


2023 Legislative
Changes to Montana
Insurance Statutes

1



Course Purpose

To provide producers, adjusters, and consultants with an understanding of the changes to Montana insurance statutes or other related statutes enacted by the 2023 Legislature.

2

HB 61

SPONSOR:

- **Short Title:** Remove insurance continuing education council
- An act generally revising laws related to continuing education courses; eliminating the insurance advisory council; allowing contracts for education course review

Effective Date: 10/1/2023 | Click [HERE](#) to view the bill.

3

HB 62
SPONSOR:

- **Short Title:** Generally revise laws related to bail bonds
- An act generally revising laws related to bail bonds; creating a surety bail bond insurance license; providing for application and training requirements for a surety bail bond insurance license; providing arrest authority to a surety bail bond insurance provider

Effective Date: (1) Except as provided in subsection (2), [this act] is effective January 2024. (2) Sections 1 and 5 through 10 and this section are effective on passage and approval. Click [HERE](#) to view the bill.

4

HB 156
SPONSOR:

- **Short Title:** Generally revise laws enforced by the State Auditor
- An act generally revising laws under the supervision of the State Auditor; revising securities laws relating to disclosure of financial exploitation of an older person; authorizing the Securities Assistance Restitution Fund to assert certain claims for restitution; revising laws relating to Commissioner access to insurance records; revising insurance laws to remove certain service of process fees; revising insurance service of process laws; revising insurance certificate of authority laws; requiring the Commissioner to make an approved risk list; revising the penalty relating to certain surplus lines filings; defining pharmacy services administrative organization; revising laws relating to pharmacy services administrative organizations; revising laws relating to filings of policy forms;

CONTINUED ON NEXT SLIDE

5

HB 156 CONTINUED...
Revising laws relating to the Board of Directors of the Montana Life and Health Insurance 2 Guarantee Association Board; revising laws relating to commercial lines policies; revising laws relating to the filing of variable life insurance contracts; revising pharmacy services administrative organization laws; revising definitions; revising laws relating to the Montana Reinsurance Association Act; defining, "title guarantee"; authorizing the Commissioner to order restitution related to title insurance; revising laws related to utilization review organizations; revising laws related to standards for property and casualty insurers; providing for coverage of certain oral therapy prescriptions related to opioid use disorders, transferring statutory duties from the Department of Public Health and Human Services to the Commissioner of Securities and Insurance relating to the Managed Care Plan Network Adequacy and Quality Assurance Act

*Effective Date: Varies per section of code impacted
Click [HERE](#) to view the bill.*

6

HB 178
SPONSOR:

- **Short Title:** Revise workers' compensation laws relating to social or recreational activity
- An act revising workers' compensation laws relating to when the employee is engaging in social or recreational activity, revising laws relating to employee injuries during social or recreational activities at the worksite of the employer

*Effective Date: On passage and approval
Click [HERE](#) to view the bill.*

7

HB 263
SPONSOR:

- **Short Title:** Revise insurance coverage for prescription eye drop refills
- An act requiring insurance coverage for refill of prescription eye drops under certain circumstances

*Effective Date: 1/1/2024
Click [HERE](#) to view the bill.*

8

HB 302
SPONSOR:

- **Short Title:** Insurance coverage for 12-month supply of birth control
- An act for a bill entitled: "An act requiring insurance coverage of a 12-month supply of prescription contraceptives."

*Effective Date: 1/1/2024
Click [HERE](#) to view the bill.*

9

HB 332
SPONSOR:

- **Short Title:** Generally revising school district health insurance laws
- An act providing incentive funding for school districts that participate in a qualifying health insurance trust, specifies requirements and provides conditions and ramifications of district withdrawals. The school health insurance trust must have at least 150 districts and 12,000 employees.

*Effective Date: 7/1/2023
Click [HERE](#) to view the bill.*

10

HB 379
SPONSOR:

- **Short Title:** Revise laws related to pharmacy benefit managers
- An act continuing the prohibition that prevents a pharmacy benefit manager from requiring federally certified health entities to identify 340B drugs, extending the termination date of the prohibition

*Effective Date: On passage and approval
Click [HERE](#) to view the bill.*

11

HB 427
SPONSOR:

- **Short Title:** Revise military affairs laws regarding workers' compensation
- An act revising military affairs laws; providing that members of the National Guard and Air National Guard are entitled to workers' compensation while on state duty; providing that the Department of Military Affairs must cover the difference between workers' compensation benefits and the injured member's federal compensation rate

*Effective Date: 10/2023
Click [HERE](#) to view the bill.*

12

HB 505
SPONSOR:

- **Short Title:** Revise funeral insurance laws to increase maximum initial policy limit
- An act revising insurance laws to increase the initial policy or certificate limit for funeral insurance from \$15,000 to \$25,000

*Effective Date: 10/1/2023
Click [HERE](#) to view the bill.*

13

HB 567
SPONSOR:

- **Short Title:** Revise health insurance navigator training requirements
- An act revising training requirements for insurance navigators; accepting completion of the centers for Medicare and Medicaid services training for navigator certification

*Effective Date: On passage and approval
Click [HERE](#) to view the bill.*

14

HB 591
SPONSOR:

- **Short Title:** Implementing travel insurance model act
- An act revising laws relating to travel insurance; providing definitions; providing for a limited lines license; providing for travel protection plans; providing for sales practices; providing for travel administrators; providing rulemaking authority

*Effective Date: 10/1/2023
Click [HERE](#) to view the bill.*

15

HB 612
SPONSOR:

- **Short Title:** Revise insurance requirements for diabetes self-management
- An act revising insurance coverage requirements for self-management training and education for diabetes

*Effective Date: 1/1/2024
Click [HERE](#) to view the bill.*

16

HB 615
SPONSOR:

- **Short Title:** Generally revise liability insurance laws relating to real estate professionals
- An act revising the requirements for professional liability insurance coverage for real estate broker and salesperson licensees; revising deductible requirements

*Effective Date: On passage and approval
Click [HERE](#) to view the bill.*

17

HB 636
SPONSOR:

- **Short Title:** Revise workers' compensation laws relating to exemptions from the act
- An act revising workers' compensation laws related to exemptions from the workers' compensation act; revising ownership interest requirements relating to a corporation of a limited liability company; and amending Section 39-71-401, MCA

*Effective Date: 10/1/2023
Click [HERE](#) to view the bill.*

18

HB 665

SPONSOR:

- **Short Title:** Revise laws related to insurance coverage of breast examinations
- An act revising laws relating to insurance coverage for preventative, diagnostic, and supplemental breast examinations

Effective Date: 10/1/2023
Click [HERE](#) to view the bill.

19

HB 702

SPONSOR:

- **Short Title:** Repeal termination date relating to certain Workers' Compensation Programs
- An act repealing the termination date related to reimbursement of workers' compensation premiums for certain work-based learning opportunities

Effective Date: On passage and approval
Click [HERE](#) to view the bill.

20

HB 836

SPONSOR:

- **Short Title:** Revise insurance laws relating to regulatory waivers
- An act providing for the Commissioner of Insurance to issue a regulatory sandbox waiver; allowing the Commissioner to grant a variance or waiver with respect to requirements of the insurance code; providing for applications to the Commissioner;

CONTINUED ON NEXT SLIDE

21

HB 836 CONTINUED...
 providing for considerations in granting the waiver;
 providing limits of the grant of a waiver; providing for
 consumer disclosures; providing for the limitations on
 the grant of a waiver; providing for fees and penalties

Effective Date: On passage and approval
 Click [HERE](#) to view the bill.

22

SB 107
 SPONSOR:

- **Short Title:** Revises laws relating to civil liability for injuries involving alcohol
- An act amending liquor liability laws, clarifies and defines the responsibilities of establishments that serve alcohol and defines laws relating to visible intoxication

Effective Date: On passage and approval
 Click [HERE](#) to view the bill.

23

SB 165
 SPONSOR:

- **Short Title:** Establishing a duty of cooperation relating to insurance policies
- An act establishing a duty of cooperation of an insured or a third-party claimant toward an insurer when dealing with claims and seeking recovery of benefits under an insurance policy;

CONTINUED ON NEXT SLIDE

24

SB 165 CONTINUED...

- providing that a breach of the duty may be asserted by an insurer as an affirmative defense to any cause of action against an insurer under Section 33-18-242, MCA, or commenced by an insured or third-party claimant that alleges the insurer's breach of contract or the insurer's breach of the implied covenant of good faith and fair dealing; allowing an insurer to introduce evidence concerning an insured's or third-party claimant's conduct in any cause of action

25

SB 165 CONTINUED...

- against an insurer under Section 33-18-242, MCA, or that alleges the insurer's breach of contract or the insurer's breach of the implied covenant of good faith and fair dealing.

*Effective Date: On passage and approval
Click [HERE](#) to view the bill.*

26

SB 236

SPONSOR:

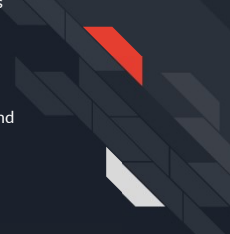
- **Short Title:** Establish time limited demand standards
- An act establishing standards to be satisfied by a third-party claimant when delivering a written time-limited demand to an insurer; requiring a third-party claimant to deliver all available and supporting documents, records and information to an insurer when delivering a time-limited demand;

CONTINUED ON NEXT SLIDE

27

SB 236 CONTINUED...

- providing a fair and reasonable opportunity for an insurer to timely investigate and evaluate claims presented to the insurer without the risk or exposure of having an unfair claim settlement practices or insurance bad faith claim alleged against the insurer or unreasonably creating additional liability exposure to the insurer beyond the limits of liability set forth in the insurance policy;




28

SB 236 CONTINUED...

- and promoting fair and reasonable settlement of claims while allowing insurers a reasonable opportunity to investigate and evaluate claims and to promptly and fairly settle claims to protect policyholders.

Effective Date: 10/1/2023
Click [HERE](#) to view the bill.



29

SB 260

SPONSOR:

- **Short Title:** Revise insurance unfair trade practices act relating to certain insurers
- An act exempting certain insurers from unfair claims settlement practice requirements; exempting captive insurance entities except for risk retention groups; and amending sections

Effective Date: 10/1/2023
Click [HERE](#) to view the bill.

30

SB 380
SPONSOR:

- **Short Title:** Generally revising health care insurance laws; providing for prior authorization requirements
- An act reduces redundancy on prescription pre-approvals and promotes timely access to healthcare. The amendment demonstrates compromise between the health care providers and insurance companies. Focuses on generic and specialty drugs.

*Effective Date: On passage and approval
Click [HERE](#) to view the bill.*

31

SB 492
SPONSOR:

- **Short Title:** Revise insurance laws relating to the duty to defend
- An act revising laws relating to the recovery of cost in an action for which an insurer has been found to not owe a duty to defend the insured; prohibiting an insurer from recovering certain costs; providing an exception allowing an insurer to recover certain costs

*Effective Date: 10/1/2023
Click [HERE](#) to view the bill.*

32

Thank You!

33
