

**304.17-060 Limitation on defenses -- Incontestability.**

- (1) (a) There shall be a provision as follows:

"Time Limit on Certain Defenses: After three (3) years from the date of issue of this policy no misstatements, except fraudulent misstatements, made by the applicant in the application for the policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of the three (3) year period."

(The foregoing policy provision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during the initial three (3) year period, nor to limit the application of KRS 304.17-190 to 304.17-230, inclusive, in the event of misstatement with respect to age or occupation or other insurance.)

A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (a) until at least age fifty (50) or (b) in the case of a policy issued after age forty-four (44) for at least five (5) years from its date of issue, may contain in lieu of the foregoing the following provision, from which the clause in parentheses may be omitted at the insurer's option, under the caption "Incontestable":

"After the policy has been in force for a period of three (3) years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to the statements contained in the application."

- (b) No claim for loss incurred or disability as defined in the policy commencing after two (2) years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy.
- (2) Paragraph (b) of subsection (1) of this section shall not apply to policies subject to KRS Chapter 304, Subtitle 17A.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 483, sec. 19, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 512, sec. 63, effective July 15, 1994. -- Created 1970 Ky. Acts ch. 301, subtit. 17, sec. 6, effective June 18, 1970.