

## Federal Crop Insurance Corporation, USDA

## § 441.5

for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

### 19. Determinations

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

### 20. Notices

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

21. Notwithstanding the terms of the crop insurance policy and any contract for crop insurance under the provisions of this part, coverage under the terms of such crop insurance policy will be effective subject to the availability of appropriations.

[50 FR 1825, Jan. 14, 1985, as amended at 50 FR 49027, Nov. 29, 1985; 50 FR 52758, Dec. 26, 1985; 51 FR 7546, Mar. 5, 1986; 51 FR 29205—29207, Aug. 15, 1986; 51 FR 45296, Dec. 18, 1986; 52 FR 3214, Feb. 3, 1987; 54 FR 20512, May 12, 1989; 55 FR 35888, Sept. 4, 1990; 62 FR 65342, Dec. 12, 1997]

## PARTS 438–440 [RESERVED]

## PART 441—TABLE GRAPE CROP INSURANCE REGULATIONS FOR THE 1987 THROUGH 1997 CROP YEARS

Sec.

441.1 Availability of table grape crop insurance.

441.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

441.3 OMB control numbers.

441.4 Creditors.

441.5 Good faith reliance on misrepresentation.

441.6 The contract.

441.7 The application and policy.

AUTHORITY: 7 U.S.C. 1506(l), 1506(p).

SOURCE: 51 FR 37893, Oct. 27, 1986, unless otherwise noted.

### § 441.1 Availability of table grape crop insurance.

Insurance shall be offered under the provisions of this subpart on table

grapes in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

### § 441.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for table grapes which will be included in the actuarial table on file in applicable service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect a coverage level and price at which indemnities will be computed from among those levels and prices set by the actuarial table for the crop year.

### § 441.3 OMB control numbers.

OMB control numbers are contained in subpart H of part 400, title 7 CFR.

### § 441.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

### § 441.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the table grape crop insurance contract, whenever:

(a) An insured under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation:

(1) Is indebted to the Corporation for additional premiums; or

(2) Has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of