



GOVERNMENT OF PUERTO RICO
Office of the Commissioner of Insurance

January 11, 2019

RULING LETTER NO. CN-2019-246-D

TO ALL INSURERS AND PUBLIC AT LARGE

NOTICE FORM REQUIRED IN SECTION 27.164 OF THE PUERTO RICO INSURANCE CODE

Dear Sirs and Madams:

Through Law No. 247-2018 a new Section 27.164 was incorporated into the Puerto Rico Insurance Code for the purpose of providing additional civil remedies for the citizenry in the event of breaches and violations of certain provisions of that Code by an insurer. To this end, Section 27.164 sets forth as a prerequisite for bringing civil action under its provisions notifying the Commissioner and the insurer of the alleged violation and/or breach.

Paragraph (3) of this Section establishes the following:

As a prior condition for bringing an action under the provisions of this Section, the affected party must submit written notice of the violation to the Commissioner and the insurer. The Insurer will have a term of sixty (60) days to remedy such. If the Commissioner deems that the written notice is insufficient or vague, the Commissioner will return the notice and the sixty (60) day term will not begin to run until the deficiency identified by the Commissioner is remedied.

a. The notice must be made on an official form to be provided by the Commissioner and shall contain the following information, as well as any other information that the Commissioner, at the Commissioner's discretion, may deem necessary discretion of the Commissioner [sic]:

i. Cite the Article or Section under with the violation is imputed and quoting the language in such Article or Section that was allegedly violated by the insurer.

ii. A statement of the events that give rise to the violation.

iii. The name of the person or entity involved in the violation.

iv. Reference to the language under the coverage of the policy that is relevant to the alleged violation . If the person who is making the claim is a third party, the person will not be required to use the specific language of the policy if the authorized insurer has not provided a copy of the policy to the claimant, if such was requested in writing.



- v. A statement that the notice is made for the purpose of ensuring the right to seek civil remedies as authorized in this Section.
- b. The Commissioner may return any notice that does not provide the specific information required under this Section within twenty (20) days of the receipt of the notice. The Commissioner shall indicate the specific deficiencies of the notice.
- c. No action will be warranted if within sixty (60) days after the receipt of the notice the damages are paid or the deficiencies or violations referred to in the notice are corrected.
- d. The authorized insurer to whom the notice under this Section is addressed shall notify the Commissioner with regard to the resolution of the presumptive violation, along with an agreement stating acceptance and satisfaction signed by the claimant or the claimant's representative.
- e. A notice under this Section, as well as any other subsequent notice, will interrupt for sixty-five (65) days from the date of mailing of the notice any prescriptive term for bringing action in court.

To enable full compliance with this provision, through this Ruling Letter the Office of the Commissioner of Insurance establishes the *Form for Prior Notice for Bringing Civil Action Under Section 27.164 of the Insurance Code of Puerto Rico*, which all persons shall complete before bringing any civil under action the provisions of Section 27.164 of the Insurance Code of Puerto Rico, and which shall be notified to this Office and the insurer. You are advised that any notice submitted in a format other than the Form that is enclosed with this Ruling Letter will be considered as not having been submitted.

Furthermore, any person who intends to bring civil action under the provisions of Section 27.164 of the Insurance Code of Puerto Rico is advised that the necessary documentation to evidence compliance with the notice required in that Section must be retained.

Strict compliance with the provisions of this letter is hereby required.

Very truly yours,

Javier Rivera-Ríos, LUTCF
Commissioner of Insurance of Puerto Rico