,
§ 223:26
Reasonable, good-faith belief in
liability not volunteered, pay-
ments made in, § 223:27
Statement of general rule, § 223:25
Voluntary, payment as, § 223:30 to
223:32
Officers of insured, § 225:274
Offset
Generally, § 225:323
Labor and material bonds,
§ 225:329
Uninsured and underinsured
motorist insurance, § 225:33
Other bonds, subrogation against,
§ 225:288
Other insureds of insurer as parties,
§ 225:22, 225:23
Other insurer, § 224:138
Other liability insurance, § 224:17 to
224:20
Overpayment by fraud, § 225:106
Overpayment by mistake, § 225:105
Ownership
Automobile no-fault and personal
injury protection insurance,
§ 225:91 to 225:93
Marine insurance, § 225:247
Parental liability, § 223:63
Parent or other person responsible for
tortfeasor’s actions, § 225:87
Partial coverage of single policy,
§ 224:38 to 224:41
Partially subrogated insurer
Necessary party, § 243:120 to
243:123
Not necessary party, generally,
§ 243:124 et seq.
Suit by, § 243:133 to 243:135

Index-640
SUBROGATION—Cont’d
Partial payment
Fidelity insurance and financial institution blanket bonds,
§ 225:272
Full policy payment versus partial policy payment, § 223:22 to 223:24
Labor and material bonds,
§ 225:304
Uninsured and underinsured motorist insurance, § 225:16
Partial subrogation, § 225:167, 225:168
Participate once joined in action, failure to, § 224:157
Payment
Alternatives to monetary payment, § 223:10
Antisubrogation rule prohibiting subrogation recovery from own insured, § 224:67
Automobile no-fault and personal injury protection insurance,
§ 225:82 to 225:84, 225:104, 225:139
Bank depository bonds, § 225:262
Defense costs, § 223:12
Fidelity insurance and financial institution blanket bonds,
§ 225:271, 225:272, 225:276
Fidelity of public officials, fiduciaries, and similar entities, bonds ensuring,
§ 225:290
Full policy payment versus partial policy payment
Generally, § 223:15 et seq.
Acquiescence in subrogation based on partial payment,
§ 223:23
Actual loss, full payment less than, § 223:19 to 223:21
Cause of action, § 223:21
Creation of subrogation rights,
§ 223:16 to 223:18, 223:22
Mortgagee insurer and other creditors, priority between,
§ 223:20
SUBROGATION—Cont’d
Payment—Cont’d
Full policy payment versus partial policy payment—Cont’d
Partial payment, effect of,
§ 223:22 to 223:24
Third party recovery, priority of,
§ 223:19 to 223:21
Voluntary agreement that part payment creates subrogation rights,
§ 223:24
Impairment of rights, § 224:118, 224:120, 224:130
Insurer’s liability for payment,
§ 223:11
Labor and material bonds,
§ 225:325
Marine insurance, § 225:239, 225:249
Obligation, subrogation pursuant to
Payment as voluntary, § 223:30 to 223:32
Payments made in reasonable, good-faith belief in liability not volunteered,
§ 223:27
Payments under duress,
§ 223:28
Recoupment of mistaken payments, right to, § 222:97
 Sufficiency, generally, § 223:10 to 223:14
Uninsured and underinsured motorist insurance, § 225:16 to 225:16, 225:29, 225:54
Waiver, § 224:150
Workers’ compensation
Amount recoverable, § 225:201
Defenses, § 225:225
Employer or insurer required, payment by, § 225:181 to 225:184
Primarily liability, voluntarily purchased workers’ compensation policies,
§ 225:163
Statutory basis for right,
§ 225:173
Penalties, § 223:103
Perfect, failure to, § 225:305

Index-641
SUBROGATION—Cont’d
Perfection requirements of ucc,
§ 225:315
Personal injury claims
Assignment, § 222:72, 222:75 to 222:77
Impairment of rights, § 224:125
Uninsured and underinsured
motorist insurance, § 225:4, 225:56
Personal insurance, § 222:26, 222:27
Personal property rental agreements,
§ 224:59
Personal relationships, § 224:70
Persons bound by policy clause,
§ 222:37, 222:38
Plan language to override rule,
§ 223:141, 223:142
Pollution cleanup costs, § 223:64
Post-default funds, § 225:326
Post-injury medical malpractice,
application to claims for,
§ 223:81
Preclusion, § 224:5, 224:6, 224:26
Preemption of state rules, § 223:139
Prejudice, without, § 224:166
Premiums, § 224:64, 224:66, 225:219
Prescribed terms of policy, § 222:46
Preservation of rights, § 225:46
Presumptions and burden of proof
Generally, § 222:7, 254:134
Amounts recoverable, § 223:96,
223:151
Automobile no-fault and personal
injury protection insurance,
§ 225:100, 225:136
Payment of claim, insurer’s,
§ 223:9
Release of claim after loss,
§ 224:123
Previous accident, § 225:83
Primary carrier of insured as party,
§ 225:24
Priority
Amounts recoverable, § 223:100
Bank depository bonds, § 225:263
Fidelity of public officials,
fiduciaries, and similar enti-
INDEX

SUBROGATION—Cont’d
Reimbursement—Cont’d
ties, bonds ensuring, § 225:286
Labor and material bonds, § 225:298, 225:299
Subrogation distinguished, § 226:4 to 226:6
Uninsured and underinsured motorist insurance, § 225:12, 225:13
Workers’ compensation, § 225:147
Reinsurance, § 222:17
Related entity, payment to, § 223:7
Release or dismissal
Fidelity insurance and financial institution blanket bonds, § 225:279, 225:280
Labor and material bonds, § 225:311, 225:333
Loan receipt transaction, § 222:88
Marine insurance, § 225:248, 225:249
Waiver, § 224:141, 224:162
Workers’ compensation, § 225:222 to 225:225
Rely on waiver, right to, § 224:84, 224:85
Rental, § 224:59
Reparations benefits, § 225:137
Repeals, applicability of, § 225:65
Representations, warranties, conditions, and concealment, § 224:52, 224:53, 224:55, 224:186
Reservation of rights
Defenses, § 224:151
Existing cause of action, § 223:45
Impairment of rights, § 224:102
Settlement, § 224:163
Waiver, § 224:149, 224:164
Response
Amounts recoverable, § 223:117
Uninsured and underinsured motorist insurance, § 225:49 to 225:51
Waiver, § 224:161
Restatement (third) of suretyship & guaranty, generally, § 225:255

SUBROGATION—Cont’d
Restitution, § 222:2
Retainage, § 225:331 to 225:333
Retroactivity, § 222:44, 223:48
Rights, generally, § 222:20 et seq.
Riot, § 223:58
Sales contracts, § 224:62
Sales, salvage, § 224:171
Sales tax, § 223:105
Salvage vessel, efforts of, § 225:252
Same loss, related to
Generally, § 223:78 et seq.
Legal malpractice in handling original claim, application to claims for, § 223:82
Medical expense benefits, § 223:79, 223:80
Minor, medical expenses of, § 223:80
Mortgagee against mortgagor, application to claims for, § 223:83
Post-injury medical malpractice, application to claims for, § 223:81
Sanctions, § 223:77
Scheme participant, failure to pursue claim against, § 225:278
Schools, § 223:61
Scope of discussion, § 223:2
Secure advances, policy obtained by, § 225:243
Security, excess, § 225:267, 225:268
Security, private persons posting, § 225:66
Seizure of assets from wrongdoer employee, § 225:282
Self-insurance, § 10:9, 225:142
Separate agreement to indemnify loss, § 224:2
Set aside agreement, § 225:134
Setoff, § 225:112, 225:293
Settlement
Amounts recoverable, § 223:94 to 223:96, 223:158 to 223:160
Bank depository bonds, § 225:264
Fidelity insurance and financial institution blanket bonds, § 225:283, 225:284

Index-643
SUBROGATION—Cont’d

Settlement—Cont’d

Splitting cause of action,
§ 224:179

Uninsured and underinsured
motorist insurance, § 225:49
to 225:51, 225:54

Ships

Loan receipt transaction of shipper,
§ 222:95

Policy obtained by shipper,
§ 225:242

Same owner, § 225:247

Shippee-carrier relationships,
§ 224:34

Shipping contract provisions,
§ 224:45 to 224:49

Simple mortgage clause covering
mortgagor and mortgagee,
§ 224:25

Single policy, § 224:38 to 224:41

Social relationships, § 224:70,
224:71

Splitting cause of action

Generally, § 224:172 et seq.

Divisible nature of claim,
§ 224:174

Indivisible claims, generally,
§ 224:175 et seq.

Before insured’s suit, subrogation
arising, § 224:176

Insured suing tortfeasor first, effect
when, § 224:178, 224:179

Insurer suing tortfeasor first, effect
when, § 224:177

Settlement between insured and
tortfeasor, § 224:179

Standard or union mortgage clause,
§ 224:26 to 224:28

State employees, § 223:59

State fund, § 225:184, 225:330

State governments and units thereof,
§ 223:54 to 223:59

State indemnification fund, § 225:6

State law, § 223:52, 223:53

State rules, § 223:139

State tax claims, § 225:319

Statutes

Generally, § 222:41 ets eq.

SUBROGATION—Cont’d

Statutes—Cont’d

Absence of statute, § 222:42

Antisubrogation rule prohibiting
subrogation recovery from
own insured, § 224:50,
224:67

Contractual subrogation, statute as
affecting, § 222:45, 222:46

Equitable subrogation, statute as
affecting, § 222:45, 222:46

Impairment of rights, § 224:80,
224:119

Insolvent insurers, § 222:47

Joinder of parties, § 243:136

Prescribed terms of policy,
§ 222:46

Retroactivity, § 222:44

Validity, § 222:43

Waiver, § 224:146

Step down, § 224:14

Stipulated liability, § 224:168

Stipulations, § 225:53

Subcontract provisions, consistency
of contract provisions with,
§ 224:82

Subrogation agreement, § 225:76,
225:77, 241:58

Subrogee of insured’s claim,
§ 245:17

Subrogor-mortgagee, effects on rights
of, § 222:15

Subsequent injuries, § 225:191 to
225:194

Sue, effect of agreement that insured
shall, § 241:42

Sue, expiration of time to sue on
bond, § 225:306

Sue, failure to, § 225:180

Suit in name of insured, subrogation
agreement, § 241:58

Superior equitable rights, § 225:257,
225:258

Surety bonds and similar contracts

Generally, § 225:253 et seq.

Attorneys’ fees, § 225:259

Balance of equities, § 225:258

Contractors’ payment bonds,
§ 165:173, 165:174
INDEX

SUBROGATION—Cont’d
Surety bonds and similar contracts
—Cont’d
Contractors’ performance bonds, § 164:72
Costs of action, § 225:259
Credit guaranty, § 225:334, 225:335
Default, prevention or minimiza-
tion of, § 225:256
Guaranty arrangements, generally, § 225:334, 225:335
Restatement third, generally, § 225:255
Surety status, § 222:101
Suspension of insurer’s obligation for future benefits included in recovery, § 225:204
Taxation, § 223:105, 225:318, 225:319
Teachers and other school personnel, § 223:61
Terminology, § 222:2
Third-party claim
Marine insurance, § 225:245
Workers’ compensation, § 225:169
Third party liability for loss, subroga-
tion pursuant to
Generally, § 223:34 et seq.
Cause of third party liability, § 223:38
Contractual obligations, liability extended to, § 223:40
Loss to insured, § 223:35, 223:36
Third-party recipients of funds, § 225:273
Third persons
Amounts recoverable, § 223:90, 223:114
Automobile no-fault and personal injury protection insurance, § 225:93
Cause of action against third party, effect on, § 222:14
Full policy payment versus partial policy payment, § 223:19 to 223:21
Workers’ compensation, § 225:201, 225:208

SUBROGATION—Cont’d
Time
Impairment of rights, § 224:91
Surety bonds and similar contracts, § 225:312
Timely payment, § 224:152
Timing of direct policy waiver, § 224:145
Title, certificate of, § 224:169
Title insurance, § 223:88, 224:36, 224:185
Tort claims
Loan receipt transaction, § 222:89
Uninsured and underinsured motorist insurance, § 225:25
Workers’ compensation, § 225:194
Transfer
Antisubrogation rule prohibiting subrogation recovery from own insured, § 224:55
Labor and material bonds, § 225:332
Surety bonds and similar contracts, § 225:332
Workers’ compensation, § 225:151
Traveling to or from treatment, injury occurring while, § 225:193
Treble damages, § 225:125
Trust agreement, § 225:7, 225:19 to 225:21
Trusts and trustees, § 225:317
Unclean hands, § 224:183
Uninsured and underinsured motorist coverage
Generally, § 171:41, 225:3 et seq.
Amounts recoverable
Generally, § 225:29 et seq.
Amounts paid as limit, § 225:29
Attorneys’ fees, § 225:41, 225:42
Comparative fault, § 225:32
Construction of agreement as contrary to rule, § 225:37
Contrary agreement, § 225:36, 225:37, 225:40
Contribution to attorneys’ fees, § 225:41
Evidence, § 225:38

Index-645
SUBROGATION—Cont’d
Uninsured and underinsured motorist coverage—Cont’d
Amounts recoverable—Cont’d
Judgment less than substituted payment, effect of,
§ 225:31
Made whole rule and similar limitations
Generally, § 225:34 et seq.
Construction of agreement as contrary to rule,
§ 225:37
Contrary agreement, § 225:40
Contrary agreement, effect of,
§ 225:36, 225:37
Determination as to when,
§ 225:39
Evidence, § 225:38
Statutes, § 225:35
Validity of contrary agreement, § 225:40
Offset for joint tortfeasors,
§ 225:33
Statutes, § 225:35
Underinsured motorist insurer,
§ 225:30, 225:31
Validity of contrary agreement,
§ 225:40
Arbitration, stipulation in,
§ 225:53
Assignment, § 225:56
Attorneys’ fees, § 225:41, 225:42
Automobile no-fault and personal injury protection insurance,
§ 225:92, 225:93
Availability after accident, joint tortfeasor motorist who has insurance as party, § 225:28
Comparative fault, § 225:32
Consent, § 225:43, 225:44
Construction of agreement as contrary to rule, § 225:37
Contrary agreement, § 225:36, 225:37, 225:40
Contribution to attorneys’ fees,
§ 225:41
Costs of action and attorneys’ fees,
§ 225:41, 225:42

SUBROGATION—Cont’d
Uninsured and underinsured motorist coverage—Cont’d
Defenses
Generally, § 225:43 et seq.
Arbitration, stipulation in,
§ 225:53
Assignment of personal injury claims, prohibition against,
§ 225:56
Consent, § 225:43, 225:44
Evidence, § 225:51
Impairment, § 225:46, 225:51
Judgment proof tortfeasor,
§ 225:47
Lack of action against third party, insured’s, § 225:55
Payment, § 225:54
Preservation of rights, § 225:46
Release or dismissal
Generally, § 225:43 et seq.
Consent, § 225:43, 225:44
Consent, generally, § 225:43 to 225:47
Dismissal of action, § 225:48
Evidence, need for proof of impairment, § 225:51
Failure—obtain consent,
§ 225:45 to 225:47
Impairment of rights,
§ 225:46
Judgment proof tortfeasor,
§ 225:47
Preservation of rights,
§ 225:46
Response—notice of settlement as untimely or improper,
§ 225:49 to 225:51
Validity of consent clause,
§ 225:44
Response—notice of settlement as untimely or improper,
§ 225:49 to 225:51
Settlement, § 225:54
Validity of consent clause,
§ 225:44
Waiver and estoppel
Generally, § 225:52 et seq.
SUBROGATION—Cont’d
Uninsured and underinsured motorist coverage—Cont’d
Defenses—Cont’d
Waiver and estoppel—Cont’d
Arbitration, stipulation in, § 225:53
Denial of coverage, § 225:52
Settlement, failure to pay amount offered in, § 225:54
Evidence, § 225:15, 225:38, 225:51
Existing cause of action, § 223:74, 223:75
Impairment, § 225:46, 225:51
Joinder of parties, § 243:143
Joint tortfeasor motorist who has insurance as party, § 225:27, 225:28
Judgments, § 225:14, 225:31, 225:47
Lack of action against third party, insured’s, § 225:55
Medical payments provisions, application of statute limiting subrogation in, § 225:5
Named insured as party, § 225:23
Nonmotorist tortfeasor as party, § 225:26
Offset for joint tortfeasors, § 225:33
Other insureds of insurer as parties, § 225:22, 225:23
Partial payment, § 225:16
Parties against whom insurer may subrogate, generally, § 225:17 et seq.
Pay amount offered in settlement, failure to, § 225:54
Pay benefits, requirement that insurer, § 225:14 to 225:16
Personal injury claims, § 225:56
Preservation of rights, § 225:46
Primary carrier of insured as party, § 225:24
Read, failure to read trust agreement, § 225:21
Reimbursement, § 225:12, 225:13

SUBROGATION—Cont’d
Uninsured and underinsured motorist coverage—Cont’d
Response—notice of settlement as untimely or improper, § 225:49 to 225:51
Rule assignment or subrogation of personal injury claims, § 225:4
Settlement, § 225:54
State indemnification fund, right to pursue contractual subrogation rights, § 225:6
Statutes, § 225:35
Statutory scheme
Generally, § 225:8 et seq.
Applicability, § 225:10, 225:11
Date of payment, applicability determined on, § 225:11
Exclusive source of rights, statute as, § 225:8, 225:9
Reimbursement, § 225:12, 225:13
Validity of policy provisions, § 225:9
Wrongful death statute, conflict with, § 225:13
Tortfeasor’s insurer which as disclaimed coverage as party, § 225:25
Trust agreement, § 225:19 to 225:21
Trust agreement as creating subrogation rights, § 225:7
Uninsured motorist, claims against, § 225:18
Validity
Consent clause, § 225:44
Contrary agreement, § 225:40
Policy provisions, § 225:9
Trust agreement, § 225:20
Workers’ compensation, § 225:198, 225:199
Wrongful death statute, conflict with, § 225:13
Union mortgage clause, § 224:26 to 224:28
Validity
Antisubrogation rule prohibiting subrogation recovery from
SUBROGATION—Cont’d
Validity—Cont’d
own insured, § 224:48, 224:49
Assignment, § 222:76, 222:77
Automobile no-fault and personal injury protection insurance,
§ 225:62
Contractual subrogation, § 222:32
Defenses, § 224:187
Existing cause of action, § 223:57
Impairment of rights, § 224:96 to 224:98
Labor and material bonds,
§ 225:299
Loan receipt transaction, § 222:85, 222:86
Statutes, § 222:43
Uninsured and underinsured motorist insurance, § 225:9, 225:20, 225:40, 225:44
Workers’ compensation, § 225:170
Valued policy, § 223:93
Void
Labor and material bonds,
§ 225:316
Marine insurance, § 225:238
Voluntary
Contribution to settlement,
§ 224:164
Full policy payment versus partial policy payment, § 223:24
Labor and material bonds,
§ 225:305 to 225:307
Obligation, subrogation pursuant to, § 223:30 to 223:32
Workers’ compensation, § 225:162 to 225:164, 225:183
Warranty against transfer, breach of,
§ 224:55
Workers’ compensation
Generally, § 225:143 et seq.
Acceptance of award, § 225:179
Amount recoverable
Generally, § 225:201 et seq.
Attorneys’ fees
Generally, § 225:213 to 225:215 et seq.

SUBROGATION—Cont’d
Workers’ compensation—Cont’d
Amount recoverable—Cont’d
Attorneys’ fees—Cont’d
Contribution of subrogee,
§ 225:213 to 225:217
Future benefits, § 225:214
Measure of reasonable attorneys’ fees,
§ 225:218
Statute, § 225:215, 225:217
Equitable distribution provisions, § 225:211
Future benefits
Generally, § 225:203, 225:204
Attorneys’ fees, § 225:214
Made whole rule, § 225:209
Limitation to amount of compensation payments or amount of third-party recovery, § 225:201
Made whole rule
Generally, § 225:205 et seq.
Allocation of proceeds,
§ 225:212
Determination, § 225:207 to 225:210
Equitable distribution provisions, § 225:211
Future benefits, § 225:209
Negligence of claimant,
§ 225:210
Third-party recovery,
§ 225:208
Medical and disability benefits,
§ 225:202
Negligence of claimant,
§ 225:210
Premiums, increase in,
§ 225:219
Proceeds, § 225:212
Recovery of employee,
§ 225:204
Statute, § 225:215, 225:217
Suspension of insurer’s obligation for future benefits included in recovery,
§ 225:204

Index-648
SUBROGATION—Cont’d
Workers’ compensation—Cont’d
Amount recoverable—Cont’d
Third-party recovery, § 225:208
Antisubrogation rule, § 225:230
Apportionment, § 225:187
Assignment, § 225:144, 225:164, 225:227
Automobile no-fault and personal injury protection insurance, § 225:94, 225:103
Conduct after original injury, § 225:191 to 225:194
Contract for payments, § 225:173
Contractual liability, § 225:188
Contribution of subrogee, § 225:213 to 225:217
Criminal assault, § 225:195
Damages, § 225:189
Defenses
Generally, § 225:220 et seq.
Antisubrogation rule, § 225:230
Assertable defenses, generally, § 225:220
Assignment for cause of action, failure to obtain, § 225:227
Election of benefits, release of wrongdoer, § 225:222, 225:223
Employee negligence, § 225:231
Employee’s settlement, § 225:224, 225:225
Employer negligence, § 225:232
Negligence, § 225:231, 225:232
Notice, failure to file separate notice of claim against government, § 225:221
Payment, liability for, § 225:225
Release of wrongdoer, § 225:222 to 225:225
Settlement agreement, terms of, § 225:228, 225:229
Statutory requirements to record lien, failure to comply with, § 225:226
Waiver and estoppel, § 225:226 to 225:229
Demand, § 225:153, 225:182

SUBROGATION—Cont’d
Workers’ compensation—Cont’d
Election of benefits, release of wrongdoer, § 225:222, 225:223
Election of other remedies, § 225:156
Employee negligence, § 225:231
Employee’s cause of action, subrogation rights not affecting, § 225:146 to 225:149
Employer negligence, § 225:232
Employers’ liability insurance
Generally, § 225:157 et seq.
Judgment, § 225:160
Negligent employee, employer’s rights against, § 225:159
Entities entitled to subrogation, § 225:154
Equitable distribution provisions, § 225:211
Existence of rights, § 225:152 et seq.
Federal government, failure to file separate notice of claim against government, § 225:221
Future benefits, amount recoverable
Generally, § 225:203, 225:204
Attorneys’ fees, § 225:214
Made whole rule, § 225:209
Judgment, § 225:160, 225:187
Law governing rights, § 225:145
Legal malpractice in handling tort claims, § 225:194
Liens, § 225:147, 225:168
Limitations, § 225:201
Medical and disability benefits, § 225:202
Medical malpractice in treatment of work injury, § 225:192, 225:193
Military claims act, § 225:196
Modification of rights, § 225:151
No-fault benefits, § 225:197
SUBROGATION—Cont’d
Workers’ compensation—Cont’d
Noneconomic claims

Generally, § 225:186 et seq.
Contractual liability, § 225:188
Damages, § 225:189
Judgment or settlement may not unreasonably allocate recovery between elements subject to apportionment or free of subrogation rights, § 225:187
Permitted only as to elements of loss compensated by employer/insurer, § 225:186, 225:187
Punitive damages, § 225:190
Notice, § 225:149, 225:221
Original injury, conduct after, § 225:191 to 225:194
Partial subrogation, § 225:167, 225:168
Payment
Amount recoverable, § 225:201, 225:219
Defenses, § 225:225
Employer or insurer required payment, § 225:181 to 225:184
Primarily liability, voluntarily purchased workers’ compensation policies, § 225:163
Proceeds, § 225:212
Punitive damages, § 225:190
Reimbursement from employee’s recovery, subrogee entitled to, § 225:147
Release of wrongdoer, § 225:222 to 225:225
Settlement
Defenses, § 225:224, 225:225, 225:228, 225:229
Noneconomic claims, § 225:187
Source of rights, § 225:152 et seq.
State fund, payment to upon death of employee without qualified dependents, § 225:184

SUBROGATION—Cont’d
Workers’ compensation—Cont’d
Statutes

Generally, § 225:165 et seq., 225:173
Acceptance of award, § 225:179
Conditioning insurer’s rights against third parties upon election to receive workers’ compensation
Generally, § 225:176 et seq.
Acceptance of award, § 225:179
Filing of claim, § 225:178
Sue, failure to, § 225:180
Contract for payments, § 225:173
Existing statute rights, § 225:174
Liens, § 225:168, 225:226
Partial subrogation, § 225:167, 225:168
Sue, failure to, § 225:180
Third-party claims statutes, relationship to, § 225:169
Validity, § 225:170
Subsequent injuries, § 225:191 to 225:194
Sue, failure to, § 225:180
Suspension of insurer’s obligation for future benefits included in recovery, § 225:204
Third-party claims, § 225:169, 225:185 et seq.
Third-party recovery, § 225:201, 225:208
Transfer of rights, § 225:151
Traveling to or from treatment, injury occurring while, § 225:193
Uninsured and underinsured motorist benefits, § 225:198, 225:199
Validity, § 225:170
Voluntary
Payment, § 225:183
Purchased workers’ compensation policies, § 225:162 to 225:164

Index-650
INDEX

SUBROGATION—Cont’d
Workers’ compensation—Cont’d
Waiver and estoppel, § 225:226 to 225:229
Wrongful death claims, § 225:200
Worthless claim, § 224:126, 224:127
Wrongful death claims, § 223:67, 225:13, 225:200

SUBSCRIPTIONS
Receivership, collection of subscriptions, § 5:14
Reciprocal insurance exchanges and interinsurance, § 39:55 to 39:59, 39:61

SUBSEQUENT ACTS AND MATTERS
See also Conditions Subsequent (this index)
Applications, § 18:3
Assignments, § 37:76
Conflict of interest, subsequent proceedings, § 202:37
Cure, § 244:120
Examination under oath, subsequent willingness to comply, § 196:32, 196:33
Fidelity insurance, subsequent defaults, § 160:85
Foreign insurers, subsequent compliance, § 3:41
Fraud, bar against subsequent action, § 197:42
Production of documents and records, subsequent willingness to comply, § 196:48
Release, § 216:36, 216:37
Subrogation, § 225:191 to 225:194
Title insurance, subsequent coverage, § 159:15
Title insurance, subsequent liens, § 159:26
Torts, § 243:121
Waiver and estoppel, § 194:8, 194:53

SUBSIDENCE
Property insurance, § 153:73, 153:74

SUBSIDIARY CORPORATION
Fidelity insurance, § 160:46

SUBSTANDARD RISK INSURERS
Representations, warranties, conditions, and concealment, § 89:2

SUBSTANTIAL BREACH
Cooperation, § 199:25

SUBSTANTIAL COMPLETION OF WORK
Limitation of actions, § 236:126 to 236:129

SUBSTANTIAL COMPLIANCE
Cooperation, § 199:16, 199:87
Evidence (this index)
Examination under oath, § 196:31
Notice and Proof of Loss (this index)

SUBSTANTIAL LOSS
Estoppel and waiver, § 238:59

SUBSTANTIAL PERFORMANCE RULE
Contractors’ performance bonds, § 164:2

SUBSTANTIVE RIGHTS
Governing law, § 24:28 to 24:33

SUBSTITUTE ARBITRATORS
Generally, § 211:22

SUBSTITUTED EXPENSES
Marine insurance, § 221:67

SUBSTITUTED PORT RULE
Marine insurance, § 221:78

SUBSTITUTION
Accident and life insurance, § 142:94
Agents and Brokers (this index)
Arbitrators, appraisers, and proceedings before them, judicial removal and substitution, § 211:41
Automobile property insurance, § 156:10, 156:11
Beneficiaries, § 60:2, 60:3, 61:40
Burden of proof, § 254:36
Burial insurance, § 167:65
Cancellation and Rescission (this index)
SUBSTITUTION—Cont’d
Contractors’ payment bonds, § 165:176
Contractors’ performance bonds, § 164:93
Cure, § 244:123
Fraud, § 232:94 to 232:96
Good health of insured, substitution of another person for insured in medical examination, § 87:23
Governing law, § 24:24
Group Insurance (this index)
Incontestability clause, § 240:27
Iron safe clauses, production of substitute records, § 97:22, 97:23, 97:29
Life insurance, § 243:57
Limitation of Actions (this index)
Marine insurance, § 183:219
Premiums and assessments, substitution of notes, § 73:58
Reformation, waiver as substitute for, § 26:4
Service of process, § 231:49

SUCCESIVE BONDS
See Fidelity Bonds and Insurance (this index)

SUCCESIVE GOODS
Description, § 20:37

SUCCESIVE INJURIES
Workers’ compensation, § 173:57

SUCCESIVE INSTALLMENTS OR BREACHES
Prior judgment, § 239:58

SUCCESIVE INSURANCE POLICIES
Fidelity insurance, § 160:79 to 160:81
Marine insurance, § 219:26
Other insurance clauses, § 219:26

SUCCESIVE LOSSES
Limitations and restrictions, § 175:15, 175:16
Marine insurance, § 183:120

SUCCESS OF SACRIFICE
Marine insurance, § 221:14

SUCCESSORS IN INTEREST
See also Property Insurance (this index)
Improvements to real property, insurable interests in, § 42:60
Limitation of actions, § 237:21
Mortgages and deeds of trust, effect on rights between successive mortgagees and other third parties, § 65:68 to 65:73
Performance and payment bonds, § 242:140
Title insurance, § 159:14, 159:15

SUCCESSOR UNIT
Fidelity bonds and insurance, § 242:130

SUDDEN AND ACCIDENTAL DISCHARGE
Liability insurance, § 201:43

SUE AND LABOR CLAUSE
See Marine Insurance (this index)

SUFFERANCE, TENANTS AT
Insurable interest, § 42:53

SUICIDE
Generally, § 136:51 to 136:54
Accident and Life Insurance (this index)
Attempts, § 88:85
Brain derangement, injury resulting in, § 136:52
Chain of causation rule, § 136:54
Defenses, § 245:99
Delirium of frenzy, injury resulting in, § 136:53
Demonstrative evidence, admissibility of suicide note as, § 253:265
Insanity, injury resulting in, § 136:52
Instructions to jury, § 246:82
Life, health, and disability insurance, § 207:50

Life Insurance (this index)
Loss of normal judgment, injury resulting in, § 136:54
Medical insurance, § 207:50
SUICIDE—Cont’d
Sponatski rule, § 136:53
Uncontrollable impulse, injury resulting in, § 136:53

SUMMARY JUDGMENT
Generally, § 247:20 et seq.
Admissibility, § 247:23
Affidavits, sufficiency of, §§ 247:22, 247:23
Burden of proof, § 247:21
Improper, § 247:26
Inadmissible evidence, § 247:23
Motion, disposition of, § 247:24
Propriety, § 247:25

SUNDAYS AND HOLIDAYS
Limitation of actions, § 236:165
Premiums and assessments, § 72:15

SUNSTROKE
Accident and life insurance, §§ 143:108, 143:109
Good health of insured, § 88:68

SUPERCARGOS
Agency, § 44:24

SUPER ESCAPE
Other insurance clauses, § 219:54

SUPERINTENDENT
See also Agents and Brokers (this index)
Disability provisions, § 147:158
Premiums and assessments, forfeiture for nonpayment, § 78:18

SUPERIOR EQUITABLE RIGHTS
Subrogation, §§ 225:257, 225:258

SUPERIORITY OF ACTION
Class actions, § 232:33

SUPERSTRUCTURE
Marine insurance, §§ 221:32, 221:33

SUPERVISION
Accident and life insurance, §§ 143:25, 143:59
Automobile insurance, loading and unloading provisions, § 121:34

SUPERVISION—Cont’d
Contractors’ payment bonds, § 165:74
Contractors’ performance bonds, § 164:104
Disability provisions, §§ 147:19, 147:158
Fidelity insurance, §§ 162:12, 162:13
General liability insurance, § 172:16
Occupation of insured, § 86:22

SUPPLEMENTAL APPLICATIONS
Generally, § 18:8

SUPPLEMENTAL INSURANCE
Incontestability clause, § 240:37

SUPPLEMENTAL (ANCILLARY AND PENDENT) JURISDICTION
See Federal Courts (this index)

SUPPLEMENTAL MEDICARE INSURANCE
Offsets for recovery, § 180:32

SUPPLEMENT RESPONSES
Discovery, §§ 251:19, 251:20

SUPPORT OF PERSONS
Divorce or separation, effect of voluntary agreement or judicial order pursuant to separation or divorce, § 64:18

SUPREMACY OF STATUTES
Jurisdiction of federal proceedings, § 229:19

SURETIES AND SURETYSHIP
See also Performance Bonds, Guaranties, Suretyship, and Like Arrangements (this index)
Common law, § 204:36
Contribution and apportionment, § 217:22
Costs of action, § 233:36
Equitable remedies, §§ 232:169, 232:183
Estoppel and waiver, § 238:90
Notice
Payment bonds, §§ 187:91, 187:93 to 187:96

Index-653
SURETIES AND SURETYSHIP—Cont’d
Notice—Cont’d
Performance bonds, § 187:88
Subrogation (this index)

SURGICAL OPERATIONS
Accident and Life Insurance (this index)
Disability Insurance (this index)
Good health of insured, § 87:60
Medical Insurance (this index)
Property insurance, § 155:11
Workers’ compensation, § 174:15

SURPLUS
Beneficiaries, constructive trust as to surplus funds, § 58:10
Insolvency, distribution of surplus, § 6:26

SUREJOINER
Pleadings, § 244:70

SURRENDERED POLICIES
Evidentiary use of, § 253:122

SURRENDER OF DOUBTFUL CLAIM
Settlement and compromise of claim, § 215:38

SURRENDER OF LICENSES
Agents and brokers, § 47:21

SURRENDER OF POLICY
Assignment, § 37:71 to 37:74
Beneficiaries, change of, § 60:47 et seq.
Cancellation and Rescission (this index)
Cash Surrender Value (this index)
Disability insurance, § 190:122
Estate taxes, § 63:46
Fraud, § 232:102
Governing law, § 24:31
Loans on policy, § 80:4
Premiums and assessments, § 69:47, 73:56
Reformation, cash surrender value, § 27:39

SURRENDER OF PROPERTY
Automobile property insurance, § 157:52
Foreclosure, § 92:101
Marine insurance, § 183:113

SURRENDER OF RIGHTS
Divorce or separation, § 64:22

SURROUNDING CIRCUMSTANCES
Intent of parties, construction of, § 22:8

SURVEY DEFECTS
See Title Insurance (this index)

SURVEYORS
Risks covered under policies, § 131:47

SURVEYS
Marine insurance, § 183:139

SURVIVORSHIP PROVISIONS
Actions against insurers, § 242:199
Beneficiaries, § 61:41, 61:42, 61:48, 61:49
Life insurance, § 243:62 et seq.
Presumptions re survivorship, § 254:196
Property insurance, § 242:51
Tontine insurance, § 1:45

SUSPENSION
See Revocation or Suspension (this index)

SWITCHMAN
Disability provisions, § 147:153

SYNONYMOUS TERMS
Good health of insured, § 87:61

TAILOR-MADE CLAUSES
Other insurance clauses, § 219:40

TANGIBLE PROPERTY
Definition, § 201:10

TAXATION
Agents and brokers, liability of, § 55:15
INDEX

TAXATION—Cont’d
  Contractors’ payment bonds, § 165:99
  Equitable remedies, § 232:158
Estate Taxes (this index)
  Federal tax aspects of insurance coverage and proceeds, generally, § 63:1 et seq.
Income Taxes (this index)
  Labor and related costs and compensable, § 165:82
  No-fault insurance, § 171:72
  Privileged information, § 250:46
  Subrogation, §§ 223:105, 225:318, 225:319
Tax Liens (this index)
  Title insurance, § 159:77

TAXIING
  Aircraft insurance, § 155:27

TAXI SERVICE
  Accident and life insurance, § 142:32

TAX LIENS
  Generally, §§ 63:54 to 63:56, 66:7, 66:8
  Cash surrender value, § 63:55
  Priorities, § 63:56
  Representations, warranties, and conditions, § 93:35

TAX RETURNS
  Demonstrative evidence, use as, § 253:260

TAX SALES
  Representations, warranties, and conditions, §§ 92:83, 92:84

TEACHERS
  Risks covered under policies, § 131:59
  Subrogation, § 223:61

TECHNICAL EXPERTISE
  Third-party claims, § 205:89

TECHNICAL MATTERS
  See Construction and Interpretation (this index)

TECHNOLOGY
  Jurisdiction and venue, §§ 227:5 to 227:8

TELEPHONE
  Contractors’ payment bonds, § 165:133

TELEVISION
  Limitation of actions, § 234:48

TEMPERATURE EXTREMES
  Property insurance, §§ 153:83, 153:84

TEMPORAL CONNECTION
  Accident and life insurance, § 140:27

TEMPORAL ELEMENT
  Hearsay exclusion and exceptions, §§ 249:34, 249:35

TEMPORAL MEANING
  Disability insurance, § 146:20

TEMPORARY ABSENCES
  Use and occupancy, temporary absences from dwelling house, § 94:71
  Watchmen or guards, § 96:15

TEMPORARY AND PERMANENT REPAIRS
  Marine insurance, § 183:55

TEMPORARY CONDITIONS
  Accident and life insurance, § 141:31
  Good health of insured, §§ 87:62, 88:28

TEMPORARY EMPLOYEES
  Fidelity insurance, § 160:30
  Occupation of insured, § 86:33

TEMPORARY HOUSING
  Contractors’ payment bonds, § 165:90

TEMPORARY INCREASE OF RISK OR HAZARD
  Use and occupancy, §§ 94:16, 94:17

TEMPORARY INSURANCE
  See also Binders and Binding Receipts (this index)
TEMPORARY INSURANCE
—Cont’d
Cancellation and rescission, notice, § 32:5
Life insurance, § 179:6
TEMPORARY INTERRUPTION
Occupation of insured, § 86:31, 86:32
TEMPORARY OCCUPATION
Accident and life insurance, § 143:30
TEMPORARY ORDERS
Divorce or separation, § 64:20
TEMPORARY OR OCCASIONAL USE
Automobile property insurance, § 157:71, 157:73
TEMPORARY PARTIAL DISABILITY
See Workers’ Compensation (this index)
TEMPORARY REPAIRS
Marine insurance, § 183:154, 221:53
TEMPORARY RESIDENCE
Property insurance, § 148:18
TEMPORARY RETURN OF POLICY
Assignment, § 36:37
TEMPORARY TOTAL DISABILITY
See Workers’ Compensation (this index)
TEMPORARY WORK
Disability provisions, § 147:16
TEMPOROMANDIBULAR JOINT (TMJ) DISORDERS
Medical insurance, § 144:66
TENANCY BY ENTIRETIES
See Entireties, Estates by (this index)
TENANCY IN COMMON
See Coownership and Joint Tenancy (this index)

TENANTS
See Landlord and Tenant (this index)

TENDER
Automobile Insurance (this index)
Burial insurance, § 167:64
Contribution, § 218:21
Costs of action, § 233:61 to 233:63
Defense and indemnification
Generally, § 200:50
Defense and indemnification
Automobile Insurance (this index)
General liability insurance, § 172:57
Incontestability clause, § 240:91
Indemnification. Defense and indemnification, above
Life insurance, § 179:17
Premiums and assessments, § 72:20 to 72:23, 73:51, 77:104

TENSION
Accident and life insurance, § 141:68

TERMINATION
Generally, § 247:1 et seq.
Actions against insurers, § 242:199
Agency (this index)
Agents and brokers, § 44:38 to 44:72
Arbitration, appraisal, or submission agreements, § 210:37
Arbitrators, Appraisers, and Proceedings Before Them (this index)
Bank deposit guaranty, § 166:19, 166:22
Binders and binding receipts, termination of temporary contract, § 13:9
Burden of proof
Generally, § 254:31
Defenses, § 254:33, 254:35
Cancellation and rescission, wrongful termination of policy by insurer, § 31:28 to 31:34
Continuance (this index)
Contractors’ performance bonds, § 164:3, 164:4, 164:103
Defenses (this index)
INDEX

TERMINATION—Cont’d
Dismissal (this index)
Divorce or separation, termination of rights or obligations, § 64:22, 64:28
Fidelity Bonds and Insurance (this index)
Fidelity insurance, § 190:77
Financial institution blanket bonds, § 190:76
Group Insurance (this index)
Incontestability clause, § 240:86, 240:94
Labor and material bonds, § 191:47
Life, health, and disability insurance, § 191:88, 191:89, 207:58
Limitation of Actions (this index)
Medical insurance, § 144:99, 180:7, 207:58
Mortgages and deeds of trust, termination of risk, § 65:35
Premiums and Assessments (this index)
Prior judgment, § 239:27
Proceedings, generally, § 247:1 et seq.
Property insurance, § 191:81
Rehabilitation proceedings, § 5:30
Removal or Discharge From Employment or Office (this index)
Sales, § 92:16, 92:72 to 92:74
Service of process, § 231:30
Subrogation, § 223:53
Title insurance, § 159:28
Verdict (this index)
Workers’ compensation, § 173:77
TERM INSURANCE
Premiums and assessments, § 76:55, 77:86
TERMS
See also Representations, Warranties, Conditions, and Concealment (this index)
Notice, statutory regulation, § 186:50, 186:58

TERRITORIAL JURISDICTION AND LIMITATIONS
Agents and Brokers (this index)
Mortgages and deeds of trust, operating outside territorial limits of coverage, § 65:63
Premiums and assessments, extraterritorial application of notice requirements, § 71:5, 76:24
Property insurance, § 155:33
Public official and appointed fiduciary bonds, § 166:54
Rehabilitation proceedings, § 5:31
Use and occupancy, motor vehicles, § 94:92 to 94:99
TERRITORY
Agents and Brokers (this index)
TESTATE SUCCESSION
See Wills (this index)
TESTS
Documentary Evidence (this index)
TEXTILE WORKER
Disability provisions, § 147:148
THEFT
Generally, § 177:87 to 177:90
Automobile Property Insurance (this index)
Automobiles and other motor vehicles, § 177:20 to 177:23
Consequences of loss, § 177:89
Cooperation, § 199:49
Fire insurance, § 149:12, 149:43
Limitation of actions, § 235:38
Limitation provisions, § 177:88
Presumptions where property missing, § 254:154
Property Insurance (this index)
Recovery of property, effect of, § 177:90
Stolen Property (this index)
Witnesses, § 252:67
THERAPY
Disability provisions, § 147:12
Workers’ compensation, § 174:20, 174:21
THIRD-PARTY BENEFICIARIES
Arbitration, appraisal, or submission agreements, § 210:17
Automobile liability coverage, § 242:3
Bailments, § 242:79
Costs of action, § 233:33
Fidelity insurance, § 160:58
Health insurance, § 242:108
Liability policies, § 242:24 to 242:26, 242:28
Loan transactions, § 242:124, 242:125
Mortgages, § 242:65, 242:66
No-fault coverage, § 242:15 to 242:18
Notice, § 187:27
Property insurance, § 242:33
Real party in action, § 241:24 to 241:26

THIRD-PARTY CLAIMS
Generally, § 205:1 et seq., 206:1 et seq.
Additional harm, § 206:41
Adjustment of damage award, § 206:49
Advice, § 205:9, 206:18
Allegations of complaint, investigation of claim or suit, § 205:8
Another insurer, § 205:69
Answer, failure to file timely, § 205:36
Appeal, § 205:43, 205:44, 205:83
Appeal bond, failure to provide, § 205:44
Appointment of counsel, § 205:24
Attorney, § 205:24, 205:48, 206:18
Attorneys’ fees
Generally, § 206:52
Bad faith, § 205:96, 205:97, 205:100
Prorate fees, attempt or failure to, § 205:52
Refusal to pay defense costs or independent counsel fees, § 205:50
Separate counsel, § 205:82

THIRD-PARTY CLAIMS—Cont’d
Attorneys’ fees—Cont’d
Statutory penalties and fees, § 205:104, 205:105
Authorization to settle, § 205:48
Bad faith
Generally, § 205:90 et seq.
Attorneys’ fees, § 205:96, 205:97, 205:100
Costs of defense
Generally, § 205:96 et seq.
Attorneys’ fees, § 205:96, 205:97, 205:100
Emotional distress, § 205:102
Punitive damages, § 205:98
Reputation, harm to, § 205:101
Covenant not to execute, § 205:95
Damages, generally, § 205:90 et seq.
Defend, duty to, § 205:4
Emotional distress, § 205:102
Enforce claim against insurer, § 205:97
Excess of policy limits, recovery in, § 205:92
Insolvency of insured, § 205:94
Judgment, amount of, § 205:92 to 205:95
No coverage, § 205:93
Offer, disparity between offer and judgment as evidence of bad faith, § 206:30
Policy limits, recovery in excess of, § 205:92
Proof of harm, § 205:91
Punitive damages, § 205:98
Reputation, harm to, § 205:101
Tort, § 205:63
Bifurcated trial, failure to request, § 205:35
Burden of proof
Generally, § 205:15
Defend, duty to, § 205:66
Cause of action as arising upon entry of excess judgment or insured’s payment thereof, § 206:4
Claims handling process, § 198:3
Claims personnel, § 206:18
THIRD-PARTY CLAIMS—Cont’d
Clarify extent of coverage and defense, failure to, § 205:53
Collateral source rule, § 205:70
Commingling, § 205:45
Common law, § 204:12, 204:31 to 204:32
Communication, § 205:32, 205:57
Conduct of insured, § 205:3
Conflict of interest
  Attorney, appointment of counsel, § 205:24
  Defend, duty to, generally,
    § 205:21 et seq.
  Denial of coverage, § 205:22
  Notice, § 206:31
  Notice, failure to inform insured,
    § 205:23
  Single attorney for defendants with adverse interests, § 205:25
  Unauthorized access to insured’s case, § 205:26
Consent judgment prejudicing insured, § 205:47
Consent, settlement without,
  § 206:43
Contractual breach distinguished from bad faith tort, § 205:63
Contribution to, § 206:37 to 206:39
Counterclaim, § 205:46, 205:84
Covenant not to execute, § 205:95
Cross-claim, § 205:84
Damages recoverable, generally,
  § 206:46 et seq.
Damages, recovery of, generally,
  § 205:62 et seq.
Decision, § 205:18
Declaratory judgment action,
  § 205:10, 205:11
Declaratory judgments, § 232:67
Deductible, § 206:42
Defend, duty to
  Generally, § 205:1 et seq., 205:64 et seq.
  Allegations of complaint, investigation of claim or suit,
    § 205:8
  Answer, failure to file timely,
    § 205:36

THIRD-PARTY CLAIMS—Cont’d
Defend, duty to—Cont’d
  Appeal, § 205:43, 205:44, 205:83
  Appeal bond, failure to provide,
    § 205:44
  Bad faith, § 205:4
  Bifurcated trial, failure to request,
    § 205:35
  Breach of contract, generally,
    § 205:64 et seq.
  Burden of proof, § 205:66
  Clarify extent of coverage and defense, failure to, § 205:53
  Collateral source rule, § 205:70
  Commingling information from tort case with coverage action,
    § 205:45
  Communication, § 205:32, 205:57
  Conduct of insured, § 205:3
  Consent judgment prejudicing insured, § 205:47
Costs of defense
  Generally, § 205:75 et seq.
  Appeal, § 205:83
  Counterclaim, § 205:84
  Cross-claim, § 205:84
  Damages, generally, § 205:75 et seq.
  Enforce claim for damages against insured, proceedings to,
    § 205:86
  Establish coverage, proceedings to, § 205:85
  Excess insurer’s refusal to contribute to, § 205:61
  Before filing claim, § 205:80
  Improper defense, § 205:50 to 205:52
  Mixed claim, § 205:78
  No duty to defend, § 205:77
  Notice of insurer, fees before,
    § 205:80
  Proof, proration between covered and noncovered claims, § 205:79
  Proration between covered and noncovered claims,
    § 205:79
THIRD-PARTY CLAIMS—Cont’d
Defend, duty to—Cont’d
Costs of defense—Cont’d
Reasonableness of fees,
§ 205:76
Separate counsel, § 205:82
Counterclaim, § 205:46, 205:84
Cross-claim, § 205:84
Damages, generally, § 205:64 et seq.
Declaratory judgment action,
§ 205:10, 205:11
Enforce claim for damages against
insured, proceedings to,
§ 205:86
Establish coverage, proceedings to,
§ 205:85
Ethical violations, § 205:31
Evidence
Improper defense, § 205:28
Legal cause of harm, § 205:67
Liability between primary and
excess insurers for
improper defense, § 205:56
Proration between covered and
noncovered claims,
§ 205:79
Excess of policy limits, amount of
judgment, § 205:72
Experts, costs of, § 205:89
Failure to defend, § 205:59
Greater risk for insured than
insurer, presenting, § 205:41
Ignorance of law, § 205:33
Improper defense, generally,
§ 205:27 et seq.
Independent counsel, failure to
authorize to settle, § 205:48
Intentional or negligent infliction
of emotional distress,
§ 205:51
Interest on money, § 205:87
Interplead, failure to,
§ 205:39
Investigation, § 205:5 to 205:9,
205:30
Joinder of parties, improper
defense, § 205:38
Joint defense for multiple
defendants, presentation of,
§ 205:40
THIRD-PARTY CLAIMS—Cont’d
Defend, duty to—Cont’d
Judgment, amount of, § 205:71 to
205:74
Liability between primary and
excess insurers for improper
defense, § 205:56 to 205:61
Liability to insured for improper
defense, generally, § 205:30 et seq.
Limitation of actions, failure to
assert, § 205:42
Locate parties, failure to, § 205:30
Measure of damages, § 205:65
Mental anguish, § 205:88
Mixed claim, § 205:52, 205:74,
205:78
Motions, improper defense,
§ 205:34 to 205:36
No coverage, amount of judgment,
§ 205:73
No duty to defend, § 205:77
Notice, § 205:43, 205:80
Other insured, conduct suiting one
and not other insured,
§ 205:55
Pay policy limits, failure of pri-
mary insurer to, § 205:58
Personnel, advice of, investigation
of claim or suit, § 205:9
Pleadings, improper defense,
§ 205:34 to 205:36
Proration between covered and
noncovered claims,
§ 205:79
Reasonableness of fees, § 205:79
Reduced liability, § 205:66
Reduction of damages, § 205:68
Refusal to pay defense costs or
independent counsel fees,
§ 205:50
THIRD-PARTY CLAIMS—Cont’d

Defend, duty to—Cont’d
Satisfaction of judgment by another insurer, § 205:69
Scientific expertise, costs of, § 205:89
Separate counsel, § 205:82
Setoff, § 205:68
Settlement, § 205:48, 205:49, 205:60
Special damages, § 205:88
Statutes as to improper defense, § 205:29
Strategy, improper defense, § 205:37 to 205:42
Technical expertise, costs of, § 205:89
Validity of policy, investigation of claim or suit, § 205:7
Withdrawal from defense, § 205:54

Defenses
Insured’s action as, § 206:10
Valid, § 206:9
Definitions, § 206:7
Delay, § 205:17, 206:27, 206:28
Demand for contribution to, § 206:38
Demand not to settle, § 206:24
Denial of coverage and/or duty to defend
Generally, § 205:12 et seq.
Burden of proof as to wrongful nature of denial, § 205:15
Conflict of interest, § 205:22
Delay in denying coverage or commencing defense, § 205:17
Intentional infliction of emotional distress, § 205:13
Notice, failure to inform insured of decision, § 205:18
Statutes, § 205:14
Wrongful denial, § 205:19, 205:20
Due care defined, § 206:7
Emotional distress, § 205:13, 205:51, 205:102
Employment, § 206:18
Enforce claim, § 205:86, 205:97

THIRD-PARTY CLAIMS—Cont’d

Equitable remedies, § 232:145, 232:146
Establish coverage, proceedings to, § 205:85
Estoppel and waiver, § 239:113
Ethical violations, § 205:31
Evidence
Generally, § 206:11 to 206:13
Bad faith, § 205:91
Offer, disparity between offer and judgment as evidence of bad faith, § 206:30
Excess amount of judgment, § 206:50, 206:51
Excess insurance, § 205:56 to 205:61
Excess judgment, § 206:4
Excess liability, § 206:35
Excess of policy limits, § 205:72, 205:92
Execution, § 205:95
Experts, costs of, § 205:89
Expert testimony, § 206:11
Fees, § 205:103 to 205:106
Financial responsibility act, § 206:48
Good faith standard, § 206:5
Harm, § 205:67
Ignorance of law, § 205:33
Improper defense, generally, § 205:27 et seq.
Independent counsel, § 205:48, 205:50
Insolvency of insured, § 205:94
Intentional infliction of emotional distress, § 205:13
Intentional or negligent infliction of emotional distress, § 205:51
Interest on money, § 205:87, 205:106, 206:56
Interpleader, § 205:39, 232:84
Investigation and evaluation of claim
Generally, § 206:14 et seq.
Attorney, reliance on advice of counsel or claims personnel, § 206:18
Defend, duty to, § 205:5 to 205:9, 205:30
Extent of damages, § 206:17
THIRD-PARTY CLAIMS—Cont’d
Investigation and evaluation of claim—Cont’d
Improper or inadequate investigation, § 206:16
Judgment, disparity between evaluation and, § 206:19
No investigation, § 206:15
Joinder of parties, improper defense, § 205:38
Joint defense, § 205:40
Judgment
Bad faith, § 205:92 to 205:95
Cause of action as arising upon entry of excess judgment or insured’s payment thereof, § 206:4
Defend, duty to, § 205:71 to 205:74
Excess amount of judgment, § 206:50, 206:51
Investigation and evaluation of claim, § 206:19
Mistake, § 206:20
Offer, disparity between offer and judgment as evidence of bad faith, § 206:30
Justiciability, § 227:32
Legal cause of harm, § 205:67
Liability policies, § 242:20
Measure of damages, § 205:65
Mental anguish, § 205:88
Mental distress, § 206:53
Misrepresentation, § 206:44
Mistake, § 206:20 to 206:22
Mixed claim, § 205:52, 205:74, 205:78
Motions, improper defense, § 205:34 to 205:36
Multiple defendants, § 205:25, 205:40
Negligence, § 205:51, 206:6
Negotiations, § 206:26, 206:29, 206:33
No coverage, § 205:73, 205:93
No duty to defend, § 205:77
Noncoverage, § 206:9

THIRD-PARTY CLAIMS—Cont’d
Notice
Conflict of interest, § 205:23, 206:31
Defend, duty to, § 205:43, 205:80
Denial of coverage and/or duty to defend, § 205:18
Failure to inform insured, generally, § 206:31 et seq.
Opportunity to contribute to settlement, § 206:34
Policy limits, § 206:45
Possible excess liability, § 206:35
Potential conflict of interest, § 206:31
Punitive damage claim against insured, § 206:32
Settlement, consequences of, § 206:36
Settlement offers or negotiations, § 206:33
Trial, consequences of, § 206:36
Offer
Delayed offer of settlement, § 206:27
Delayed response to offer, § 206:28
Disparity between offer and judgment as evidence of bad faith, § 206:30
Notice, settlement offers or negotiations, § 206:33
Sufficiency of, § 206:25
Omnibus insured, mistake, § 206:22
Opportunity to contribute to settlement, § 206:34
Other insured, conduct suiting one and not other insured, § 205:55
Payments, § 205:50, 205:58, 206:4, 206:42
Penalties, § 205:103 to 205:106
Personnel, advice of, investigation of claim or suit, § 205:9
Pleadings, improper defense, § 205:34 to 205:36
Policy limits
Bad faith, § 205:92
Defend, duty to, § 205:58, 205:71
Notice, § 206:45
INDEX

THIRD-PARTY CLAIMS—Cont’d
Policy limits—Cont’d
Reasonable settlement, failure to contribute policy limits to, § 206:39
Settlement, generally, § 206:40 to 206:43
Possible excess liability, § 206:35
Potential conflict of interest, § 206:31
Prejudice, § 205:45 to 205:47
Primary insurance, § 205:56 to 205:61
Profits, loss of, § 205:88
Prorate fees, attempt or failure to, § 205:52
Proration between covered and noncovered claims, § 205:79
Punitive damages, § 205:98, 206:32, 206:54, 206:55
Questions of law or fact, § 206:13
Reasonableness of fees, § 205:76
Reasonable settlement, failure to contribute policy limits to, § 206:39
Reduced liability, § 205:66
Reduction of damages, § 205:68
Refusal, § 205:50
Reimbursement under financial responsibility act, § 206:48
Release, settlement including or excluding, § 206:8
Reputation, harm to, § 205:101
Satisfaction of judgment, § 205:69
Scientific expertise, costs of, § 205:89
Separate counsel, § 205:82
Setoff, § 205:68
Settlement
Generally, § 205:48, 205:49, 205:60
Additional harm, § 206:41
Conduct involving, § 205:48, 205:49
Consent, settlement without, § 206:43
Contribution to, § 206:37 to 206:39
Defend, duty to, § 205:60
Delayed offer of settlement, § 206:27

THIRD-PARTY CLAIMS—Cont’d
Settlement—Cont’d
Demand for contribution to, § 206:38
Demand not to settle, § 206:24
Notice, § 206:33, 206:34, 206:36
Payment of deductible, § 206:42
Policy limits, settlement within, § 206:40 to 206:43
Reasonable settlement, failure to contribute policy limits to, § 206:39
Request, failure to, § 206:23
Single attorney for defendants with adverse interests, § 205:25
Special damages, § 205:88
Status of policy, mistake, § 206:21
Statutes, § 205:14, 205:29, 205:103 to 205:106, 206:47
Subrogation, § 223:114, 225:169
Technical expertise, costs of, § 205:89
Timeliness, § 205:36
Torts, § 205:45, 205:63
Trial, consequences of, § 206:36
Unauthorized access to insured’s case, § 205:26
Unfair or deceptive trade practices acts, § 242:165 to 242:167
Validity, § 205:7, 206:9
Withdrawal from defense, § 205:54
Wrongful nature, § 205:15
Wrongfulness of denial, § 205:19, 205:20

THIRD-PARTY CREDITOR
Recoupment, § 226:57

THIRD-PARTY LIABILITY CASES
Justiciability, § 227:27

THIRD-PARTY PROVIDERS
Reimbursement, § 226:13

THIRD-PARTY VICTIM
Bad faith, § 242:150, 242:151
Negligence in handling claim, § 242:150, 242:151

Index-663
THIRD PERSONS
Accident and life insurance,
§ 140:41, 140:42, 140:53,
140:79, 140:80, 143:123
Accident insurance, § 139:26, 139:27
Agents and Brokers (this index)
Agreement, § 245:9
Arbitration and appraisal, § 209:31
Arbitration awards, § 213:38
Arbitrators, appraisers, and proceedings before them, § 211:58
Assignment (this index)
Attorney-client relationship, § 250:23
Automobile property insurance,
§ 156:87, 157:44, 157:68
Beneficiaries (this index)
Burial insurance, § 185:97
Cancellation and rescission, § 30:24
Combining or Stacking of Coverages (this index)
Consumer protection, third-party suits, § 4:24
Contractors’ bonds, § 163:46
Contractors’ performance bonds, § 164:75
Cooperation, § 199:35, 199:98 to 199:101
Costs of Action (this index)
Defenses, § 202:71, 202:72, 239:155
Delay, § 208:15, 208:27
Delivery of policy, § 14:17 to 14:20, 36:34
Disability provisions, § 147:18
Discovery, § 251:37
Equitable remedies, § 232:120,
232:164, 232:165, 232:188,
232:189
Estate taxes, § 63:52, 63:53
Estoppel and waiver, § 238:6,
239:104
Facility of payment clause, § 61:18
Fidelity Bonds and Insurance (this index)
Fire insurance, § 149:54
Foreclosure, acquisition of title, § 92:104
Fraud, § 232:109, 239:133 to 239:135, 242:207
General liability insurance, § 172:5

THIRD PERSONS—Cont’d
Good-faith, § 198:18, 198:19
Incontestability clause, § 240:10
Insurable interest of occupant or possessor of property of another,
§ 42:56, 42:57
Intervention, § 243:15
Joinder of parties, § 243:78
Justiciability, § 227:43
Lie, encouraging insured to, § 208:32
Liens and encumbrances, § 93:30 to 93:47
Life insurance, consent to issuance of policy by third party, § 41:25
Limitation of actions
Commencement of period, trigger points, § 236:104, 236:105
Contractual limitation periods, § 235:17
Premium paid by, § 234:57
Tolling of limitation period, § 237:75
Limitation of Actions (this index)
Mortgages and deeds of trust, § 65:68 to 65:73, 93:30 to 93:32
No-fault coverage, § 242:14
Parties, generally, § 245:16 to 245:19
Payments, waiver and estoppel, § 194:58, 194:59
Penalties, fees and similar consequences, § 204:89
Premiums and Assessments (this index)
Prior Judgment (this index)
Privileged information, § 250:62
Property insurance, § 148:10, 148:34 to 148:36, 148:64, 151:8,
155:61
Recoupment, § 226:111, 226:115
Reformation (this index)
Reimbursement (this index)
Reinstatement and revival, representation as to good health or insur-
ability of insured, § 33:82
Repair or replace, option to, § 176:6, 176:41, 176:54, 176:55
Representations, warranties, conditions, and concealment,
§ 81:106

Index-664
INDEX

THIRD PERSONS—Cont’d
Settlement and compromise, § 203:43
Subrogation (this index)
Title insurance, §§ 159:12, 159:86, 159:92 to 159:94
Uninsured and underinsured motorist coverage, § 171:33
Use and Occupancy (this index)
Use and occupancy, use of fuels, § 95:23
Workers’ Compensation (this index)

30 DAYS
Notice and proof of loss
Estoppel and waiver, § 195:68
No-fault insurance, § 190:58
Uninsured and underinsured motorist coverage, § 190:53

THREE-MEMBER PANELS
Arbitrators, appraisers, and proceedings before them, § 211:21

THRESHOLD PRINCIPLES
Generally, § 201:1 et seq.
Assignment, § 34:1 et seq.
Automobile accident, occurrence of, § 201:7
Bodily injury as result of occurrence, § 201:8
Commercial Liability Insurance (this index)
Construction and Interpretation (this index)
Damages, suit for, §§ 201:11 to 201:16
Enforceability, §§ 201:3 to 201:5
Exclusions as to property in insured’s care and control, § 201:26
Insurable interest, threshold issues respecting types of insurance,
§ 41:11 to 41:29
Intentional Acts (this index)
Justiciability, § 227:36
Liability Insurance (this index)
Modification of contract, §§ 25:1 to 25:7
Negligence (this index)

THRESHOLD PRINCIPLES—Cont’d
Occurrence of accident, §§ 201:6, 201:7
Property damage as result of occurrence, § 201:9
Relevant time, § 201:4
Suit for damages, §§ 201:11 to 201:16
Tangible property defined, § 201:10
Time, relevant, § 201:4
Title insurance, §§ 201:82 to 201:84
Validity, §§ 201:3 to 201:5
Written contract, liability assumed under, § 201:27

TICKET AGENT
Public official and appointed fiduciary bonds, § 166:99

TIDAL WAVES
Property insurance, § 153:56

TIDES
Marine insurance risks, § 137:28

TIMBER
Valuation, §§ 255:55, 255:69

TIME
Accident and Life Insurance (this index)
Accident insurance, § 139:36
Actual cash value, § 175:43
Agents and Brokers (this index)
Arbitration, appraisal, or submission agreements, §§ 210:12
Arbitration awards, §§ 213:14, 213:25
Arbitrators, appraisers, and proceedings before them, §§ 211:44, 211:70
Assignment (this index)
Automobile liability insurance, §§ 170:48 to 170:52
Automobile property insurance, §§ 156:90, 157:12
Autopsy and exhumation, § 196:98
Bank deposit guaranty, §§ 166:12, 184:6
Beneficiaries, policy payment to insured if living at certain date, § 61:42
TIME—Cont’d
Binders and Binding Receipts (this index)
Business interruption insurance, § 167:18, 185:7, 185:8
Calendar time intervals, periods measured by
Generally, § 102:12 to 102:21
Attachment and expiration, generally, § 102:11
Backdating, § 102:14
Bylaws, effect of, § 102:13
Computation of time intervals, § 102:17 to 102:21
Conflict between contract provisions, § 102:15
Periods measured by calendar time intervals, § 102:12 to 102:14
Reasonable expectations doctrine, § 102:16
Cancellation and Rescission (this index)
Combining or stacking of coverages, § 169:5, 169:6
Conditional sales, time for determining rights, § 68:15
Conduct warranting liability, decision to deny, § 204:126
Construction contract guaranties, § 184:16, 184:31, 184:38
Contractors’ payment bonds, § 165:3, 165:172
Contractors’ performance bonds, § 164:46, 164:94, 164:95
Contracts, formation of, § 17:3
Cooperation, § 199:69
Custom and usage, duration of practice, § 22:55
Date of policy, parol evidence of, § 253:77, 253:105
Delayed Payment or Nonpayment (this index)
Delay (this index)
Disability Insurance (this index)
Dividends, payment of, § 80:57
Effective Date (this index)
Estate taxes, alteration of time and manner of enjoyment of property, § 63:38

TIME—Cont’d
Estoppel and waiver, § 238:35, 238:41
Execution of policy, § 14:2
Existing losses, coverage of
Generally, § 102:7 to 102:11
Known risk, known loss, and loss in progress doctrines
Generally, § 102:8 to 102:11
Applicability to particular circumstances, § 102:11
Relationship to other risk concepts, § 102:9, 102:10
Fidelity Bonds and Insurance (this index)
Fire insurance, § 149:18
Foreign insurers, duration of appointment of agent for service of process, § 3:31
Freight (this index)
General liability insurance, § 172:53 to 172:56
Good-faith, § 198:47
Good Faith (this index)
Good Health of Insured (this index)
Insolvency (this index)
Interest on Money (this index)
Iron Safe Clauses (this index)
Judicial notice of matters of, § 254:282
Lapse (this index)
Liability Insurance (this index)
Liens and encumbrances, § 93:42 to 93:44
Life, health, and disability insurance, § 207:55
Limitation of Actions (this index)
Loans, date when loan arises, § 80:12
Loss and recovery, § 168:6 to 168:8
Marine Insurance (this index)
Medical examination, designation of time and date of, § 196:56
Medical Insurance (this index)
Modification of Contract (this index)
Mortgages and Deeds of Trust (this index)
Mutual companies, duration of membership, § 39:38
TIME—Cont’d
Notice and Proof of Loss (this index)
Period of coverage, time of loss as within, generally, § 102:1 to 102:44

Premiums and Assessments (this index)
Prior applications, rejections, and cancellations, time to which statement relates, § 89:3

Property Insurance (this index)
Public official and appointed fiduciary bonds, § 166:72
Public officials’ bonds, § 184:53
Reciprocal insurance exchanges and interinsurance, duration of subscribers, § 39:59

Reformation (this index)
Reinstatement and Revival (this index)
Release, § 216:5
Renewal, time of payment of premiums, § 29:21
Rent loss insurance, § 185:26, 185:27
Repair or replace, option to, § 176:15 to 176:17, 176:35, 176:40
Repairs, time limitations, § 96:26
Replacement cost provisions, § 176:64

Representations, Warranties, Conditions, and Concealment (this index)
Sales (this index)
Service of process, § 231:99
Settlement and compromise of claim, § 203:15, 215:16, 215:66
Subrogation, § 224:91, 224:145, 224:152, 225:312
Sunday or holiday, expiration on, § 102:21
Third-party claims, § 205:36
Threshold requirements, § 201:4
Title and ownership, § 91:8, 91:9

Title Insurance (this index)
Trigger, § 191:7
Trusts and trustees, § 67:16, 67:19
Uninsured and underinsured motorist coverage, § 171:10, 171:11, 214:10

TIME—Cont’d
Unwitnessed losses, § 102:3

Use and Occupancy (this index)
Valuation, § 175:7
Waiver and estoppel, § 194:25, 194:26, 194:71
Watchmen or guards, § 96:3
Workers’ compensation, § 173:34

TIPS AND GRATUITIES
Workers’ compensation, § 173:46

TIRES
Contractors’ payment bonds, § 165:116

TITLE AND OWNERSHIP
Absolute ownership, § 91:21
Accident and life insurance, § 142:129
Adjustment of Losses (this index)
Agents and brokers, § 49:36, 52:1 et seq.
Assignment (this index)

Automobile Insurance (this index)
Automobile liability insurance, § 245:39
Automobile property insurance, § 157:20
Beneficiaries, change of, § 60:15
Bottomry and respondentia bonds and interests, insurable interest of owner, § 42:38
Burden of proof. Presumptions and burden of proof, below
Change in title, § 91:9, 92:9, 92:10
Commercial liability insurance, § 201:55
Conditions precedent to attachment of risk, § 91:18
Construction and interpretation, § 91:19 to 91:26
Constructive notice, recoding as, § 91:98
Cooperation, § 199:27

Coownership and Joint Tenancy (this index)
Declaratory judgments, § 232:73
Demonstrative evidence, admissibility of title search as, § 253:266

Index-667
TITLE AND OWNERSHIP—Cont’d
Dividends, § 80:59
Equitable ownership
Generally, § 91:24, 91:25, 92:11
Sales, § 68:5 to 68:7, 91:54, 92:11
Estate taxes, incidents of ownership,
§ 63:36 et seq.
Estoppel and waiver, § 91:94, 91:95,
91:99, 91:100
Evidence
Generally, § 91:2
Burden of proof, § 91:10, 91:95
Exemption from claims of creditors,
rights incident to ownership of
policy, § 66:47
Fraud, § 91:4, 91:5, 91:11 to 91:15
Gift of policy, intention to part with
title, § 38:10
Insurable interest, generally, § 42:44
to 42:71
Insurance ownership presumption,
§ 254:204
Intent, § 91:3
As interest may appear, § 91:26
Intervention, § 243:14
Knowledge of breach, § 91:96 to
91:98
Marine insurance, § 183:92, 183:146,
183:186, 183:193, 183:194
Ownership presumption, § 254:204
Policy, burden of proving ownership
of, § 254:126
Premiums and Assessments (this
index)
Presumptions and burden of proof
Generally, § 91:10, 91:95, 254:109
Policy, ownership of, § 254:126
Property insurance, § 41:13, 151:101,
245:50, 245:51
Questions of law or fact, § 91:10,
91:95
Recoupment, § 226:77, 226:93
Representations, warranties, and
conditions, § 91:1 et seq.
Riders or endorsements, § 91:99
Sales (this index)
Ships and vessels, insurable interest
of vessel owners, § 42:17

TITLE AND OWNERSHIP—Cont’d
Sole ownership
Coownership and joint tenancy,
§ 68:21, 91:68
Representations, warranties, condi-
tions, and concealment,
§ 91:22 to 91:25
Subrogation, § 224:169, 225:91 to
225:93, 225:247
Time, § 91:8, 91:9
Title Insurance (this index)
Use and Occupancy (this index)
Vendor, action by owner or,
§ 242:147
Void or voidable contracts, generally,
§ 91:11
Witnesses, § 252:59 to 252:62
TITLE INSURANCE
Generally, § 1:63, 159:1 et seq.,
185:72 et seq.
Abstract of title, distinction, § 159:3
Access to parcel, § 159:59
Acquisition of interest, defects in
Generally, § 159:53 et seq.
Authority, purchaser’s lack of
authority, § 159:58
Disability of grantor or mortgagor,
§ 159:57
Forgery, § 159:53
Fraud, § 159:54
Incompetency of grantor or
mortgagor, § 159:57
Inheritance, § 159:55
Negligence, § 159:54
Purchaser’s lack of authority,
§ 159:58
Recording, § 159:56
Will, § 159:55
Actual knowledge, § 159:81
Actual loss, § 185:75
Adequacy of description of excepted
interest, § 159:22
Assessments, § 159:36 to 159:38
Assumed liens, § 159:78
Authority, purchaser’s lack of,
§ 159:58
Boundary lines and acreage, exclu-
sions, § 159:42

Index-668
TITLE INSURANCE—Cont’d

Burden of proof, § 185:74
Chain of title, claims not within, § 159:68
Clearing defects, options as to, § 159:9
Complete failure of title, § 185:87 to 185:89
Conduct of insured property owner, generally, § 159:83 et seq.
Consequential damages, § 185:92, 185:93
Construction and interpretation, § 159:4
Construction loans, § 159:76
Constructive knowledge, § 159:81
Cooperation, § 199:36, 199:40
Costs of action, § 233:28
Date for determining value, § 185:77 to 185:79
Deed of trust, holder of, § 159:18
Deed of trust, terms of, § 159:64
Defects
Access to parcel, § 159:59
Deed of trust, terms of, § 159:64
Eviction, § 159:60
Expenses caused by, § 185:86, 185:91
Fee interest, acquiring less than, § 159:61
Financial condition of grantor, § 159:62
Indebtedness hindering marketability, § 159:63
Marketability, indebtedness hindering, § 159:63
Options as to, § 159:9
Recording, § 159:69
Threshold requirements, § 201:83
Defense
Generally, § 200:10, 200:18, 202:56
Trigger of duty, § 200:28
Definitions, § 159:66 to 159:69, 159:70
Description, § 159:19, 159:22
Disability of grantor or mortgagor, § 159:57

TITLE INSURANCE—Cont’d

Discoverability
Generally, § 159:65 et seq.
Chain of title, claims not within, § 159:68
Defective recording, § 159:69
Definitions, § 159:66 to 159:69, 159:70
Exclusion as to record, § 159:72
Fully adjudicated, claims not, § 159:67
Possession defined, § 159:70
Public record defined, § 159:66 to 159:69
Record, claims of, § 159:71, 159:72
Drainage, physical condition of land, § 159:51
Easements, § 159:32, 159:33
Encroachments, § 159:43, 159:44, 185:84
Environmental hazards on land, presence of, § 159:52
Eviction, § 159:60
Exceptions, § 159:21, 159:22, 159:33
Exclusions
Generally, § 159:72 et seq.
Assumed liens, § 159:78
Construction loans, § 159:76
Encroachments, § 159:44
Foreclosure as improper, § 159:75
Fraudulent conveyance, § 159:75
Liens, assumed liens, § 159:78
Loans, construction loans, § 159:76
Mortgage of property, § 159:74
Subsequent liens, existing at time of contract, § 159:26
Survey defects, § 159:41, 159:42
Tax impact of transaction, § 159:77
Use permits, § 159:50
Fee interest, § 159:61
Final adjudication of adverse claims, § 159:27
Financial condition of grantor, § 159:62
Foreclosure, § 159:75, 159:89, 159:94

Index-669
TITLE INSURANCE—Cont’d
Forgery, § 159:53, 159:88
Fraud, § 159:54, 159:84, 159:88
Fraudulent conveyance, § 159:75
Full payment of policy, option, § 185:72
Fully adjudicated, claims not, § 159:67
Future assessments, § 159:37
Governmental rights and regulations
Generally, § 159:46 et seq.
Exclusion as to use permits, § 159:50
Ownership claims by government, § 159:46
Permits, use restrictions and permits, § 159:48 to 159:50
Regulatory violations, § 159:47
Restrictions, use restrictions and permits, § 159:48 to 159:50
Statutory violations, § 159:47
Use restrictions and permits, § 159:48 to 159:50
Wetlands regulation, § 159:49
Government liens, § 159:35 to 159:38
Guaranty, indemnity versus, § 159:8, 159:9
Incompetency of grantor or mortgagor, § 159:57
Indebtedness, § 159:63, 159:93
Indemnity versus guaranty, § 159:8, 159:9
Inheritance, § 159:55
Intent, transfer of property different than intended, § 159:17
Interest, consequential damages, § 185:93
Joinder of parties, § 243:81
Knowledge of insured, § 159:80 to 159:82
Liens and encumbrances
Generally, § 159:30 et seq., 185:84, 185:85
Assessments, § 159:36 to 159:38
Assumed liens, § 159:78
Easements, § 159:32, 159:33
Exceptions to easements, § 159:33

TITLE INSURANCE—Cont’d
Liens and encumbrances—Cont’d
Exclusion of subsequent liens, § 159:26
Foreclosure, effect on other lien, § 159:94
Future assessments, § 159:37
Government liens, § 159:35 to 159:38
Mechanics’ liens, § 159:31
Mining and mineral rights, § 159:34
Municipal and other government liens, § 159:35 to 159:38
Prior lien, right to recover amount of, § 185:90
Release of mortgage lien, § 159:90
Settlement of lien, § 159:91
Loans, § 159:76
Marketability, indebtedness hindering, § 159:63
Marketable title concept, § 159:7
Measure of loss
Generally, § 185:75 et seq.
Actual loss, § 185:75
Complete failure of title, § 185:87 to 185:89
Date for determining value, § 185:77 to 185:79
Defect, expenses caused by, § 185:86, 185:91
Encroachment, partial loss of title due to, § 185:84
Liens and encumbrances, § 185:84, 185:85, 185:90
Mortgagee’s insurance, date for determining value under, § 185:77
Mortgagee’s loss, determination of, generally, § 185:87 et seq.
No action clause, date for determining value under, § 185:79
Owner’s insurance, date for determining value under, § 185:78

Index-670
TITLE INSURANCE—Cont’d

Measure of loss—Cont’d

Owner’s loss, determination of, generally, § 185:80 et seq.
Partial loss of title, § 185:82 to 185:85
Prior lien, right to recover amount of, § 185:90
Purchase, insured’s purchase of encumbrance, § 185:85
Remove title defect, amount required to, generally, § 185:75
Second mortgagee, § 185:89
Supplemental agreement, effect of, § 185:76
Total loss of title, § 185:81
Type of land, distinctions as to, § 185:83
Value of property, § 185:77 to 185:79, 185:87, 185:88
Mechanics’ liens, § 159:31
Mining and mineral rights, § 159:34
Mortgage
Generally, § 159:74
Interest, insurance of, § 159:6
Loss, determination of, generally, § 185:87 et seq.
Mortgagee’s insurance, date for determining value under, § 185:77
Release of mortgage lien, § 159:90
Municipal and other government liens, § 159:35 to 159:38
Negligence, § 159:11, 159:12, 159:54
No action clause, date for determining value under, § 185:79
Notice and proof of loss, § 188:20, 189:40
Operation of law, successors by, § 159:14
Owner’s insurance, date for determining value under, § 185:78
Owner’s loss, determination of, generally, § 185:80 et seq.
Parcel, description of wrong parcel, § 159:19

TITLE INSURANCE—Cont’d

Partial loss of title, § 185:82 to 185:85
Parties, generally, § 242:147, 242:148
Permits, use restrictions and, § 159:48 to 159:50
Physical condition of land, § 159:51, 159:52
Possession defined, § 159:70
Prejudice, § 193:61, 193:79
Presumptions and burden of proof, § 254:70
Prior lien, right to recover amount of, § 185:90
Property rights insured, threshold requirements, § 201:82
Proximate cause of loss, § 159:24
Public record defined, § 159:66 to 159:69
Records and recording, § 159:56, 159:71, 159:72, 159:82
Regulatory violations, § 159:47
Release of mortgage lien, § 159:90
Remove title defect, amount required to, generally, § 185:75
Restrictions, use restrictions and permits, § 159:48 to 159:50
Sales
Acquisition of interest, defects in, § 159:58
Encumbrance, purchase of, § 185:85
Purchase contract, § 159:23
Searching title, § 159:10 to 159:12
Second mortgagee, § 185:89
Settlement, § 159:91, 185:72
Shortages of total area or acreage, § 159:40
Statutes, § 242:197
Statutory violations, § 159:47, 159:87
Street grade, physical condition of land, § 159:51
Subrogation, § 223:88, 224:36, 224:185
Subsequent coverage of successors, § 159:15

Index-671
TITLE INSURANCE—Cont’d
Subsequent liens, exclusion of, § 159:26
Successors, § 159:14, 159:15
Supplemental agreement, effect of, § 185:76
Survey defects
Generally, § 159:39 et seq.
Boundary lines and acreage, exclusions, § 159:42
Encroachments, § 159:43, 159:44
Exclusions, § 159:44
Exclusions, encroachments, § 159:44
Shortages of total area or acreage, § 159:40
Watercourse, change of, § 159:45
Taxation, § 159:77, 159:85
Termination of coverage, § 159:28
Third parties, conduct of, § 159:92 to 159:94
Third persons, § 159:12, 159:86
Threshold coverage, generally, § 159:20 et seq.
Threshold requirements, § 201:82 to 201:84
Time of loss or defect
Generally, § 159:25 et seq.
Exclusion as to subsequent liens, existing at time of contract, § 159:26
Existing at time of contract, § 159:25, 159:26
Final adjudication of adverse claims, § 159:27
Liens, exclusion of subsequent liens, § 159:26
Subsequent liens, exclusion of, § 159:26
Termination of coverage, § 159:28
Total loss of title, § 185:81
Transfer of property different than intended, § 159:17
Trigger concept, § 191:66
Type of land, distinctions as to, § 185:83
Underlying indebtedness, payment of, § 159:93

TITLE INSURANCE—Cont’d
Use restrictions and permits, § 159:48 to 159:50
Validity of adverse claim, § 185:73
Value of property, § 185:77 to 185:79, 185:87, 185:88
Venue, § 230:44
Watercourse, change of, § 159:45
Wetlands regulation, § 159:49
Will, § 159:55

TOBACCO USE
Contractors’ payment bonds, § 165:95
Good health of insured, § 88:23

TOLLING OF LIMITATION PERIOD
See Limitation of Actions (this index)

TO LOCATION
Property insurance, § 151:78, 151:79

TONSILLECTOMY
Medical insurance, § 181:29

TONSILS
Good health of insured, § 88:42

TONTINE INSURANCE
Generally, § 1:45
Beneficiaries, § 59:30
Limitation of liability, § 179:7

TOOLS
See also Contractors’ Payment Bonds (this index)
Description of subject matter, § 20:68
Property insurance, § 151:96

TORNADO
Automobile property insurance, § 156:72
Property insurance, § 153:7

TORTFEASORS
Declaratory judgments, § 243:93
Joinder of parties, § 243:35
Limitation of actions, § 237:74
Subrogation (this index)
INDEX

TORT INSURANCE RECOVERY
Medical insurance, § 180:24

TORTS
Agents and Brokers (this index)
Assignment of subrogation rights, § 243:125
Automobile liability insurance, § 170:26
Commercial liability insurance, § 201:66
Common law, § 204:14 to 204:19, 204:23, 204:24
Conflict of interest, § 202:27 to 202:30
Demand for joinder, § 243:127
Discretion of court, § 243:128
General liability insurance, § 172:6, 172:70
Good-faith, § 198:10
Ignorance of substance of policy provisions, § 192:66, 192:67
Injured claimant, action by, generally, § 243:120 et seq.
Insolvency, guarantees associations, § 6:31
Intervention, § 243:130
Joinder of parties
Generally, § 243:117 et seq., 243:147
Assignment of subrogation rights, § 243:125
Demand for joinder, § 243:127
Discretion of court, § 243:128
Injured claimant, action by, generally, § 243:120 et seq.
Intervention, § 243:130
Loan receipt transaction, § 243:126
Option of insurer, § 243:129
Questions of fact, § 243:119
Reimbursement, § 243:147
Subrogation, generally, § 243:131 et seq.
Subsequent full subrogation, § 243:121
Unwilling insurer, joinder of, § 243:123
Justiciability, § 227:37

TORTS—Cont’d
Limitation of actions
Commencement of period, § 236:15, 236:77
Contractual limitation periods, § 235:13
Enforcement of payment pursuant to terms of contract, § 234:24, 234:25
Loan receipt transaction, § 243:126
No-fault insurance, § 171:71
Option of insurer, § 243:129
Prior judgment, § 239:89
Questions of fact, § 243:119
Release, § 216:29, 216:30, 216:32
Reverse bad faith, § 208:4
Subrogation (this index)
Subsequent full subrogation, § 243:121
Third-party claims, § 205:45, 205:63
Uninsured and underinsured motorist coverage, § 214:13, 214:14, 214:20
Unwilling insurer, joinder of, § 243:123
Venue, § 230:30
Willingness, § 243:123
Workers’ compensation, § 173:66

TOTAL AND PERMANENT DISABILITY
Life, health, and disability insurance, § 189:83, 189:84

TOTAL DISABILITY
Generally, § 147:2, 147:3, 147:5
Life, health, and disability insurance, § 189:85, 189:86
Limitation of actions, § 236:35

TOTAL LOSS
Actual cash value, § 175:42
Arbitration, § 212:10, 212:11
Delayed payment or nonpayment, § 207:68

Marine Insurance (this index)

Measure of Damages (this index)
Notice, excuses, § 192:124
Repair or replace, option to, § 176:4, 176:5

Index-673
TOTAL LOSS—Cont’d
Title insurance, § 185:81
Valued policies or statutes, § 175:94 to 175:96

TOTAL PAYMENT RECOVERABLE
Recoupment, § 226:118

TOTAL POLICY INSURING INTENT TEST
Other insurance clauses, § 219:49, 219:52

TOURIST’S PROPERTY INSURANCE
See Property Insurance (this index)

TOWING AND TRAILERS
Application to particular persons, § 121:55
Automobile property insurance, § 156:88
Business use, § 121:48
Causal connection between accident and trailer, need for, § 121:54
Compulsory insurance laws, effect of, § 121:52
Contribution, truck versus trailer coverage, § 218:9
Exceptions, generally, § 121:48 to 121:64
Factors affecting application of exclusion
Generally, § 121:62 to 121:64
Disabled vehicles, towing of, § 121:64
Final stop, § 121:63
Interruption of towing, § 121:62
Financial responsibility insurance laws, effect of, § 121:52
General rules of construction, § 121:53
Hired trailers, § 121:50
Like insurance, provision as to trailer not covered by, § 121:49
Marine insurance, § 137:103
Mitigation of damages, § 178:12
Nature and scope of exclusion, § 121:48 to 121:50
Owned and rented trailers, § 121:50

TOWING VEHICLE
Automobile insurance, § 111:36

TOXINS
Accident and life insurance, § 143:80

TRACKAGE AND TRESTLES
Contractors’ payment bonds, § 165:125

TRACTOR TRAILERS
Non-owned vehicle, § 118:14

TRADE CUSTOM AND USAGE
See Custom and Usage (this index)

TRADE FIXTURES
Description of subject matter, § 20:45, 20:52

TRADE-IN VALUE
Automobiles and other motor vehicles, § 177:12

TRADE NAMES
Generally, § 40:4

TRADE PRACTICES
See Unfair or Deceptive Trade Practices Acts (this index)

TRAFFIC
See Automobiles (this index)

TRAILERS
See Towing and Trailers (this index)
INDEX

TRAINING
Accident and life insurance, § 142:118, 143:50
Disability Insurance (this index)
No-fault insurance, § 171:51

TRANSCRIPT FOR EXAMINATION
Examination under oath, § 196:13

TRANSFER OF ACTION
See also Venue (this index)
Limitation of actions, § 237:25, 237:26

TRANSFER OF INSURANCE
Beneficiaries, § 58:17
Equitable remedies, § 232:190
Group insurance, § 8:35 to 8:38
Income taxes, transfer of life insurance policy for valuable consideration, § 63:18
Subrogation, § 224:55

TRANSFER OF INTEREST
Marine insurance, § 183:95
Mortgages, § 242:61
Subrogation, § 225:332
Venue, § 230:88

TRANSFER OF PROPERTY
See Sales (this index)

TRANSFER OF RIGHT
Bank deposit guaranty, § 166:14
Real party in interest, § 241:8
Subrogation, § 225:151

TRANSFER OF RISK
Generally, § 1:9

TRANSLATION
Marine insurance, § 221:49

TRANSPORTATION
Accident and Life Insurance (this index)
Automobile property insurance, § 157:59
Automobiles (this index)
Carriers (this index)
Contractors’ Payment Bonds (this index)

TRANSPORTATION—Cont’d
Insurable interest, § 42:13 to 42:19
No-fault insurance, § 171:64
Watchmen or guards, § 96:19
Workers’ compensation, § 173:52

TRANSPORTATION INSURANCE
Automobile Property Insurance (this index)
Location, device, or activity, risks associated with, § 1:60
Property Insurance (this index)

TRANSSHIPMENT
See Marine Insurance (this index)

TRAUMATIC INJURIES
Good health of insured, § 88:61
Medical insurance, § 144:65, 144:73, 144:74

TRAVEL
See also Accident and Life Insurance (this index)
Automobile liability insurance, § 170:15
Property insurance, § 154:79 to 154:81
Representations, warranties, conditions, and concealment, identity of insured, § 86:49
Subrogation, § 225:193
Workers’ compensation, § 174:35

TREASURER
Public official and appointed fiduciary bonds, § 166:60

TREATIES
Generally, § 19:11

TREBLE DAMAGES
Subrogation, § 225:125

TREE
Automobile property insurance, § 156:69

TRESPASS
Generally, § 127:32

TRIAL
Generally, § 246:1 et seq.
Bench trial, § 246:31
TRIAL—Cont’d
Bifurcation of issues, § 246:5 to 246:7
Conduct warranting liability, § 204:130
Consolidation of actions, § 232:23
Cooperation, § 199:54, 199:65, 199:72, 199:91
Cure, § 244:108
Defense, § 202:10
Delay discovery on later-tried claim, bifurcation of issues, § 246:7
Delayed payment or nonpayment, § 207:31, 207:32
Hearsay exclusion and exceptions, § 249:45
Judicial Notice (this index)
Jury Trials (this index)
Limitations, § 246:3, 246:4
New Trial (this index)
Propriety of particular limits, § 246:4
Third-party claims, § 206:36
Time limits, § 246:3, 246:4

TRIAL DE NOVO
Uninsured and underinsured motorist coverage, § 214:16

TRIBAL COURTS
Jurisdiction of federal proceedings, § 229:71

TRIBUTE
Marine insurance, § 221:70

TRICKERY
Property insurance, § 151:24

TRIGGER OF EVENTS
Additional notices, need for, § 191:6
Burial insurance, § 191:59, 191:60
Death and injury separated in time, § 191:7
Defense, § 200:26 to 200:28, 200:41 to 200:44
Demand, insurer demand as proof of obligation, § 191:75
Discovery of loss as proof of obligation, § 191:74
Evidence, generally, § 191:73 et seq.
Excess insurance, § 191:67 to 191:69

TRIGGER OF EVENTS—Cont’d
Fidelity Bonds and Insurance (this index)
Good-faith, § 198:29, 198:43 to 198:47
Incontestability clause, § 240:75
Insurer demand as proof of obligation, § 191:75
Investigate, duty to, § 191:4
Labor and material bonds, § 191:8
Liability Insurance (this index)
Life, health, and disability insurance, § 191:61 to 191:63
Limitation of Actions (this index)
Loss or discovery of loss as proof of obligation, § 191:74
Marine insurance, § 191:64
Mutual benefit insurance, § 191:70 to 191:71
Notice and Proof of Loss (this index)
Obligation disputes, § 191:3
Other insurance clauses, § 219:30
Performance bonds, § 191:33, 191:34
Proof of obligation, generally, § 191:73 et seq.
Proper forms, insurer demand as proof of obligation, § 191:75
Property Insurance (this index)
Reinsurance, § 191:72
Statutes and regulations, § 204:114
Title insurance, § 191:66

TRIVIAL CONDITIONS
Good health of insured, § 88:3

TRUCK
Contribution, § 218:9

TRUE EXCESS INSURANCE
Defense, § 200:39

TRUST
Cooperation, § 199:9

TRUST AGREEMENT
Subrogation, § 225:7, 225:19 to 225:21

TRUST DEEDS
See Mortgages and Deeds of Trust (this index)
TRUSTS AND TRUSTEES
Generally, § 40:25, 67:15 et seq.
Agency, § 44:13
Agents and Brokers (this index)
Assignment (this index)
Bailments, § 242:84
Bankruptcy, trustee in. See Insolvency (this index)
Beneficiaries
Generally, § 58:8 to 58:10, 67:17, 67:18
Revocation or creation of trust, § 67:21 to 67:23
Contractors’ payment bonds, § 165:20
Corpus of trust, § 67:33, 67:34
Creditors, § 67:34
Description of goods held in trust, § 20:39 to 20:43
Disability insurance, § 242:117
Eligibility of beneficiary, § 67:18
Equitable remedies, § 232:184
Estate taxes, § 63:42
Fidelity Bonds and Insurance (this index)
Gift of policy, § 38:24
Implied promise, creation by, § 67:22
Insolvency (this index)
Insurable interest, § 42:27, 42:72
Joinder of parties, § 243:146
Jurisdiction of federal proceedings, § 229:26
Loan transactions, § 242:126
Mortgages, § 242:67
Notice and proof of loss, § 187:104
Parol trusts, § 67:25
Promise to create trust, § 67:21, 67:22
Property insurance, § 154:33, 154:34, 154:69, 154:74, 242:52
Representations, warranties, and conditions, § 91:71
Reservation of rights and powers by settlor, § 67:29, 67:30
Revocation of trust, § 67:20 et seq.
Settlor’s reservation of rights and powers, § 67:29, 67:30
Subrogation, § 225:317

TRUSTS AND TRUSTEES—Cont’d
Testamentary trusts, § 67:27 to 67:32
Time, § 67:16, 67:19

TRUTH
See also Representations, Warranties, Conditions, and Concealment (this index)
Hearsay exclusion and exceptions, § 249:20
Presumption of veracity, § 254:165

TRUTH-IN-LENDING ACT
Mortgages and deeds of trust, § 65:81

TUBERCULOSIS
Disability provisions, § 147:91
Good health of insured, § 88:77

TUMORS
Accident and life insurance, § 141:53
Disability provisions, § 147:94, 147:95
Good health of insured, § 88:87 to 88:91

TWISTING
Agents and brokers, § 55:21

TWO-WHEELED VEHICLES
Accident and life insurance, § 142:78
Medical payments, § 158:28

TYING AGREEMENTS
Sherman act, § 4:11

TYPEWRITTEN CLAUSES
Construction and interpretation, § 22:4

ULCERS
Accident and life insurance, § 141:69
Disability provisions, § 147:102
Good health of insured, § 88:47

ULTIMATE RECOVERY
Jurisdiction of federal proceedings, § 229:42

ULTRA VIRES CONTRACTS
See also Fidelity Bonds and Insurance (this index)
Actions against insurers, § 242:198

Index-677
ULTRA VIRES CONTRACTS
—Cont’d
Contractors’ payment bonds, § 165:170
Defenses, § 239:158, 239:159
Premiums, return of, § 79:26

UMBRELLA POLICIES
Coinsurance, § 220:32
Notice
Agents, brokers, and insurers, actions against, above
Claims. Notice of claims, below
Prior judgment, § 239:81

UMPIRE
Arbitration awards, § 213:13, 213:43
Arbitrators, appraisers, and proceedings before them, § 211:2,
211:3, 211:6, 211:23, 211:80

UNANIUMOUS DECISIONS
Arbitration awards, § 213:11

UNATTENDED AUTOMOBILES
Use and occupancy, § 95:42

UNCERTAINTY
See Certainty and Definiteness (this index)

UNCLEAN HANDS
Subrogation, § 224:183

UNCLES
Life insurance, insurable interest, § 43:9

UNCONDITIONAL DEFENSE
Preservation of right to dispute claim, § 202:53
Reservation of rights, § 202:55 to 202:58

UNCONDITIONAL MATTERS
See Representations, Warranties, Conditions, and Concealment
(this index)

UNDERINSURED MOTORIST COVERAGE
See Uninsured and Underinsured Motorist Coverage (this index)

UNDERSTANDING OF PARTIES
Intent of insured by insurer, § 22:13
Presumptions as to understanding of parties, § 21:6
Reformation, § 27:73 to 27:79

UNDEBTEDERS
Assignment of debts to undertakers, § 37:56

UNDEBTAKINGS
See Bonds and Undertakings (this index)

UNDERWIRTERS
Costs of action, § 233:37
Limitation of actions, § 237:19

UNDERWIRTERS’ ASSOCIATIONS
Antitrust legislation, § 4:14

UNDUE ADVANTAGE
Release, § 216:58

UNDUE INFLUENCE
Assignment, § 36:101
Beneficiaries, change of, § 60:72 to 60:74
Presumptions re, § 254:197

UNDUE MEANS
Arbitration awards, § 213:65

UNEARNED PREMIUMS
Joinder of parties, § 243:110, 243:111

UNEMPLOYMENT AND UNEMPLOYMENT INSURANCE
Generally, § 1:65
Contractors’ payment bonds, § 165:81
No-fault insurance, § 171:55
Occupation of insured, § 86:31
Workers’ compensation, § 173:45, 173:61

UNEMPLOYMENT TAX
WITHHOLDINGS
Contractors’ payment bonds, § 165:82
UNEXPRESSED INTENT OF PARTIES
Construction and interpretation, § 22:12

UNFAIR CLAIMS SETTLEMENT PRACTICES ACT
National association of insurance commissioners (naic), § 204:50

UNFAIR COMPETITION
Commercial liability insurance, § 201:56
Equitable remedies, § 232:159

UNFAIR INSURANCE PRACTICES ACTS
Consumer protection, § 4:20

UNFAIR OR DECEPTIVE TRADE PRACTICES ACTS
Beneficiary, incidental, § 242:168
Consumer, § 242:164
Cooperation, § 199:29
Incidental beneficiary, § 242:168
Limitation of actions, § 235:104, 236:95
Mortgage insurance policy, § 242:167
No-fault policy, § 242:166
Parties, generally, § 242:162 et seq.
Third-party claimants, § 242:165 to 242:167

UNIFORM ARBITRATION ACT
Generally, § 209:14
Objections, § 213:32

UNIFORM COMMERCIAL CODE
Sales, § 92:50
Settlement and compromise of claim, § 215:32

UNIFORM CONTRIBUTION AMONG JOINT TORMTORSORS ACT
Generally, § 218:38

UNIFORMITY
Premiums, § 69:33 to 69:54

UNIFORM PARTNERSHIP ACT
Termination of business, § 92:74

UNIFORM RULES OF EVIDENCE
Generally, § 249:3

UNIFORM SIMULTANEOUS DEATH ACT
Beneficiaries, § 61:43 et seq.

UNIFORM STANDARDS OF CONSTRUCTION
Threshold principles, § 21:4

UNIFORM UNAUTHORIZED INSURERS ACT
Foreign insurers, § 3:29
Service of process, § 231:64

UNILATERAL ACTS OR MATTERS
See also Cancellation and Rescission (this index)
Modification of contract, unilateral attempts to modify, § 25:23, 25:24
Reformation, unilateral mistakes, § 27:5 to 27:12

UNILATERAL MISTAKE
Release, § 216:61

UNILATERAL SETTLEMENT
Contribution, § 218:29

UNINCORPORATED ASSOCIATIONS
Jurisdiction of federal proceedings, § 229:23
Parties, generally, § 241:9
Venue, § 230:107

UNINSURED AND UNDERINSURED MOTORIST COVERAGE
Generally, § 171:1 et seq.
Aggregate damages, § 171:21
Ambiguities, § 122:8
Amount available under policy, § 214:31
Applicability of liability insurance terms, provisions, and precedents, § 122:9
Application of statute
Generally, § 122:14 to 122:26
Amendments, § 122:15 to 122:17
UNINSURED AND UNDERINSURED MOTORIST COVERAGE—Cont’d
Application of statute—Cont’d
Conflict of laws, § 122:25, 122:26
Effective date, effect of policy endorsement after, § 122:18
Effective date, effect of policy renewal after, § 122:19
Extraterritorial effect, § 122:25, 122:26
Governmental entities, § 122:24
Limitations periods, § 122:16
Other states or nations, application to accidents in, § 122:26
Persons who must provide or obtain coverage, § 122:22 to 122:24
Retroactivity, § 122:14 et seq.
Self-insurers, § 122:23, 122:24
Types of insurance and policies subject to statute, § 122:20, 122:21
Umbrella or excess insurance, § 122:21
Voluntary incorporation of subsequent statute into policy, § 122:17
Arbitration, § 123:2
Generally, § 214:1 et seq.
Amount available under policy, § 214:31
Amount due under policy, § 214:31
Arbitration agreement, § 214:11
Caused by accident requirement, § 214:24
Challenges based upon violation of constitution, statute, or public policy, § 214:19
Collateral estoppel, § 214:3
Consent to settlement clause, compliance with, § 214:27
Construction and interpretation, § 214:9
Contributory negligence, § 214:23
Damage issues, § 214:31 to 214:33
Deductions, § 214:32

UNINSURED AND UNDERINSURED MOTORIST COVERAGE—Cont’d
Arbitration, § 123:2—Cont’d
Escape clause, § 214:17
Fraud in procurement, § 214:30
Hit-and-run vehicle, physical contact with, § 214:21
Inherent limitations, § 214:6
Innocent victim, status of claimant as, § 214:25
Limitation of actions, § 214:29
Negligence, § 214:23
Notification clause, compliance with, § 214:26
Other insurance clause, application of, § 214:28
Physical contact with hit-and-run vehicle, § 214:21
Res judicata, § 214:4
Review, § 214:16, 214:17
Setoffs, § 214:32
Stacking, § 214:33
Status of injured party or vehicle as insured under, § 214:22
Strict liability, § 214:23
Timeliness of demand, § 214:10
Tort claim, necessity and effect of pursuing, § 214:14
Tortfeasor suit, relationship to, § 214:13
Tortfeasor, uninsured or underinsured status of, § 214:20
Trial de novo, right to, § 214:16
Underinsured motorist claims, generally, § 214:15
Vacation of award, § 214:16, 214:17
Validity, § 214:7
Waiver of arbitrability question, § 214:12
Arbitration agreement, § 214:11
Attorneys’ fees, § 171:12
Automobile liability insurance, § 170:24
Available automobile insurance proceeds, § 171:28, 171:29
Bad faith, § 242:158 to 242:160
Bicycles, § 123:24
UNINSURED AND UNDERINSURED MOTORIST COVERAGE—Cont’d
Deductions and setoffs—Cont’d
Received from tortfeasor, § 171:30, 171:31
Recovery of amount of loss, § 171:23, 171:24
Reimbursement, § 171:41
Responsibility for payment, § 171:41
Social security benefits, § 171:42
Statute, collateral source rule statute, § 171:25
Subrogation, § 171:41
Third parties, amounts received from, § 171:33
Total damages, deduction from, § 171:39
Void, setoff as, § 171:40, 171:41
Waiver and estoppel, § 171:27
Workers’ compensation
Generally, § 171:36 to 171:41
Duplicate coverage, § 171:38
Future payments, deduction of, § 171:37
Lien, effect of, § 171:37
Present and future payments, deduction of, § 171:37
Reimbursement, § 171:41
Responsibility for payment, § 171:41
Subrogation, § 171:41
Total damages, deduction from, § 171:39
Void, setoff as, § 171:40, 171:41

Delayed payment or nonpayment
Generally, § 207:61
Claimant not within coverage, § 207:63
Contributory negligence of claimant, § 207:66
Denial of liability, § 207:62
Extent of injury in dispute, § 207:65
Vehicle not within coverage, § 207:64
Denial of liability, § 207:62
Disability benefits, § 171:43, 171:45

UNINSURED AND UNDERINSURED MOTORIST COVERAGE—Cont’d
Documentary evidence, use of selection forms as, § 253:181
Duplicate coverage, § 171:22, 171:38
Emotional distress, § 171:7
Escape clause, § 214:17
Estoppel and waiver, § 171:27, 214:12
Excess coverage, effect of, § 171:26
Exclusions and limitations
see also limits of liability, below
Enforceability of, generally, § 122:33 to 122:37
Limitations on right to sue, § 122:37
Particular persons, exclusions of, § 122:34
Particular vehicles or risks, exclusion of, § 122:35
Setoffs of coverage, § 122:36
Express policy exclusions, § 110:33
Fraud in procurement, § 214:30
Future payments, deduction of, § 171:37
Hit and run or phantom vehicles, coverage for
Generally, § 123:51 to 123:54
Contact, requirement of
Generally, § 123:51 to 123:54
Avoid contact, actions to, § 123:53
Chain reaction accidents or other indirect contact, § 123:52
Falling objects from unknown vehicle, § 123:52
Proof, § 123:54
Questions of law and fact, § 123:54
Identity of driver or owner unknown, § 123:49
Nature of coverage, § 123:51
Notice requirements, § 123:50
Hit-and-run vehicle, physical contact with, § 214:21
Household coverage and exclusions, generally, § 123:9, 123:10

Index-682
UNINSURED AND UNDERINSURED MOTORIST COVERAGE—Cont’d

Ignorance of existence or character of loss, occurrence or accident, § 192:22
Ignorance of substance of policy provisions, § 192:46, 192:55, 192:66, 192:67
Inadequate proceeds of policy, § 171:18, 171:20
Income, loss of, § 171:2
Innocent victim, status of claimant as, § 214:25
Insured, generally, § 242:7
Insured’s survivor, generally, § 242:8
Interest on money, § 171:10, 171:11, 171:20
Joinder of parties, § 243:34 to 243:36
Joint tortfeasors, § 225:33
Jurisdiction of federal proceedings, § 229:37
Justiciability, § 227:35
Lien, effect of, § 171:37
Limitation of actions
Generally, § 214:29
Commencement of period
Defendant’s activities, § 236:79, 236:82
Defendant’s activities as trigger, § 236:113, 236:114, 236:115 to 236:118
Discovery of loss, § 236:49
Trigger, generally, § 236:18 to 236:20
Contractual limitation periods, § 235:34, 235:60, 235:61
Enforcement of payment pursuant to terms of contract, § 234:28, 234:29
Insurer, actions by, § 234:68
Tolling of limitation period, § 237:94, 237:95, 237:97

LIMITATION OF ACTIONS (this index)

Limits of liability
Generally, § 171:13 et seq.
Consortium, loss of, § 171:15

LIMITATION OF ACTIONS—Cont’d

Inadequate proceeds of policy, § 171:18
Interest, § 171:20
Multiple uninsured motorists, § 171:17
Per occurrence and per person limits, § 171:14 to 171:17
Proration, § 171:18
Settlement exhausting or depleting proceeds, § 171:19
Wrongful death claims, § 171:16
Medical expenses, § 171:44
Medical insurance, § 180:28
Mental or physical incapacity, § 192:71
Motorcycles, § 123:23
Multiple claimants, § 171:34
Multiple policies, § 171:34
Multiple uninsured motorists, § 171:17
No-fault insurance, § 171:29
Notice and proof of loss
Generally, § 189:60
Arbitration, § 214:26
Conditions precedent or contract stipulations, § 190:23
Failure of one party to give notice as affecting rights of other parties, § 187:67
90 days, § 190:55
Oral versus written notice, § 188:8, 188:9
Prompt, § 190:52
Proof of loss, § 189:60
As reasonably possible, § 190:51
60 days, § 190:54
As soon as possible, § 190:51
As soon as practicable, § 190:50
Sufficiency of information, § 189:18
30 days, § 190:53
Timeliness
Generally, § 190:50 et seq.
UNINSURED AND UNDERINSURED MOTORIST COVERAGE—Cont’d

Notice and proof of loss—Cont’d
Timeliness—Cont’d
90 days, § 190:55
Prompt, § 190:52
As reasonably possible, § 190:51
60 days, § 190:54
As soon as possible, § 190:51
As soon as practicable, § 190:50
30 days, § 190:53
To whom, § 187:83, 187:84

Offer and acceptance of um coverage
Generally, § 122:38 to 122:47
Burden of proof, § 122:40
Elements of offer of coverage, generally, § 122:41
Failure to offer coverage, effect of, § 122:46
Offer, generally, § 122:41 to 122:46
Optional coverage, § 122:42
Questions of law and fact, § 122:40
Renewal of policy, § 122:44, 122:56
Sufficiency of offer, § 122:45
Writing requirement, § 122:43
Other insurance clause, § 214:28, 219:35
Parties, generally, § 241:60, 242:7 to 242:9
Passengers, § 123:8
Personal representative, § 242:9

Persons entitles-coverage
Generally, § 123:3 to 123:21
Legally entitled-recover requirement, § 123:15 to 123:21

Persons entitles to coverage
Action against tortfeasor, need for, § 123:16
Action not recognized by state, § 123:20
Conflict of laws, § 123:20
Contributory negligence, effect of, § 123:6

UNINSURED AND UNDERINSURED MOTORIST COVERAGE—Cont’d

Persons entitles to coverage—Cont’d
Employees and family members, § 123:11
Fault issues, § 123:17
Household coverage and exclusions, generally, § 123:9, 123:10
Immunity of tortfeasor from suit, § 123:19
Insured status requirement, § 123:5
Judgments, § 123:16
Passengers, § 123:8
Pedestrians, § 123:13
Permissive use, generally, § 123:7
Police and other government employees, § 123:12
Release of tortfeasor, § 123:21
Statute of limitations defense of uninsured motorist, § 123:18
United states and other governmental entities, § 123:14
Use of described vehicle, permissive users covered only during, § 123:5
Who are relatives and members of household, § 123:10
Physical contact with hit-and-run vehicle, § 214:21
Police and other government employees, § 123:12
Present and future payments, deduction of, § 171:37
Presumptions and burden of proof, offer, acceptance, and rejection of um coverage, § 122:40
Prior judgment, § 239:82
Privately purchased disability benefits, § 171:43
Procurement, § 214:30
Property damage, § 171:3, 171:4
Proration, § 171:18
Public policy, § 214:19
UNINSURED AND UNDERS INSURED MOTORIST COVERAGE—Cont’d
Punitive damages, § 171:8, 171:9, 171:35
Purpose and intent, role of, § 122:8
Purposes of uninsured motorist laws, § 122:10, 122:11
Questions of law and fact, coverage for hit and run or phantom vehicles, § 123:54
Received from tortfeasor, § 171:30, 171:31
Recovery of amount of loss, § 171:23, 171:24
Reimbursement, § 171:41, 226:14, 226:30
Rejection of coverage
Generally, § 122:47 to 122:61
Acceptance of less than mandatory coverage, § 122:53
Agent or officer of named insured, § 122:52
Construction of rejection provisions, § 122:39
Effect of rejection or absence thereof, § 122:48, 122:49
Elements affecting sufficiency of rejection, § 122:54 to 122:58
Form of waiver or rejection, § 122:57
Lack of premium payment, effect of, § 122:58
Named insured’s rejecting for other insureds, § 122:50
Partial rejection, § 122:53
Particular acts as rejection, generally, § 122:59 to 122:61
Premium payment, effect of, § 122:58
Renewal of policy, § 122:56
Rental car company, § 122:51
Time when rejection may be made, § 122:55, 122:56
Voluntariness, § 122:54
When rejection required, § 122:47
Who may raise lack of rejection, § 122:49
UNINSURED AND UNDERS INSURED MOTORIST COVERAGE—Cont’d
Rejection of coverage—Cont’d
Who may reject coverage, § 122:50 to 122:52
Relationship between insurer and insured
Generally, § 124:1 et seq.
Consent-settlement
Generally, § 124:6 to 124:12
Consent to settlement
Application of clause to settlements with insured co-tortfeasor or insurer thereof, § 124:11
Failure to comply, effect of, § 124:8
Prejudice, § 124:10
Refusal to consent, grounds for, § 124:6
Validity, § 124:6
Waiver, § 124:12
What constitutes settlement subject to consent requirement, § 124:7
Consultation and consent-suit
Generally, § 124:2 to 124:5
Consultation and consent to suit
Construction of clause, generally, § 124:1
Failure to obtain consent, effect of, § 124:4
Prejudice, § 124:4
Refusal or withdrawal of consent, § 124:2
Validity, § 124:2
Waiver, § 124:5
Contractual cooperation and consent clauses, § 124:2
Introduction, § 124:1
Relationship between statute and policy
Generally, § 122:27 to 122:32
Approval of policy form, effect of, § 122:29
Broader coverage permissible, § 122:32

Index-685
UNINSURED AND UNDERINSURED MOTORIST COVERAGE—Cont’d

Relationship between statute and policy—Cont’d
Conflict between statute and policy, § 122:28 to 122:31
Incorporation of statute into policy, § 122:27
Mandated um coverage, failure to include, § 122:30
Specified amount of coverage, failure to provide, § 122:31
Relation to other statutes, § 122:12, 122:13
Release, § 216:30, 216:44
Renewal of policy, § 122:56

Res judicata
Generally, § 124:19, 124:20
Arbitration, § 214:4
Insurer, suit against, § 124:20
Uninsured tortfeasor, suit against, § 124:19

Responsibility for payment, § 171:41
Review, arbitration, § 214:16, 214:17
Scope of coverage, generally, § 123:1 to 123:54
Selection forms as documentary evidence, § 253:181

Self-insurance, § 10:3, 10:4
Services, loss of, § 171:5
Setoffs, arbitration, § 214:32
Settlement, § 171:19, 214:27
Social security benefits, § 171:42

State indemnification funds
Generally, § 122:62 to 122:73
Introduction, § 122:62
Operation and types of funds, generally, § 122:63
Restrictions on, and conditions precedent to, recovery against fund
Generally, § 122:65 to 122:73
Attempt to identify person responsible for injury, § 122:68
Exhaustion of other coverages, § 122:66, 122:67

UNINSURED AND UNDERINSURED MOTORIST COVERAGE—Cont’d

State indemnification funds—Cont’d
Restrictions on, and conditions precedent to, recovery against fund—Cont’d
Legally entitled to recover, effect of settlement, § 122:70
Notice and reporting requirements, § 122:69
Self-insurers, § 122:67
Scope of coverage, § 122:71 to 122:73
Suit against fund, § 122:64
Validity, § 122:62
Status of injured party or vehicle as insured under, § 214:22
Status of tortfeasor as uninsured or underinsured
Generally, § 123:36 to 123:48
Availability of insurance
Generally, § 123:43, 123:44
Immunity from suit, § 123:46
Insolvency of insurer, § 123:45
Multiple tortfeasors, § 123:43
Unauthorized use, § 123:47
Unlawful acts of tortfeasor, § 123:47
Disclaimer of coverage
Generally, § 123:39 to 123:42
Actions amounting to disclaimer, § 123:40
Breach of policy provisions, § 123:41
Effect of grounds for disclaimer, § 123:42
Exclusions from coverage, § 123:42
Non-coverage, § 123:42
Proof of uninsured status
Generally, § 123:48
Burden of proof, § 123:48
Sufficiency of proof as to particular factual issues, § 123:48
Underinsured, uninsured as including, § 123:38

Index-686
UNINSURED AND UNDERINSURED MOTORIST COVERAGE—Cont’d
Status of tortfeasor as uninsured or underinsured—Cont’d
What constitutes uninsured motorist or uninsured vehicle, overview of, § 123:37
Statutes, § 171:25, 214:19
Storage of vehicle, § 171:4
Strict liability, § 214:23
Subrogation (this index)
Suit against tortfeasor
Generally, § 124:13 to 124:18
Garnishment against insurer, § 124:15
Judgment against tortfeasor not enforceable by way of garnishment against insurer, § 124:15
Participation on suit by insurer
Generally, § 124:17, 124:18
Defense by insurer on behalf of tortfeasor, § 124:18
Intervention on action, § 124:18
Service upon insurer, § 124:17
Precondition to recovery of um insurance, view that suit is, § 124:14
Precondition to recovery of um insurance, view that suit is not, § 124:14
Questions of law and fact, § 124:16
Unknown or unlocatable motorists, § 124:14
Third parties, amounts received from, § 171:33
Time, interest on money, § 171:10, 171:11
Timeliness of demand, § 214:10
Torts, § 214:13, 214:14, 214:20
Total damages, deduction from, § 171:39
Towing of vehicle, § 171:4
Trial de novo, right to, § 214:16
Trigger, § 191:32, 191:76
Uses or causes of loss within coverage
Generally, § 123:30 to 123:35

UNINSURED AND UNDERINSURED MOTORIST COVERAGE—Cont’d
Uses or causes of loss within coverage—Cont’d
Arising out of requirement, § 123:33
Location of accident, § 123:30
One-car accidents, § 123:31
Person seeking um coverage, § 123:32, 123:33
Uninsured motorist, use by, § 123:36 to 123:38
Vacation of award, § 214:16, 214:17
Validity, § 122:6, 214:7
Vehicles covered
Generally, § 123:22 to 123:29
Bicycles, § 123:24
Motorcycles, § 123:23
Non-owned vehicles, § 123:27
Status of vehicle used by claimant, § 123:25 to 123:29
Substitute vehicles, § 123:28
Types of vehicles, § 123:22 to 123:24
Uninsured vehicles, § 123:25, 123:26
Void, setoff as, § 171:40, 171:41
Waiver and estoppel, § 171:27
Waiver of arbitrability question, § 214:12
Witnesses, § 252:92
Wrongful death, § 171:6, 171:16

UNINSURED TORTFEASOR
Estoppel and waiver, § 238:78

UNINTENTIONAL ERRORS OR MISTAKES
Fraud, § 197:14

UNION MORTGAGE CLAUSE
See Mortgages and Deeds of Trust (this index)

UNITED STATES
See Federal Government (this index)

UNJUST ENRICHMENT
Recoupment, § 226:52
UNKNOWN DEFENDANT
Limitation of actions, § 237:95

UNKNOWN LOSS
Release, § 216:36

UNLAWFUL ACTIVITY
See Crimes and Offenses (this index)

UNLESS FIRE ENSUES
Explosions, § 150:18, 150:19
Fire insurance, § 149:11

UNLIKENESS OF CLAIM
See Reasonable Belief in Nonliability (this index)

UNLIQUIDATED CLAIM
Marine insurance, values for purposes of general average, § 221:76

UNOCCUPIED PROPERTY
See Vacancy of Property (this index)

UNOPENED NOTICE
Cancellation and rescission, § 32:26

UNPAID PREMIUMS
Limitation of actions, § 234:72

UNSKILLED TRADES
See Disability Insurance (this index)

UPON VEHICLE
Accident and life insurance, § 142:40
Medical payments, § 158:36 to 158:38
Property insurance, § 154:75

UPSET OR OVERTURNING
Automobile property insurance, § 156:31, 156:62 to 156:66
Property insurance, § 154:17, 154:56, 154:57, 154:93

URINARY TRACT SYSTEM
Disability provisions, § 147:75 to 147:77
Good health of insured, § 88:54 to 88:58

USAGE
See Custom and Usage (this index)

USE AND OCCUPANCY
Accident, change caused by, § 94:10
Adjustment for depreciation, § 185:24
Agents and brokers
Generally, § 49:40, 94:35, 94:52, 94:150
Equipment prohibitions, § 95:14
Agriculture and agricultural buildings, § 94:78
Aircraft, § 94:100
Alarm systems, § 95:36 et seq.
Alcoholic beverages, manufacture or sale of, § 94:25
Ammonia, § 95:30
Arson, § 94:22
Automobile Insurance (this index)
Automobile liability insurance, § 170:15, 245:38
Automobile property insurance, § 156:84
Benzene, § 95:31
Boarders and lodgers, § 94:70, 94:79
Boats and boating, § 94:101
Buildings and structures, generally, § 94:40 et seq., 95:10
Burden of proof, § 94:37, 95:8
Burglar alarms, § 95:45, 95:46
Change or modification
Buildings and structures, notice of change of use, § 94:48
Increase or risk or hazard, § 94:8 to 94:12, 94:19, 94:20, 94:24, 94:26, 94:30
Nature of use, change in, § 167:22
Chemicals and chemical storage, § 94:27, 95:29 to 95:31
Chimneys, § 95:55, 95:56
Circumstantial evidence, § 249:11
Consent to rider or endorsement, § 94:57
Consequential Damages (this index)
Conspiracy, § 94:22
INDEX

USE AND OCCUPANCY—Cont’d
Construction and interpretation
Buildings and structures, § 94:43
Firefighting apparatus, § 95:49 to 95:51
Increase of hazard, § 94:4, 94:14
Vacancy of property, § 94:124 et seq.
Custom and usage, § 95:11
Depreciation, adjustment for depreciation, § 185:24
Diligence, § 95:50
Disability insurance, § 146:66 to 146:70, 147:53
Discovery, § 251:43
Due diligence, § 95:50
Dwelling houses, § 94:65 et seq., 94:124, 94:137 to 94:139
Dynamite, § 95:18
Equipment prohibitions, generally, § 95:1 et seq.
Estoppel and waiver
Buildings and structures, § 94:50 et seq.
Chimneys, § 95:56
Equipment prohibitions, § 95:12 to 95:16
Firefighting apparatus, § 95:53
Increase of risk or hazard, § 94:33 to 94:36
Misuse of confidential information, § 239:126
Motor vehicles, § 94:90, 94:98
Security systems, § 95:37
Vacancy of property, § 94:147 to 94:155
Exclusionary provisions, generally, § 95:1 et seq.
Explosives, § 95:17 to 95:20
Farms and farm buildings, § 94:78
Firefighting apparatus, § 95:47 to 95:53
Fireworks, § 95:19
Foreclosure, § 94:21
Freight compartment alarms, § 95:41
Fuel and fuel storage, § 94:27, 95:21 to 95:28
General liability insurance, § 172:32

USE AND OCCUPANCY—Cont’d
Guards and watchmen, § 94:129, 96:1 et seq.
Heating equipment and devices, § 95:33
Hotels, § 94:79
Identity of occupant, § 94:58 to 94:68
Increase of risk or hazard, § 94:1 et seq., 94:63, 94:105
Insurable interest of occupant or possessor of property of another, § 42:56, 42:57
Kerosene, § 95:27
Landlord and Tenant (this index)
Lighting methods, § 95:35
Limits, maximum limits, § 185:21
Locking and locking devices, § 95:36 et seq.
Lodgers, § 94:70, 94:79
Machinery and equipment prohibitions, generally, § 95:1 et seq.
Manufacturers and manufacturing generally, § 94:73 to 94:77
Alcoholic beverages, § 94:25
Marine insurance, § 183:206
Marine vessels, § 94:101
Maximum limits, § 185:21
Moral hazards, § 94:18
Mortgage foreclosure, § 94:21
Necessity of express coverage, § 167:20
Negligence, § 94:9
Nitroglycerine, § 95:18
Notice or knowledge
Buildings and structures, § 94:45, 94:48, 94:51, 94:52
Equipment prohibitions, § 95:6, 95:7, 95:14
Increase of risk or hazard, § 94:8 to 94:14, 94:34 to 94:35
Industrial sites, insured’s knowledge of different use, § 94:77
Motor vehicles, § 94:89, 94:95

Index-689
USE AND OCCUPANCY—Cont’d
Notice or knowledge—Cont’d
Vacancy of property, § 94:115
Number of motor vehicle users, § 94:83
Occasional use of motor vehicles, § 94:87, 94:96
Permits
Building permits, § 94:56
Vacancy of property, § 94:116, 94:117, 94:153
Personal property
Generally, § 94:82 et seq.
Dwelling houses, personal property in, § 94:72, 94:139
Motor vehicles, § 94:82 et seq., 95:32
Vacancy of property, § 94:134, 94:139
Petroleum products, § 94:27, 95:21 to 95:28
Place of keeping fuels, § 95:26
Power equipment, § 95:34, 95:35
Premiums and Assessments (this index)
Profits, loss of, § 185:23
Property insurance, § 245:78, 245:95
Public property, § 94:78 to 94:81
Questions of law or fact
Generally, § 167:23
Buildings and structures, § 94:49
Equipment prohibitions, § 95:8
Firefighting apparatus, § 95:52
Increase of risk, § 94:39
Motor vehicles, § 94:91, 94:99
Security systems, § 95:38
Vacancy of property, § 94:104, 94:109, 94:136, 94:155
Recoverability, § 185:22, 185:23
Reformation (this index)
Religious organizations, § 94:81
Repairs, § 94:26, 176:13, 176:52
Representations, warranties, and conditions, generally, § 91:5, 94:1 et seq.
Resale of equipment, § 95:5
Riders and endorsements, § 94:36, 94:57, 94:152, 95:16

USE AND OCCUPANCY—Cont’d
Safety equipment for automobiles, § 95:54
Sales
Alcoholic beverage sales, § 94:25
Identity of occupant, § 94:61
Resale of equipment, § 95:5
Security systems, § 95:36 et seq.
Ships and vessels, § 94:101
Solvents, § 95:31
Stock in trade or merchandise, § 95:9
Temporary absences from dwelling house, § 94:71
Temporary increase of risk or hazard as voiding or suspending policy, § 94:16, 94:17
Territorial use restrictions for motor vehicles, § 94:92 to 94:99
Third persons
Fuels, use of, § 95:23
Time
Buildings and structures, § 94:44
Increase of risk or hazard, § 94:5, 94:15 to 94:17
Motor vehicles, § 94:85
Vacancy of property, § 94:114, 94:144
Title insurance, § 159:48 to 159:50
Unattended automobiles, § 95:42
Unlawful purposes, use of property for, § 94:62 to 94:64
Vacancy of Property (this index)
Vessels, § 94:101
Waste disposal equipment, § 95:57
Watchmen, § 94:129, 96:1 et seq.
USED CARS
Automobiles and other motor vehicles, § 177:11

USE TAX
Contractors’ payment bonds, § 165:99

USURY
Generally, § 80:28
Agents and brokers, § 57:29
Assignment, § 37:50
Premiums and assessments, § 69:6

Index-690
INDEX

UTENSILS
See Machinery or Equipment (this index)

UTERINE MONITORING SERVICE
Medical insurance, § 181:35

VACANCY OF PROPERTY
Acknowledgement of existence of policy, § 94:154
Agents and brokers, change or increase of risk, § 52:35 et seq.
Breach of conditions, generally, § 94:118 to 94:123
Burden of proof, § 254:113
Caretakers, § 94:129
Construction and interpretation, § 94:124 et seq.
Dwelling houses, § 94:124, 94:137 to 94:139
Estoppel and waiver, § 94:147 to 94:155
Evidence
Generally, § 94:104
Questions of law or fact, § 94:104, 94:109, 94:136, 94:155
Fitness for occupancy, § 94:112
Fraud, § 94:104, 94:106
Increase of risk or hazard, § 94:23, 94:105
Insurance agent’s authority, § 94:150
Landlord and tenant, § 94:130, 94:142 to 94:144
Multiple buildings, § 94:141
Notice of vacancy, § 94:115
Permits, § 94:116, 94:117, 94:153
Personal property, § 94:134, 94:139
Property insurance, § 148:73 to 148:75, 245:114
Questions of law or fact, § 94:104, 94:109, 94:136, 94:155
Renting of unoccupied property, § 94:60
Representations, warranties, and conditions, generally, § 94:102 et seq.
Riders or endorsements, consent to, § 94:152
Time, § 94:114, 94:144

VACANCY OF PROPERTY —Cont’d
Watchmen, § 94:129

VACATION
Arbitration and appraisal, § 209:32
Arbitration awards, § 213:24 to 213:29, 213:32
Occupation of insured, § 86:32
Uninsured and underinsured motorist coverage, § 214:16, 214:17

VACCINATIONS
Good health of insured, § 88:92

VAGUE
Delayed payment or nonpayment, § 207:27

VALIDITY
Accident and Life Insurance (this index)
Accident insurance, § 139:33, 139:43, 139:44
Actions against insurers, § 242:200
Actual cash value, § 175:53
Answers, § 244:44
Arbitration and appraisal, § 209:15, 212:17, 212:24
Arbitration, appraisal, or submission agreements, § 210:35
Arbitrators, appraisers, and proceedings before them, § 211:63

Assignment (this index)
Autopsy and exhumation, § 196:81
Binders and binding receipts, § 13:1, 13:2
Blanket policies, § 177:78
Cancellation and rescission, validity of policy provisions as to notice, § 32:2
Coinsurance, § 220:5, 220:45
Combining or stacking of coverages, § 169:40
Contractors’ bonds, § 163:56, 163:69
Contractors’ performance bonds, § 164:107 to 164:109
Contribution, § 218:18, 218:28
Cooperation, § 199:5, 199:83

Index-691
VALIDITY—Cont’d
Costs of action, § 233:18
Defense, § 202:39
Delayed payment or nonpayment, § 207:37 to 207:41
Disability insurance, § 146:26, 146:36
Divorce or separation, estoppel to dispute validity of surrender of rights pursuant to voluntary agreement, § 64:22
Estoppel and waiver, § 238:25
Evidence, § 186:23, 196:2
Fidelity Bonds and Insurance (this index)
Fidelity insurance, § 160:5, 160:6, 160:92 to 160:94
Fire insurance, § 149:14
Foreign insurers, § 3:41
Fraud, § 197:2
Good health of insured, validity of condition of delivery of policy during good health of insured, § 15:1
Governing law, presumption against validity, § 24:2
Group insurance, § 8:1
Incontestability clause, § 240:6, 240:7, 240:14, 240:88
Iron safe clauses, § 97:4
Jurisdiction of federal proceedings, § 229:55
Justiciability, § 227:36, 227:49, 227:50
Lost profits insurance, § 167:5
Marine insurance, § 183:25, 183:104, 183:105
Mortgage clauses, § 65:11, 65:16, 65:33
No-fault coverage, § 214:36, 214:44
Notice, § 186:12, 190:8 to 190:10, 190:94
Other insurance clauses, § 219:3, 219:4, 219:9, 219:10, 219:37
Parol contracts, § 13:17, 13:19
Penalties, fees and similar consequences, § 204:58
Policy, validity presumption, § 254:189

VALIDITY—Cont’d
Property insurance, § 151:49, 151:71
Reimbursement, § 226:11, 226:24 to 226:26
Repair or replace, option to, § 176:2, 176:3
Security bonds, § 232:7
Service of process, § 231:3, 231:48
Settlement and compromise of claim, § 203:3, 215:60
Settlement and Compromise (this index)
Statutes, generally, § 175:4
Subrogation (this index)
Third-party claims, § 205:7, 206:9
Threshold requirements, § 201:3 to 201:5
Title insurance, § 185:73
Uninsured and underinsured motorist coverage, § 214:7
Valued policies or statutes, § 175:104
Venue, § 230:17, 230:18

VALUE AND VALUATION
Generally, § 175:94 et seq.
Actual Cash Value (this index)
Actual value determined by partial loss, § 175:97
Additional structures, § 175:113
Agents and brokers, § 49:35, 93:13
Automobiles (this index)
Bailed property, § 255:60
Blanket policies, § 177:80
Buildings and similar structures, § 177:24
Burden of proof. Presumptions and burden of proof, below Businesses, § 255:54
Business interruption insurance, § 185:5
Cash Surrender Value (this index)
Coinsurance, § 220:15, 220:16
Concurrent policies, § 175:106
Construction and interpretation of conflicting policy provisions, § 175:104
Construction contract guaranties, § 184:25, 184:27, 184:28, 184:30
INDEX

VALUE AND VALUATION—Cont’d
Contractors’ payment bonds, § 165:45
Cost as proof of, § 255:44
Costs of action, § 233:84
Damage to property, § 255:61
Date of loss, as of, § 175:7
Deductions and offsets, § 178:5 to 178:8
Defend claim, right to, § 175:108
Delayed payment or nonpayment, § 207:70
Depreciation, § 175:96
Disability insurance, § 190:122
Equitable remedies, § 233:143
Evidence, § 175:99, 175:105, 249:11
Exceptions to valuation by policy, § 175:95
Expenses of loss, § 255:70
Fidelity insurance, § 185:42
Fire loss, § 255:66
Fixtures, § 175:112
Fraud and deceit, § 93:7 to 93:11
Fraudulent representations, § 255:81
General liability insurance, § 172:73
General merchandise, § 177:39, 177:42
Guarantees of value, § 1:62
Hazard or risk, types of, generally, § 175:117
Household furniture, § 177:35
Incidental expenses of loss, § 255:70
Inspect property, failure to, § 175:107
Interest on money, § 178:31
Inventory stock, § 255:56
Jewelry, § 255:59
Judicial notice
Automobiles, value of, § 254:283
Personal services, value of, § 254:284
Jurisdiction of federal proceedings, § 229:43
Limitations and restrictions, § 175:14, 175:62
Loan value, § 80:7 to 80:9
Loss to insured, proof of, § 255:64 et seq.

VALUE AND VALUATION—Cont’d
Loss, types of, generally, § 175:115, 175:116
Machinery and supplies, § 177:43
Marine Insurance (this index)
Maximum liability provision distinguished, § 175:98
Measure of damages, § 175:96
Mobile homes, § 175:112
Motor vehicle loss, § 255:67
No-fault coverage, § 214:41
Other insurance clauses, § 219:25
Partial loss, actual value determined by, § 175:97
Percentage of coverage, § 175:113
Personal effects, § 177:35
Personal property, § 175:111
Personalty, § 255:58, 255:68
Policies, types of, generally, § 175:114
Premiums and Assessments (this index)
Presumptions and burden of proof
Generally, § 254:72 et seq.
Counterclaims, § 254:76
Covered and uncovered risk allocations, § 254:75
Crop insurance, § 254:83
Fidelity guaranty insurance, § 254:77
Hospital expenses, § 254:78
Liability insurance loss, § 254:79
Marine insurance, § 254:85
Motor vehicle insurance, § 254:82
Mutual benefit society certificates limiting liability, § 254:74
No-fault insurance, § 254:80
Partial interest claimants, § 254:84
Personal injury protection, § 254:80
Property insurance, § 254:81
Setoffs, § 254:76
Price lists, § 255:49
Proof of
Generally, § 255:43 et seq.
VALUE AND VALUATION—Cont’d
Proof of—Cont’d
Bailed property, § 255:60
Businesses, § 255:54
Cost, § 255:44
Crops, § 255:55, 255:69
Damage to property, § 255:61
Expenses of loss, § 255:70
Fire loss, § 255:66
Fraudulent representations, § 255:81
Incidental expenses of loss, § 255:70
Inventory stock, § 255:56
Jewelry, § 255:59
Loss to insured, § 255:64 et seq.
Motor vehicle loss, § 255:67
Past sales as evidence, § 255:48
Personalty, § 255:58, 255:68
Price lists, § 255:49
Real property, § 255:53, 255:65
Repair costs, § 255:62
Replacement cost, § 255:46
Replacement costs, § 255:63
Sales attempts, § 255:51
Similar items as evidence, § 255:47
Structures, § 255:53
Tables, § 255:49
Timber, § 255:55, 255:69
Vehicles, § 255:57
Who can establish, § 255:52
Property insurance, § 189:70, 245:44, 245:45
Questions of law or fact, § 175:102
Real property, § 255:53, 255:65
Recoupment, § 226:91
Reformation, cash surrender value, § 27:39
Repair costs, § 255:62
Repair or replace, option to, § 176:3
Replacement costs, § 255:46, 255:63
Representations, warranties, and conditions, § 93:7 to 93:13
Sale of insured property, effect of contracting for, § 175:100
Sales attempts as proof of, § 255:51
Settlement agreement, § 175:109

VALUE AND VALUATION—Cont’d
Severability of contract, separate valuation of insured items, § 23:5
Situs of loss, at, § 175:8
Statutory regulations, generally, § 175:103 et seq.
Structures, § 255:53
Subrogation (this index)
Tables, § 255:49
Time, § 175:7
Title insurance, § 185:77 to 185:79, 185:87, 185:88
Total loss determined by valuation in policy, § 175:94 to 175:96
Transferring part of property, effect of, § 175:101
Validity of statutory regulations, § 175:104
Vehicles, § 255:57
Witnesses (this index)

VALUED POLICY
Arbitration, § 212:11
Coinsurance, § 220:6
Marine insurance, § 221:74
Other insurance clauses, § 219:4
Subrogation, § 223:93

VANDALISM AND MALICIOUS MISCHIEF
See also Property Insurance (this index)
Automobile property insurance, § 156:23 to 156:25
Property insurance, § 151:31, 154:38

VAPORS
Fire insurance, § 149:36, 149:37

VARIANCE
See also Objections (this index)
Applications, variance from terms of, § 11:8
Contemporaneous contracts, variance between, § 22:45
Cooperation, § 199:46
Custom and usage, § 22:57, 22:58

VARICOSE VEINS
Disability provisions, § 147:74
INDEX

VARICOSE VEINS—Cont’d
Good health of insured, § 88:37

VASCULAR DISORDERS
Good health of insured, § 88:26

VAULT OR SAFE
Fidelity insurance, § 161:120
Property insurance, § 151:56, 151:65
to 151:67, 151:75, 151:76

VEHICLE AND TRAFFIC LAW
Accident and life insurance,
§ 140:18, 140:37

VEHICLES
See Automobiles (this index)

VENDING MACHINE
Accident and life insurance, § 142:95

VENDOR AND PURCHASER
See also Sales (this index)
Other insurance clauses, § 219:16

VENereal Diseases
Accident and life insurance, § 141:49
Good health of insured, § 88:96

VENUE
Generally, § 227:1 et seq., 230:1 et seq.
See also Jurisdiction (this index)
Accident occurred, where, § 230:57
Agency, actions involving, § 230:86
Agreement with insurer, § 230:27
Ancillary claims, § 230:46
Arbitration, § 230:21
Arbitration, appraisal, or submission agreements, § 210:26
Arbitrators, appraisers, and proceedings before them, § 211:54
Associations, § 230:35, 230:107
Automobile liability, § 230:41
Bad faith, § 230:24
Benefit society, § 230:34
Bias, § 230:92 to 230:95
Burden of proof, § 230:87, 254:141
Cancellation, § 230:31

VENUE—Cont’d
Cause of action
Generally, § 230:7 to 230:9
Merits of cause as factor, § 230:7 to 230:9
Challenges, regulatory, § 230:26
Conflict with venue statute, § 230:18
Consolidation actions, § 230:49
Construction and interpretation,
§ 230:11
Consumer protection laws, violation of, § 230:24
Contacts, sufficiency of, § 230:106
Contracts, state proceedings
Agency contract, breach of,
§ 230:22
Cause of action county, § 230:53, 230:59
Insurance contract or bond, breach of,
§ 230:23, 230:24
Reformation of policy or other agreement with insurer,
§ 230:27
Counter claims, § 230:46
Death, where insured died, § 230:55
Deceased persons, § 230:75
Defects, § 230:103
Defense, merits on, § 230:8
Definition, § 230:1
Discretionary, § 230:85
Disqualification or bias of specific judge, § 230:94, 230:95
District in which substantial part of events or omissions occurred,
Erisa, § 230:101
Evidence, § 230:6, 230:9
Express specification of performance county, § 230:64
Federal proceedings
Generally, § 230:96 et seq.
Associations, unincorporated,
§ 230:107

Index-695
VENUE—Cont’d
Federal proceedings—Cont’d
Contacts, sufficiency of, residence for venue purposes, § 230:106
Corporations, residence for venue purposes, § 230:105, 230:106
Defects, § 230:103
District in which substantial part of events or omissions occurred, § 230:108, 230:109
Erisa, § 230:101
Floods, § 230:102
Forum non conveniens, relationship to, § 230:110
Forum selection clause, effect of, § 230:116
General venue rules, § 230:97
Individuals, residence for venue purposes, § 230:104
Interpleader, § 230:99
Justification of transfer, § 230:114, 230:115
Miller act, § 230:100
National flood insurance act, § 230:102
Partnerships, § 230:107
Residence for venue purposes, § 230:104 to 230:107
Selection clause, § 230:116
Special venue statutes, generally, § 230:98
Statutes, generally, § 230:97 et seq.
Transfers
Generally, § 230:110 et seq.
Convenience, generally, § 230:112 et seq.
Factors considered, § 230:113
Forum non conveniens, relationship to, § 230:110
Forum selection clause, effect of, § 230:116
Improper venue, § 230:111
Interest of justice, generally, § 230:112 et seq.
Justification of transfer, § 230:114, 230:115
Unincorporated associations, § 230:107

VENUE—Cont’d
Federal proceedings—Cont’d
Waiver of venue defect, § 230:103
Fidelity, § 230:38
Floods, § 230:102
Foreign corporations, § 230:16
Forum non conveniens, relationship to, § 230:110
Forum selection clause, § 230:19, 230:116
Fraud and misrepresentation, § 230:25, 230:58
Funeral benefits, § 230:42
Health, hospital, and funeral benefits, § 230:42
Hearing and review, § 230:85
Hospital benefits, § 230:42
Insolvent insurer, § 230:36
Insurance contract or bond, breach of, § 230:23, 230:24
Insurer-specific statute, § 230:14 to 230:16
Interpleader, § 230:99
Joint liability, multiple defendants, § 230:48
Joint trials, § 230:49
Judge, § 230:94, 230:95
Judgment, county named in, § 230:45
Justification of change, § 230:90, 230:91
Justification of transfer, § 230:114, 230:115
Labor and material bond, § 230:39
Liability, § 230:40
Local bias, prejudice and the like, § 230:92, 230:93
Loss county, § 230:60, 230:61
Merits of cause as factor, § 230:7 to 230:9
Miller act, § 230:100
Multiple claims, § 230:46
Multiple defendants, § 230:47, 230:48
Mutual and lloyd’s association, § 230:35
VENUE—Cont’d
National flood insurance act, § 230:102
Necessity of proper venue, § 230:4
Objection, § 230:5, 230:6
Override, § 230:15
Partial cause of action, § 230:51
Partnerships, § 230:107
Payments, § 230:28, 230:63
Plaintiff selects, § 230:2, 230:3
Policy provisions stipulating, § 230:17 to 230:19
Prejudice, § 230:92, 230:93
Premiums, § 230:28
Proofs of loss, § 230:9
Property location county, § 230:66, 230:67
Property loss, where occurred, § 230:56
Reformation of policy or other agreement with insurer, § 230:27
Regulator, where is located, § 230:54
Reinsurance, § 230:43
Removal of property, loss county, § 230:61
Residence for venue purposes, § 230:104 to 230:107
Return or payment of premiums, § 230:28
Review, § 230:85
Selection clause, § 230:116
Service of process, § 231:52, 231:72
Similar claims, § 230:46
State, actions involving, § 230:86
Statements by insurer’s agent, § 230:52
State proceedings
Generally, § 230:10 et seq.
Accident occurred, where, § 230:57
Agency, actions involving, § 230:86
Agency contract, § 230:22
Ancillary claims, § 230:46
Arbitration, § 230:21

VENUE—Cont’d
State proceedings—Cont’d
Automobile liability, § 230:41
Bad faith, § 230:24
Benefit society, § 230:34
Bias, § 230:92 to 230:95
Burden of proof, § 230:87
Business county
Generally, § 230:77 et seq.
Agent, absence from county, § 230:79
Agents, doing business, § 230:82
Doing business, § 230:81, 230:82
Domestic insurer, § 230:80
Foreign insurer, § 230:77 to 230:79
Cancellation, § 230:31
Cause of action county
Generally, § 230:50 et seq.
Accident occurred, where, § 230:57
Contract county, § 230:59
Contract, when made, § 230:53
Death, where insured died, § 230:55
Fraud of insured, § 230:58
Partial cause of action, § 230:51
Property loss, where occurred, § 230:56
Regulator, where is located, § 230:54
Statements by insurer’s agent, § 230:52
Challenges, regulatory, § 230:26
Change of venue
Generally, § 230:83 et seq.
Agency, actions involving, § 230:86
Burden of proof, § 230:87
Convenience of witnesses and parties, generally, § 230:87 et seq.
County, actions involving, § 230:86
Discretionary, § 230:85
VENUE—Cont’d
State proceedings—Cont’d
Change of venue—Cont’d
Disqualification or bias of specific judge, § 230:94, 230:95
Factors considered, § 230:89
Hearing and review, § 230:85
Initial venue improper, § 230:83
Initial venue proper, generally, § 230:84 et seq.
Justification of change, § 230:90, 230:91
Justified change, § 230:90
Local bias, prejudice and the like, § 230:92, 230:93
Not justified change, § 230:91
Parties, convenience of, generally, § 230:87 et seq.
Review, § 230:85
Right, matter of, § 230:85
Right to, § 230:90, 230:91
State, actions involving, § 230:86
Statutes, § 230:86
Transfer of less than all claims or parties, § 230:88
Witnesses, convenience of, generally, § 230:87 et seq.
Conflict with venue statute, § 230:18
Consolidation actions, § 230:49
Construction and interpretation, § 230:11
Consumer protection laws, violation of, § 230:24
Contracts
Agency contract, breach of, § 230:22
Cause of action county, § 230:53, 230:59
Insurance contract or bond, breach of, § 230:23, 230:24
Corporations, § 230:16
Counter claims, § 230:46
Counties, generally, § 230:45 et seq.
Death, where insured died, § 230:55

VENUE—Cont’d
State proceedings—Cont’d
Deceased persons, § 230:75
Discretionary, § 230:85
Disqualification or bias of specific judge, § 230:94, 230:95
Express specification of performance county, § 230:64
Fidelity, § 230:38
Foreign corporations, § 230:16
Forum selection clause, § 230:19
Fraud and misrepresentation, § 230:25, 230:58
Funeral benefits, § 230:42
Health, hospital, and funeral benefits, § 230:42
Hearing and review, § 230:85
Hospital benefits, § 230:42
Insolvent insurer, § 230:36
Insurance contract or bond, breach of, § 230:23, 230:24
Insurers, generally, § 230:13
Insurer-specific statute, § 230:14 to 230:16
Joint liability, multiple defendants, § 230:48
Joint trials, § 230:49
Judge, § 230:94, 230:95
Judgment, county named in, § 230:45
Justification of change, § 230:90, 230:91
Labor and material bond, § 230:39
Liability, § 230:40
Local bias, prejudice and the like, § 230:92, 230:93
Loss county, § 230:60, 230:61
Multiple claims, § 230:46
Multiple defendants, § 230:47, 230:48
INDEX

VENUE—Cont’d
State proceedings—Cont’d
Mutual and lloyd’s association, § 230:35
Nature of claim, generally, § 230:20 et seq.
Override, § 230:15
Partial cause of action, § 230:51
Payments, § 230:28, 230:63
Performance county, § 230:62 to 230:65
Performance, specific performance of policy, § 230:29
Place of payment as place of performance, § 230:63
Policy provisions stipulating, § 230:17 to 230:19
Prejudice, § 230:92, 230:93
Premiums, § 230:28
Property location county, § 230:66, 230:67
Property loss, where occurred, § 230:56
Reformation of policy or other agreement with insurer, § 230:27
Regulator, where is located, § 230:54
Reinsurance, § 230:43
Removal of property, loss county, § 230:61
Residence county
Generally, § 230:68 et seq.
Absence of insured from residence county during injury occurrence and commencement of action, § 230:69
Deceased persons, § 230:75
Defendant’s residence, § 230:71
Determinations, § 230:73 to 230:76
Doing business county, § 230:71
Domestic insurer, § 230:73
Foreign insurers, § 230:74
Insured, residence of, generally, § 230:68
Plaintiff’s residence as controlling, § 230:70

VENUE—Cont’d
State proceedings—Cont’d
Residence county—Cont’d
Time for determining place of residence, § 230:72
Return or payment of premiums, § 230:28
Review, § 230:85
Similar claims, § 230:46
State, actions involving, § 230:86
Statements by insurer’s agent, § 230:52
Status of insurer, generally, § 230:32 et seq.
Time for determining place of residence, § 230:72
Time of loss, property location county, § 230:67
Title insurance, § 230:44
Tort, § 230:30
Transfer of less than all claims or parties, § 230:88
Type of insurance, generally, § 230:37 et seq.
Type of insurer, generally, § 230:32 et seq.
Validity, § 230:17, 230:18
Wrongful cancellation, § 230:31
Statutes
Selection, statutory alternatives to plaintiff’s, § 230:3
State proceedings
Generally, § 230:12, 230:14 to 230:16
Change of venue, § 230:86
Conflict with venue statute, § 230:18
Time for determining place of residence, § 230:72
Time of loss, property location county, § 230:67
Title insurance, § 230:44
Torts, § 230:30
Transfer of less than all claims or parties, § 230:88
Unincorporated associations, § 230:107

Index-699
VENUE—Cont’d
Validity, § 230:17, 230:18
Waiver, § 230:5, 230:103
Wrongful cancellation, § 230:31

VERDICT
Generally, § 247:44 et seq.
Appeal and review, § 248:59
Attack on judgment or verdict, generally, § 248:1 et seq.
Correction, § 247:45
Cure, § 246:20
Defense, § 200:5
Directed Verdict (this index)
Discretion of court, § 247:49
Findings
Implied findings, § 247:47
Limitations on use of special findings, § 247:52
Special findings, § 247:50
Special findings, form of, § 247:51
Implied findings, § 247:47
Judgment Notwithstanding the Verdict (JNOV) (this index)
Limitations on use of special findings, § 247:52
Modification, § 247:45
New Trial (this index)
No-fault insurance, § 125:76
Reopening Case (this index)
Settlement and compromise, § 203:17
Special findings, § 247:50 to 247:52

VERIFICATION OF PLEADINGS
Pleadings, § 244:8

VERIFIED MAILINGS
Cancellation and rescission, § 30:20

VERMIN
Property insurance, § 153:85

VERMIN-PROOFING
Public official and appointed fiduciary bonds, § 166:91

VESSELS
See Ships, Vessels, Cargo, Stores, and the Like (this index)

VESTED RIGHTS OR INTERESTS
Assignment (this index)
Beneficiaries (this index)
Cancellation and Rescission (this index)
Contractors’ bonds, § 163:59
Medical Insurance (this index)
Mortgages and deeds of trust, § 65:20

VETERANS
Disability insurance, § 182:34

VETERINARIAN
Disability provisions, § 147:123

VEXATIOUS
Statutes and regulations, § 204:117

VICARIOUS LIABILITY
Automobile insurance, § 108:14
Fidelity insurance, § 161:58

VICARIOUS USE
Non-owned vehicle, § 118:40

VICTIM
Accident and life insurance, § 140:23, 140:75
Bad faith, § 242:150, 242:151
General liability insurance, § 172:13
Ignorance of substance of policy provisions, § 192:49
Negligence in handling claim, § 242:150, 242:151

VIDEO REPRESENTATIONS AS EVIDENCE
See Documentary Evidence (this index)

VIETNAM ERA CASES
Property insurance, § 152:11

VIOLENCE
Accident and life insurance, § 140:96
Accident insurance, § 139:18, 139:19
Property insurance, § 151:102

VISIBLE MARKS
Accident and life insurance, § 142:43
Accident Insurance (this index)
Property Insurance (this index)
VISION DEFECTS AND DISORDERS
See also Disability Insurance (this index)
Good health of insured, § 88:69
Workers’ compensation, § 173:20

VISUAL THERAPY
Medical insurance, § 181:57

VOCATIONAL REHABILITATION
See Workers’ Compensation (this index)

VOID ACTS OR MATTERS
Accident and life insurance, § 141:86, 143:93
Accident insurance, § 139:50 to 139:52
Applications, voiding of acceptance, § 11:6
Automobile Property Insurance (this index)
Beneficiaries (this index)
Contractors’ bonds, § 163:67, 163:68
Deeds, § 91:43
Delivery of policy, voiding delivery for fraud or misrepresentation, § 14:10
Fraudulent Conveyances or Transfers (this index)
Insurable interest based on void or voidable contract, § 41:4
Liens and encumbrances, § 93:17, 93:39, 93:40
Medical payments, § 158:3
Mortgages and deeds of trust, § 65:80
Premium returns, § 79:25, 79:28 to 79:33
Property insurance, § 151:34
Public official and appointed fiduciary bonds, § 166:31
Recoupment, § 226:118
Representations, warranties, conditions, and concealment, § 83:21, 83:31
Subrogation, § 225:238, 225:316
Title and Ownership (this index)
Uninsured and underinsured motorist coverage, § 171:40, 171:41

VOID ACTS OR MATTERS —Cont’d
Use and occupancy, temporary increase of risk or hazard as voiding or suspending policy, § 94:16, 94:17

VOLUNTARINESS
Arbitration and appraisal, § 209:20
Cancellation and rescission, voluntariness of surrender of policy, § 32:87
Contribution and Apportionment (this index)
Cooperation, § 199:47 to 199:49
Costs of action, § 233:52
Dismissal (this index)
Divorce or separation, effect of voluntary agreement or judicial order pursuant to separation or divorce, § 64:18 et seq.
Gift of policy, § 38:11
Jury trial, § 246:43 to 246:45
Liens and encumbrances, § 93:42
Liquidation and dissolution, § 5:41
Marine insurance, § 221:12, 221:16, 221:17, 221:18
Medical insurance, § 181:65
Mortgages, insurable interest after voluntary transfer, § 42:31
Premiums and assessments, voluntary payments made by third persons, § 74:32
Subrogation (this index)

VOLUNTEERS
Non-owned vehicle, § 118:46

VOTING TRUSTS
Rehabilitation, conservation, and reorganization, § 5:28

WAGES
See Compensation (this index)

WAITING PERIOD
See Limitation of Actions (this index)

WAIVER
See Estoppel and Waiver (this index)
WALKING
See Accident and Life Insurance (this index)

WAR AND CIVIL DISTURBANCES
See also Property Insurance (this index)

WAR AND CIVIL DISTURBANCES
Generally, § 239:143 et seq.
Accident and life insurance, § 142:108 to 142:110, 143:53
Agents and brokers, war as terminating agency, § 44:67
Alien property custodian, § 239:148
Contract, § 239:143, 239:149
Enemy alien status, § 239:144
Insurance agents, § 239:147
Liability on loss sustained before war, § 239:146
Notice, excuses, § 192:116
Payment to alien property custodian, § 239:148
Pending actions, § 239:145
Return of premiums on unenforceable contract, § 239:149
Service on statutory agent, § 239:147

WAREHOUSEMEN
See also Property Insurance (this index)

WAREHOUSEMEN
Generally, § 68:39 to 68:43
Adjustment of losses, § 178:45
Agency, § 44:26
Description of goods, wares, and merchandise, § 20:42
Insurable interest, § 42:20

WAREHOUSE RECEIPT
Generally, § 242:81

WAREHOUSING AGREEMENT
Property insurance, § 154:22

WARES
See Goods, Wares, and Merchandise (this index)

WARNINGS
Agents and brokers, duties to insured, § 55:4

WARRANT ENDORSEMENT
Property insurance, § 242:34

WARRANTIES
See Representations, Warranties, Conditions, and Concealment (this index)

WARRANTLESS SEARCH
Examination of insured property, § 196:52

WAR RISK
Incontestability clause, § 240:54

WAR RISK INSURANCE
Generally, § 1:66, 10:17 to 10:20

WASTE DISPOSAL EQUIPMENT
Use and occupancy, § 95:57

WATCHMEN OR GUARDS
Absence or presence, § 96:15, 96:16
Burglary, § 96:14
Closed businesses, § 96:18
Construction and interpretation, § 96:8, 96:9
Continuous watch requirement, § 96:12
Estoppel and waiver, § 96:6
Evidence, § 96:1
Negligence, § 96:4, 96:5
Payroll protection, § 96:20
Premiums, additional, § 96:22
Property insurance, § 151:90
Proximate cause to loss, § 96:4
Questions of law or fact, § 96:7
Reports, § 96:17
Representations, warranties, and conditions, generally, § 96:1 et seq.
Riders and endorsements, § 96:12
Temporary absence of watchman, § 96:22
Time, watchmen or guards, § 96:3
Transportation of insured property, § 96:19
INDEX

WATCHMEN OR GUARDS
—Cont’d
Use and occupancy, § 94:129, 96:1 et seq.

WATER
See also Property Insurance (this index)

WATER
Automobile property insurance, § 156:36, 156:61, 156:75
Contractors’ payment bonds, § 165:153
Title insurance, § 159:45

WATERCRAFT
See Ships, Vessels, Cargo, Stores, and the Like (this index)

WATER DAMAGE INSURANCE
See also Property Insurance (this index)

WATER DAMAGE INSURANCE
Generally, § 1:38

WEAKNESS
Good health of insured, § 88:66

WEAPONS AND FIREARMS
Accident and life insurance, § 143:122 to 143:124
Accident insurance, § 139:58
Automobile insurance, § 119:63, 119:64
Public official and appointed fiduciary bonds, § 166:55

WEAR AND TEAR
Property insurance, § 153:77, 153:78

WEARING APPAREL
See Clothing (this index)

WEATHER
See also Accident and Life Insurance (this index)

WEATHER
Judicial notice of, § 254:281

WEATHER DAMAGE INSURANCE
See also Property Insurance (this index)

WEATHER DAMAGE INSURANCE
Generally, § 1:38
Hail insurance fund, § 10:14

WEIGHT
Good health of insured, § 88:99
Property insurance, § 153:84

WEIGHT-LOSS PROGRAMS
Workers’ compensation, § 174:36

WEIGHT OF EVIDENCE
See also Standard of Proof (this index)

WEIGHT OF EVIDENCE
New trial, § 248:22, 248:23
Opinion evidence, § 252:51
Settlement and compromise, reasonableness of settlement offer, § 203:31

WELFARE BENEFIT PLANS
See Group Insurance (this index)

WETLANDS
Title insurance, § 159:49

WHARFINGERS
Insurable interest, § 42:20

WHEELCHAIRS
Automobile insurance, loading and unloading provisions, § 121:44
Medical insurance, § 181:60

WHILE ENGAGED IN
Accident and life insurance, § 140:31

WHOLLY DISABLED
Disability insurance, § 147:4

WIFE
See Husband and Wife (this index)

WIGS
Medical insurance, § 181:62

WILLFUL ACTS AND MATTERS
Accident and life insurance, § 140:94, 140:95
Automobile property insurance, § 156:79
Contribution, § 218:22 to 218:24

Index-703
WILLFUL ACTS AND MATTERS—Cont’d
Examination under oath, § 196:32, 196:33
Fidelity insurance, § 161:27, 161:34, 161:37 to 161:39, 161:40
Limitation of actions, § 237:82 to 237:84
Prior judgment, § 239:63 to 239:66
Production of documents and records, § 196:48

WILLINGNESS
Joinder of parties, § 243:5
Torts, § 243:123

WILLS
Generally, § 67:1 et seq.
Abatement, § 67:7
Ademption, § 67:7
Assignment, § 34:40
Beneficiaries
Change of beneficiary, § 60:21 to 60:25
Designation, § 59:16, 59:17
Distinguished from legatee, § 58:2
Conditions of policy, § 245:80
Election under will
Generally, § 67:11 to 66:14
Change of beneficiary by will, § 60:25
Community property jurisdictions, § 67:14
Intent to require election under will, § 67:12, 67:13
Liens and encumbrances, § 93:37
Limitation of right to bequeath insurance proceeds, § 67:6
Money, bequests of, § 67:9
Residuary bequests, § 67:10
Revocation, § 67:3
Title insurance, § 159:55
Trusts and trustees, testamentary trusts, § 67:27 to 67:32

WIND
Automobile property insurance, § 156:34
Damage causation, proof of, § 255:23
Presumptions as to windstorm losses, § 254:155

WIND—Cont’d
Property insurance, § 153:31

WINDOWS
Contractors’ payment bonds, § 165:105
Property insurance, § 151:74, 154:72

WINDSTORM
Automobile property insurance, § 156:72
Instructions to jury, § 246:86
Property insurance, § 153:8 to 153:11, 155:9, 155:77

WIRES
Contractors’ payment bonds, § 165:131
Property insurance, § 154:99

WITHDRAWAL
See also Defenses (this index)

WITHDRAWAL
Accident and life insurance, § 140:52
Arbitration, appraisal, or submission agreements, § 210:57
Cooperation, misstatements withdrawn or corrected before trial, § 199:45
Foreign insurers, withdrawal from state, § 3:19
Group insurance, § 8:2
Interpleader, § 232:82
Notice and proof of loss, estoppel and waiver, § 195:74
Prior judgment, § 239:76
Representations, warranties, conditions, and concealment, § 81:48
Third-party claims, § 205:54
Waiver and estoppel, § 194:16

WITHIN MOTOR VEHICLE
Accident and life insurance, § 142:40

WITHIN PREMISES
Property insurance, § 151:73

WITHIN REASONABLE TIME
Fidelity insurance, § 190:75
WITHIN REASONABLE TIME
—Cont’d
Financial institution blanket bonds, § 190:75
Marine insurance, § 190:84

WITHIN SPECIFIED PERIOD
Fidelity insurance, § 190:76

WITHOUT UNNECESSARY DELAY
Property insurance, § 190:70

WITNESSES
Character Evidence (this index)
Examination Under Oath (this index)
Expert Testimony (this index)
Opinion evidence
Expert Testimony (this index)
Venue (this index)

WITNESSES
Generally, § 252:1 et seq.
Accident, § 252:68, 252:92
Age of other person, § 252:79
Application denial, § 252:86
Applications, § 252:87
Appraisers, § 252:54
Arbitrators, appraisers, and proceedings before them, § 211:65
Attorney-client relationship, § 250:14
Attorneys, § 252:4
Automobile dealers, § 252:56
Automobiles, § 252:60
Beneficiary
Change of beneficiary, § 252:84
Competence to execute change of beneficiary, § 252:80
Dead man statutes, § 252:11
Builders, § 252:54
Cancellation, § 252:83
Cargo, stowage of, § 252:91
Cause of loss, injury, illness, or death
Generally, § 252:65 et seq.
Death, § 252:69
Disability of insured, § 252:70 to 252:72
Fire, cause of, § 252:66

WITNESSES—Cont’d
Cause of loss, injury, illness, or death
—Cont’d
Health of insured, § 252:70 to 252:72
Mental state of insured, § 252:70 to 252:72
Past disability or illness, § 252:71
Property damage, § 252:65 to 252:67
Theft, loss by, § 252:67
Vehicular accident, § 252:68
Change of beneficiary, § 252:80, 252:84
Common law rule, § 252:17, 252:18
Competence or capacity
Generally, § 252:3 et seq.
Attorneys, § 252:4
Change of beneficiary, § 252:80
Dead man statutes, § 252:6 to 252:8
Disqualification, § 252:5
Knowledge, independent, § 252:7
Waiver, § 252:8
Conditions, § 252:88
Construction of policy, § 252:82
Contract, procurement of, § 252:90
Costs of action, § 233:84
Cross-examination, § 246:41, 250:10
Dead man statutes
Generally, § 252:6 et seq.
Agents, § 252:10
Beneficiary, § 252:11
Competence or capacity, § 252:6 to 252:8
Donees, § 252:12
Knowledge, independent, § 252:7
Officers, § 252:15
Relatives, § 252:13
Spouse, § 252:14
Stockholders and officers, § 252:15
Waiver, § 252:8
Dealers, § 252:56
Directed verdicts, § 247:36
Disability, § 147:33, 147:34, 252:70 to 252:72
Disqualification, § 252:5
WITNESSES—Cont’d
Donees, § 252:12
Employment records, § 252:85
Erisa, § 252:81
Estimator, § 252:63
Family, § 252:64
Fire, cause of, § 252:66
Fire marshal, § 252:58
Health of insured, § 252:70 to 252:72
Household goods, § 252:61
Hypothetical questions, § 252:50
Insurance agents, § 252:10
Insured owner, § 252:59 to 252:61
Interest in proceeding, § 252:19, 252:20
Jury trial, § 246:23, 246:25, 246:42
Knowledge, independent, § 252:7
Lapse, § 252:83
Lay opinion, § 252:48 to 252:51
Materiality of application statements, § 252:87
Mental state of insured, § 252:70 to 252:72
Merchants, § 252:55, 252:56
Notice of lapse of cancellation, contents of, § 252:83
Officers and directors, § 252:15
Opinion evidence
Generally, § 252:21 et seq.
Hypothetical questions, § 252:50
Lay opinion, § 252:48 to 252:51
Weight, § 252:51
Ownership, § 252:59 to 252:61, 252:62
Past disability or illness, § 252:71
Prejudice, insured’s breach of policy condition, § 252:88
Premium payment, § 252:89
Property value, damage, cost of repair
Generally, § 252:52 et seq.
Appraisers, § 252:54
Automobile dealers, § 252:56
Automobiles, § 252:60
Builders, § 252:54
Cause of loss, injury, illness, or death, § 252:65 to 252:67
Expert, § 252:57

WITNESSES—Cont’d
Property value, damage, cost of repair—Cont’d
Fire marshal, § 252:58
Household goods, § 252:61
Insured owner, § 252:59 to 252:61
Merchants, § 252:55, 252:56
Owner of similar property, § 252:62
Relevant time, § 252:53
Repair estimator, § 252:63
Spouse and family, § 252:64
Qualifications
Generally, § 252:16 et seq., 252:52 et seq.
Cause of loss, injury, illness, or death, § 252:71
Common law rule, § 252:17, 252:18
Interest in proceeding, § 252:19, 252:20
Spouses, § 252:18
Statutes, § 252:18
Records, employment, § 252:85
Relatives, § 252:13
Relevant time, § 252:53
Repair estimator, § 252:63
Similar property, § 252:62
Spouse, § 252:14, 252:18, 252:64
Stockholders and officers, § 252:15
Stowage, § 252:91
Testimony defined, § 249:8, 249:9
Theft, loss by, § 252:67
Time, relevant, § 252:53
Uninsured status of vehicle involved in accident, § 252:92
Vehicular accident, § 252:68
Waiver, § 252:8
Weight, opinion evidence, § 252:51

WORDS AND PHRASES
See Definitions (this index)

WORKERS’ COMPENSATION
Subrogation (this index)
Uninsured and Underinsured
Motorist Coverage (this index)
WORKERS’ COMPENSATION
Generally, § 1:36, 133:1 to 133:40, 173:1 et seq.
Accelerating payment, default of insurer as, § 173:23
Accident and life insurance, § 143:35
Accident insurance, § 139:48
Acupuncture, § 174:16
Additional disability, recovery where scheduled loss creates, § 173:21
Admissions, statements constituting, § 254:255
Adverse employment market, effect of, § 173:29
Agent, authorization by, § 174:2
Agricultural workers, § 134:37
Altercations, § 135:48
Alternative treatments, § 174:16 to 174:18
Anticipation of increase in wages, § 173:36
Arisin out of and be in course of employment, accident or injury must be, § 135:3 to 135:5
Artificial limb, loss of, § 173:19
Artificial limbs, § 174:24
Athletes, § 134:38
Attendant care, § 174:22, 174:23
Authority to enact, § 133:4
Authorization by insurer’s agent, § 174:2
Average earnings, computation of, § 173:33
Board and lodging, § 173:51
Bonuses, § 173:48
Breaks from work, § 135:44 to 135:46
Burden of proof, § 173:15, 254:71
Burial expenses, § 174:33
Change in organizational structure of employer, § 69:28
Charitable institutions, § 134:3
Chiropractic and osteopathic services, § 174:17

INDEX

WORKERS’ COMPENSATION—Cont’d
Circumstance of injury, generally, § 135:5, 135:34 to 135:53
Clearance for work, § 173:74
Commencement and duration of disability
Generally, § 173:67 et seq.
Death and death benefits, § 173:69, 173:72
Delay period before commencement, § 173:67
Disability change, § 173:71
Maximum medical improvement, § 173:70
Medical, maximum medical improvement, § 173:70
Commercial liability insurance, § 201:73
Commission employees, § 173:40
Common features of compensation statutes, § 133:14 to 133:16
Common statutory exceptions, § 134:11
Compensable costs and expenses, generally, § 174:12 et seq.
Compensation, § 173:65
Compulsory and elective statutes, § 133:7, 133:8
Compulsory versus voluntary programs, § 133:7, 133:8
Concurrent injuries, § 173:55, 173:56
Conflicts of law
Generally, § 133:9 to 133:13
Federal jurisdiction over place of injury, § 133:13
Location of place of business or employment, § 133:12
Out-of state injuries, § 133:11
Place of injury and employment or employment contract, effect of, § 133:10, 133:11
Residence of parties, effect of, § 133:12
Consequences of improper medical care, § 174:37
Constitutional and statutory basis, § 133:5

Index-707
WORKERS’ COMPENSATION
—Cont’d
Contractors’ payment bonds, § 165:78, 165:79
Contribution, § 218:42
Corporation officers and shareholders, § 173:43
Costs and risks included, § 69:29 to 69:32
Costs of action, § 233:78
Counseling, § 174:19
Course and scope of employment, § 135:1 et seq.
Customer, employee acting in role of, § 135:53
Death and death benefits, § 173:69, 173:72
Death beneficiaries
Generally, § 134:42 to 134:53
Children, § 134:51
Common statutory provisions, § 134:44, 134:45
Construction of family and similar terms, § 134:45
Determination of dependency, § 134:42
Divorce or separation, § 134:48
Grandchildren, § 134:51
Nieces and nephews, § 134:53
Parents, § 134:50
Separation or divorce, § 134:48
Siblings, § 134:52
 Surviving spouse, § 134:46 to 134:48
Default of insurer as accelerating payment, § 173:23
Delay period before commencement, § 173:67
Dentistry, § 174:12
Dependants, § 173:26
Diagnostic services, § 174:13
Diminished earning capacity, § 173:6, 173:7
Disability change, § 173:71
Disability classifications, generally, § 173:8 et seq.
Disability insurance, § 182:33

WORKERS’ COMPENSATION
—Cont’d
Discharge from employment, § 173:78
Disfigurement, loss of scheduled member concurrent with, § 173:56
Divorce or separation, death beneficiaries, § 134:48
Documentary evidence, records as, § 253:189
Drugs, § 174:14
Duration, § 174:32
Earning capacity, § 173:6, 173:7
Earnings or earning power, loss of, § 173:28 to 173:31
Educational institutions, § 134:3
Employer’s liability for portions unpaid by employer, § 174:5
Employers and employees covered, generally, § 134:1 to 134:39
Employer’s liability insurance, role of, § 173:2
Employer’s liability statutes and insurance distinguished, § 133:3
Entities insured under policy terms
Generally, § 134:6 to 134:9
Employers’ liability insurance, under, § 134:8
 Multiple businesses or operations, § 134:7, 134:8
Subsequently-acquired additional business, § 134:9
Evasion of rates, § 69:24
Expense money, § 173:50
Eye, loss of, § 173:20
Family member as attendant care, § 174:23
Fault or misconduct of employee, § 173:60
Fault or misconduct of employer, § 173:58
Fraud, § 232:106
Fringe benefits, § 173:49
Funding and administration of compensation acts
Generally, § 133:17 to 133:24
Administrative bodies, role of, § 133:23
WORKERS' COMPENSATION
—Cont’d
Funding and administration of compensation acts—Cont’d
Compensation funds, § 133:19, 133:20
Courts, role of, § 133:24
Insurance, § 133:18
Reinsurance, § 133:18
Second or subsequent injury funds, § 133:22
Self-insurance, § 133:18
State finances, fund separate from, § 133:20
Government insurance, § 10:12
Group insurance, § 7:27
Highways, streets, and roads, injuries occurring on
Generally, § 135:9 to 135:25
Business trips, § 135:21 to 135:23
Commercial traveler rule, § 135:22
Deviation from route, schedule, or mode of travel, § 135:23
Dual purpose doctrine, § 135:9
Going and coming rule, exceptions, § 135:25
Going-or coming from work
Generally, § 135:10 to 135:20
Home or en route, employment task employed at, § 135:12 to 135:14
Going to or coming from work
Errand, performance of, § 135:13
Exceptions to rule, generally, § 135:11
Going and coming rule that injuries are not compensable, § 135:10
Irregular hours of on call status of employee, § 135:15
Own vehicle as required or used in performance of duties, § 135:16
Portions of employers’ premises, traveling between, § 135:20
Provision of employer of transportation or remunera-
WORKERS' COMPENSATION
—Cont'd
Indemnity and contribution, § 133:40
Independent contractors, § 134:23 to 134:26, 173:41
Indigents, § 134:38
Insolvency of employer, limits of insurer's liability, § 173:5
Inspection of records, § 69:27
Institutionalization, § 173:83, 173:84
Interstate transactions, § 69:30
Intrastate employers, § 134:1 to 134:5
Jurisdiction, § 228:11, 229:74
Life, health, and disability insurance, § 207:49
Life insurance, § 179:9
Limitation of actions
Commencement of period, § 236:160
Insurer, actions by, § 234:70
Tolling of limitation period, § 237:93, 237:97
Limits of insurer's liability, § 173:3 to 173:5
Living expenses, § 174:34
Manner of performance of duty
Generally, § 135:34 to 135:37
Delegation of duties to another, § 135:35
Emergencies, responding to, § 135:37
Service outside of regular employment or duties
Generally, § 135:36, 135:37
Emergencies, responding to, § 135:37
Unauthorized or unlawful manner, § 135:34
Maximum medical improvement, § 173:70
Meal breaks, § 135:46
Medical advice, failure to follow, § 173:82
Medical and related benefits, right to
Generally, § 174:1 et seq.
Agent, authorization by insurer's agent, § 174:2

WORKERS' COMPENSATION
—Cont'd
Medical and related benefits, right to
—Cont'd
Authorization by insurer's agent, § 174:2
Care provider's rights against insurer, § 174:6
Choice of physician, § 174:10
Disability benefits, relationship to, § 174:4
Employee's liability for portions unpaid by employer, § 174:5
Employer's rights against insurer, § 174:6
Necessary treatment, § 174:7
Non-compensable injuries, § 174:8
Payment of reasonable charges, § 174:9
Physician, choice of, § 174:10
Physician, right to change, § 174:11
Reasonable charges, payment of, § 174:9
Medical care, consequences of improper medical care, § 174:37
Medical equipment and related costs, § 174:25
Medical insurance, § 180:23, 207:49
Medical, maximum medical improvement, § 173:70
Medical payments, § 158:12, 158:23, 158:24
Medical treatment, refusal to submit to, § 173:80, 173:81
Member, loss of, § 173:17, 173:18, 173:56
Merit rating, § 69:23
Minor dependents, § 173:26
Motor vehicles, specially equipped, § 174:26
Multiple jobs, § 173:44
Municipal and other government entities, § 132:33
National guard, members of, § 134:36
No-fault insurance, § 171:59, 171:69
Non-cooperation, § 174:30

Index-710
WORKERS' COMPENSATION — Cont’d
Not directly engaged in work, injuries incurred while, § 135:47 to 135:53
Notice and proof of loss, § 189:100
Origin and nature of Workers’ compensation, § 133:2
Osteopathic services, § 174:17
Other remedies, employee’s rights to
Generally, § 133:34 to 133:39
Dual capacity of employer, § 133:35
Illegally-employed minors, remedies of, § 133:36
Overlapping disabilities
Generally, § 173:53 et seq.
Concurrent injuries, § 173:55, 173:56
Disfigurement, loss of scheduled member concurrent with, § 173:56
Member, loss of scheduled member concurrent with disfigurement, § 173:56
Scheduled member, loss of, concurrent with disfigurement, § 173:56
Successive awards for different classes or degrees of disability, § 173:54
Successive injuries, § 173:57
Overtime pay, § 173:47
Ownership interests in business, persons with
Generally, § 134:21, 134:22
Corporate officers and stockholders, § 134:22
Partnerships, § 134:21
Sole proprietorships, § 134:21
Trusts, § 134:21
Ownership, operation, or maintenance of building, § 134:4
Pain therapy, § 174:21
Partial loss or loss of use of member, § 173:18
Parties, generally, § 241:61, 241:62
Part-time workers, § 173:38

WORKERS' COMPENSATION — Cont’d
Payment
Generally, § 173:22 et seq.
Accelerating payment, default of insurer as, § 173:23
Default of insurer as accelerating payment, § 173:23
Lump-sum awards, generally, § 173:24
Reasonable charges, § 174:9
Remarriage tables, § 173:25
Reopening of lump-sum award, § 173:27
State, payment to in absence of survivors, § 173:26
Surviving spouse and minor dependents, award for, § 173:25, 173:26
Penalties and offsets
Generally, § 173:58 et seq.
Automobile insurance, § 173:66
Disability benefits, receipt of pension or disability benefits, § 173:62, 173:63
Fault or misconduct of employee, § 173:60
Fault or misconduct of employer, § 173:58
Illegal employment of minors, § 173:59
Illegality of employment contract, § 173:59
Minors, illegal employment of minors, § 173:59
Pension, receipt of pension or disability benefits, § 173:62, 173:63
Prior payments by employer, § 173:64, 173:65
Receipt of pension or disability benefits, § 173:62, 173:63
Social security benefits, § 173:63
Tortfeasor, recovery from, § 173:66
Unemployment compensation, § 173:61
Wages paid subsequent to injury, § 173:65

Index-711
WORKERS' COMPENSATION—Cont’d

Pension, receipt of pension or disability benefits, § 173:62, 173:63
Permanent partial disability, generally, § 173:11, 173:12
Permanent total disability, generally, § 173:13, 173:14
Personal comfort doctrine, § 135:44 to 135:46
Persons covered, generally, § 134:1 to 134:51
Physical therapy, § 174:20
Physician, choice of, § 174:10
Physician, right to change, § 174:11
Piecework and commission employees, § 173:40
Place of accident or injury as affecting work relationship
Generally, § 135:5, 135:9 to 135:33
Law enforcement officers, injuries incurred at premises of employee, § 135:33
Other sites, injuries incurred at, § 135:31 to 135:33
Premises of employee, § 135:32, 135:33
Premises of employer, accidents occurring on
Generally, § 135:26 to 135:30
Bunkhouse rule, § 135:30
Entering or leaving workplace, § 135:27 to 135:29
Living on employer’s premises or worksite, while, § 135:30
Parking lots, § 135:28, 135:29
On way to or from parking lots, § 135:29
Zone of employment, § 135:26
Public officials, injuries incurred at premises of employee, § 135:33
Pleadings, generally, § 245:57
Policy
Generally, § 133:25 to 133:27
Broader than statute, contract may provide coverage, § 133:28

WORKERS' COMPENSATION—Cont’d

Policy—Cont’d
Effect of statute on contract terms and interpretation, § 133:27
Parties to contract, § 133:25
Principles of construction, § 133:26
Status of employee, § 133:25
Post-injury earnings as indicative of lost earning capacity, § 173:30, 173:31
Post-injury employment
Generally, § 173:73 et seq.
Clearance for work, § 173:74
Discharge from employment, § 173:78
Quitting employment, § 173:77
Rehabilitation, § 173:73
Resuming work, § 173:76
Seek employment, duty to, § 173:75
Pre-injury earnings
Generally, § 173:32 et seq.
Anticipation of increase in wages, § 173:36
Average earnings, computation of, § 173:33
Board and lodging, § 173:51
Bonuses, § 173:48
Commission employees, § 173:40
Corporation officers and shareholders, § 173:43
Expense money, § 173:50
Fringe benefits, § 173:49
Independent contractors, § 173:41
Minor, wages of, § 173:37
Multiple jobs, § 173:44
Overtime pay, § 173:47
Part-time workers, § 173:38
Piecework and commission employees, § 173:40
Reimbursements, § 173:50
Seasonal workers, § 173:39
Self-employed persons, § 173:42
Shareholders, § 173:43
Status of employee, generally, § 173:38 et seq.

Index-712
WORKERS' COMPENSATION
—Cont’d
Pre-injury earnings—Cont’d
Strike, § 173:35
Time for determining wages,
§ 173:34
Tips and gratuities, § 173:46
Transportation, § 173:52
Two or more jobs, § 173:44
Unemployment programs,
§ 173:45
Workfare, § 173:45
Premiums, § 69:21 et seq.
Preparing to commence or terminate
work, § 135:50
Prior payments by employer,
§ 173:64, 173:65
Prisoners and like status, § 134:29 to
134:31
Private citizens performing public
duty, § 134:35
Professional sports, § 134:5
Prohibitions on contractual limita-
tion, waiver or release of rights
to compensation, § 133:16
Prostheses, § 174:24
Public employees, officers, militia,
and like status, § 134:32 to
134:36
Punitive liability, § 133:15
Purpose, § 133:3
Quitting employment, § 173:77
Rate structure, § 69:21 et seq.
Reasonable charges, payment of,
§ 174:9
Receipt of pension or disability
benefits, § 173:62, 173:63
Records, as documentary evidence,
§ 253:189
Recoupment, § 226:69
Recovery of compensation from
insurer by employer, right as to
Generally, § 133:29 to 133:33
Conduct of employer as affecting
employee’s rights, § 133:32
Judgment or agreement, insurer
bound by, § 133:31
Source and extent of employee
right, § 133:30
Recovery of compensation from
insurer by employer, right as to
—Cont’d
Waiver and estoppel, § 133:33
Recreation or amusement, § 135:51,
135:52
Reformation, § 28:5
Refusal to submit to medical treat-
ment, § 173:80, 173:81
Rehabilitation, post-injury employ-
ment, § 173:73
Reimbursements, § 173:50
Relationship between injury and
employment, nature of, § 135:2
Religious institutions, § 134:3
Remarriage tables, § 173:25
Reopening of lump-sum award,
§ 173:27
Resuming work, § 173:76
Retirement, § 173:79
Scheduled losses
Generally, § 173:16 et seq.
Additional disability, recovery
where scheduled loss creates,
§ 173:21
Artificial limb, loss of, § 173:19
Eye, loss of, § 173:20
Member, loss or loss of use of,
§ 173:17, 173:18
Partial loss or loss of use of
member, § 173:18
Vision, loss of, § 173:20
Scheduled member, loss of, concur-
rent with disfigurement,
§ 173:56
Seasonal workers, § 173:39
Seek employment, duty to, § 173:75
Self-employed persons, § 173:42
Shareholders, § 173:43
Social events or activities, § 135:52
Social security benefits, § 173:63
Specially equipped motor vehicles,
§ 174:26
Spiritual treatment, § 174:18
Spouse, § 173:26
State militia, members of, § 134:36
WORKERS’ COMPENSATION
—Cont’d
State, payment to in absence of survivors, § 173:26
Status of employee
Generally, § 134:12 to 134:20
Control of work and worker, § 134:13, 134:14
Factors, generally, § 134:12
Remuneration
Generally, § 134:15 to 134:20
Commission basis, payment on, § 134:19
Method of payment, § 134:17
Non-monetary compensation, § 134:20
Percentage or share of profits or earnings, payment of percentage of, § 134:18
Third party, effect of payment by or to, § 134:16
Statute, limits of insurer’s liability, § 173:4
Statutory exclusion of defenses, § 133:15
Strike, § 173:35
Student athletes, § 134:38
Subcontractors, § 134:23 to 134:26
Successive awards for different classes or degrees of disability, § 173:54
Successive injuries, § 173:57
Surgery, § 174:15
Surviving spouse and minor dependents, award for, § 173:25, 173:26
Temporary partial disability, generally, § 173:9
Temporary total disability, generally, § 173:10
Therapy, § 174:20, 174:21
Third parties
Claim for workers’ compensation, employee’s right as affecting, § 133:38
Employees of third persons, § 134:23 to 134:26
Indemnity and contribution, § 133:40

WORKERS’ COMPENSATION
—Cont’d
Third parties—Cont’d
Interest of insurer in employee’s action, § 133:39
Rights against, generally, § 133:37 to 133:39
Time for determining wages, § 173:34
Time of accident or injury as affecting work relationship
Generally, § 135:6 to 135:8
Before or after working hours, § 135:8
Pre-examinations, tests, and the like, during, § 135:6
Termination of employment, after, § 135:7
Time of injury, § 135:5
Tips and gratuities, § 173:46
Tortfeasor, recovery from, § 173:66
Transportation, § 173:52
Travel expenses, § 174:35
Unemployment compensation, § 173:61
Unemployment programs, § 173:45
Validity, § 133:6
Vision, loss of, § 173:20
Vocational rehabilitation
Generally, § 174:28 et seq.
Benefits, § 174:31
Development of plan, § 174:29
Duration, § 174:32
Non-cooperation, § 174:30
Wages paid subsequent to injury, § 173:65
Weight-loss programs, § 174:36
Welfare, persons on, § 134:38
Workfare, § 173:45

WORKFARE
Workers’ compensation, § 173:45

WORKMANSHIP

WORK-RELATED INJURY
Workers’ Compensation (this index)
INDEX

WORK-RELATED INJURY
Recoupment, mistake as to legal obligation to pay, § 226:74

WORTHLESS CLAIM
Subrogation, preventing harm, § 224:126, 224:127

WOUNDS
Accident insurance, § 139:39, 139:40
Disability provisions, § 147:105
Good health of insured, § 88:100

WRECK
Marine insurance, § 221:33

WRIST
Disability insurance, § 146:65

WRITINGS AND DECLARATIONS
Actual knowledge of insured, § 187:9
Arbitration awards, § 213:7
Cooperation, notice, § 199:106
Fidelity insurance, § 160:25, 160:26
Notice and proof of loss, generally, § 188:21, 188:22
Threshold requirements, § 201:27

WRITTEN AGREEMENTS
See Contracts (this index)

WRONG FORMS
Notice and proof of loss, estoppel and waiver, § 195:27

WRONGFUL CANCELLATION
Limitation of actions, § 235:108, 236:143, 236:144
Venue, § 230:31

WRONGFUL DEATH
Actions against insurers, § 242:199
Liability policies, § 242:25
Subrogation, § 223:67, 225:13, 225:200
Uninsured and underinsured motorist coverage, § 171:6, 171:16

WRONGFUL ENTRY
Liability insurance, § 201:44

WRONGFUL IMPAIRMENT
See Subrogation (this index)

WRONGFUL NATURE
Third-party claims, § 205:15

WRONGFULNESS OF ACTIONS
Common law, § 204:43

WRONGFULNESS OF DENIAL
Third-party claims, § 205:19, 205:20

WRONGFUL PARTY
Generally, § 242:192 to 242:194
Beneficiaries, § 242:192
Beneficiary, § 242:194
Challenging legality of policy, § 242:193
Decedents’ estates, § 242:192
Estate, § 242:192
Legality of policy, § 242:193
Payment of benefits, § 242:192
Payment to improper payee, § 242:194

WRONGFUL REFUSAL
Settlement and compromise, § 203:39

WRONGFUL SETTLEMENT
Limitation of actions, § 234:51

WRONG NAME
Property insurance, § 242:43

X-RAYS
Evidentiary uses
Generally, § 253:284
Best evidence rule, § 253:45
Good health of insured, § 87:55
Life, health, and disability insurance, § 189:93

YORK-ANTWERP RULES
Generally, § 221:4, 221:17
Rule f: substituted expenses, § 221:67
Rule g, § 221:77
Rule iii: extinguishing fire on shipboard, § 221:20
Rule ii: loss or damage by sacrifice for common safety, § 221:25
Rule i: jettison of cargo, § 221:28
Rule iv: cutting away wreck, § 221:33

Index-715
YORK-ANTWERP RULES—Cont’d
Rule ix: cargo, ship’s materials and stores used for fuel, § 221:37
Rule vii: damage to machinery and boilers, § 221:41
Rule viii: expenses lightening ship when ashore, and consequent damage, § 221:31
Rule x: expenses at port of refuge, § 221:47
Rule xii: damage to cargo in discharging, and so forth, § 221:57
Rule xiii: deductions from cost of repairs, § 221:55
Rule xiv: temporary repairs, § 221:53
Rule xi: wages and maintenance of crew and other expenses bearing up for and in a port of refuge, § 221:48, 221:49
Rule xix: undeclared and wrongfully declared cargo, § 221:75
Rule xvii: contributory values, § 221:80
Rule xviii: damage to ship, § 221:72
Rule xv: loss of freight, § 221:62
Rule xxi: interest on losses made good in general average, § 221:86
Rule xxii: treatment of cash deposits, § 221:85
Rule xx: provision of funds, § 221:68
ZONING
Contractors’ performance bonds, § 164:106

Index-716