

3092--B

2011-2012 Regular Sessions

I N S E N A T E

February 8, 2011

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to prohibiting insurers from canceling, refusing to issue or renew, or charging higher premiums for homeowners' insurance based on the breed of dog owned

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The insurance law is amended by adding a new section 3421
2 to read as follows:
3 S 3421. HOMEOWNERS' LIABILITY INSURANCE; DOGS. 1. WITH RESPECT TO
4 HOMEOWNERS' INSURANCE POLICIES AS DEFINED IN SECTION TWO THOUSAND THREE
5 HUNDRED FIFTY-ONE OF THIS CHAPTER, NO INSURER SHALL REFUSE TO ISSUE OR
6 RENEW, CANCEL, OR CHARGE OR IMPOSE AN INCREASED PREMIUM OR RATE FOR SUCH
7 POLICY OR CONTRACT BASED SOLELY UPON HARBORING OR OWNING ANY DOG OF A
8 SPECIFIC BREED OR MIXTURE OF BREEDS.
9 2. THE PROVISIONS OF THIS SECTION SHALL NOT PROHIBIT AN INSURER FROM
10 REFUSING TO ISSUE OR RENEW OR FROM CANCELING ANY SUCH CONTRACT OR POLI-
11 CY, NOR FROM IMPOSING A REASONABLY INCREASED PREMIUM OR RATE FOR SUCH A
12 POLICY OR CONTRACT BASED UPON THE DESIGNATION OF A DOG OF ANY BREED OR
13 MIXTURE OF BREEDS AS A DANGEROUS DOG PURSUANT TO SECTION ONE HUNDRED
14 TWENTY-THREE OF THE AGRICULTURE AND MARKETS LAW, BASED ON SOUND UNDER-
15 WRITING AND ACTUARIAL PRINCIPLES REASONABLY RELATED TO ACTUAL OR ANTIC-
16 IPATED LOSS EXPERIENCE SUBJECT TO THE APPLICABLE PROVISIONS OF SECTION
17 THREE THOUSAND FOUR HUNDRED TWENTY-FIVE OF THIS ARTICLE.
18 S 2. This act shall take effect on the ninetieth day after it shall
19 have become a law and shall apply to all policies issued, renewed, modi-
20 fied, altered or amended on or after such effective date.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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