

624

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

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 if the dog completes an approved obedience course

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, IN WHOLE OR IN PART, UPON HARBORING OR OWNING  
8     A DOG OR DOGS OF A SPECIFIC BREED OR BREEDS OR A DOG OR DOGS "MIXED"  
9     WITH A SPECIFIC BREED OR BREEDS.  
10    2. THE PROVISIONS OF THIS SECTION SHALL NOT PROHIBIT AN INSURER FROM  
11    REFUSING TO ISSUE OR RENEW OR FROM CANCELING ANY SUCH CONTRACT OR POLI-  
12    CY, NOR FROM IMPOSING AN INCREASED PREMIUM OR RATE FOR SUCH A POLICY OR  
13    CONTRACT BASED UPON THE DESIGNATION OF A DOG OF ANY BREED OR MIXTURE OF  
14    BREEDS AS A DANGEROUS DOG PURSUANT TO SECTION ONE HUNDRED TWENTY-THREE  
15    OF THE AGRICULTURE AND MARKETS LAW, BASED ON SOUND UNDERWRITING AND  
16    ACTUARIAL PRINCIPLES REASONABLY RELATED TO ACTUAL OR ANTICIPATED LOSS  
17    EXPERIENCE SUBJECT TO THE APPLICABLE PROVISIONS OF SECTION THREE THOU-  
18    SAND FOUR HUNDRED TWENTY-FIVE OF THIS ARTICLE. HOWEVER, BEFORE AN  
19    INSURER MAY REFUSE TO ISSUE, RENEW OR CANCEL SUCH CONTRACT OR POLICY OR  
20    IMPOSE AN INCREASED PREMIUM OR RATE FOR SUCH POLICY OR CONTRACT BASED  
21    UPON THE DESIGNATION OF A DOG AS DANGEROUS, AN INSURER SHALL PROVIDE  
22    SUCH DANGEROUS DOG NINETY DAYS TO SUCCESSFULLY COMPLETE AN APPROVED

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

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1 OBEDIENCE COURSE. IF SUCH COURSE LASTS LONGER THAN NINETY DAYS, THE  
2 HOMEOWNER MAY SHOW PROOF THAT THE DOG IS ENROLLED IN SUCH COURSE AND  
3 UPON SUCH PROOF SHALL RECEIVE AN ADDITIONAL SIXTY DAYS TO COMPLETE SUCH  
4 COURSE. IF SUCH DESIGNATED DANGEROUS DOG SUCCESSFULLY COMPLETES SUCH  
5 COURSE, THE INSURER IS PROHIBITED FROM REFUSING TO ISSUE, RENEW OR  
6 CANCEL SUCH POLICY OR CONTRACT OR INCREASE THE PREMIUM OR RATE ON SUCH  
7 POLICY OR CONTRACT BASED UPON THE DESIGNATION OF SUCH DOG AS DANGEROUS.  
8 S 2. This act shall take effect immediately and shall apply to all  
9 policies issued, renewed, modified, altered or amended on or after such  
10 effective date.