

# STATE OF NEW YORK

308

2017-2018 Regular Sessions

## IN ASSEMBLY

January 5, 2017

Introduced by M. of A. GANTT -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to prohibiting discrimination in the issuance or renewal of homeowners' insurance policies and to the geographical location of risk of certain policies

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 3429 of the insurance law is amended to read as  
2 follows:  
3 § 3429. Geographical location of risks; homeowners'; fire, fire and  
4 extended coverage policies; private passenger automobile insurance poli-  
5 cies. (a) No insurer shall reject any application for, refuse to issue  
6 or renew, limit the type or amount of coverage offered or shall cancel a  
7 policy of:  
8 (1) homeowners' insurance, fire insurance or fire and extended cover-  
9 age insurance, or  
10 (2) automobile insurance subject to section three thousand four  
11 hundred twenty-five of this article  
12 based solely on the geographical location, age or market value of the  
13 risk or property within this state. Such prohibition shall not preclude  
14 an insurer from rejecting an application for such coverage based on the  
15 unreasonable distance of the risk or property from the insurer's ordi-  
16 nary service area, or from refusing to issue or renew, limiting the type  
17 or amount of coverage offered or from cancelling such policies [~~based on~~  
18 ~~sound underwriting and actuarial principles~~] if its action is supported  
19 by actuarially sound statistical data reasonably related to actual or  
20 anticipated loss experience subject to the applicable provisions of  
21 section three thousand four hundred twenty-five of this article, and  
22 such action is consistent with its treatment of risks of substantially  
23 similar hazard in all geographical locations it serves in this state.  
24 (b) The superintendent shall by regulation establish procedures with  
25 respect to notification to insureds of the insurer's specific reason or  
26 reasons for refusal to issue or renew or for cancellation of such poli-  
27 cy.

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

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1 § 2. Section 3430 of the insurance law, paragraph 1 of subsection (a)  
2 as amended by chapter 259 of the laws of 2005, is amended to read as  
3 follows:

4 § 3430. Right of insured, agent or broker aggrieved on basis of  
5 geographical location of property or risks. (a) An insured aggrieved by  
6 an inability to obtain or retain a type or amount of:

7 (1) homeowner's insurance, including fire insurance or fire and  
8 extended coverage insurance, other than from the New York property  
9 insurance underwriting association, or

10 (2) automobile insurance subject to section three thousand four  
11 hundred twenty-five of this article, other than through the New York  
12 automobile insurance plan,

13 from any insurer or through any insurance agent or broker because of the  
14 geographical location, age or market value of the risk or property with-  
15 in the state or a licensed agent or broker whose contract or account was  
16 terminated or not renewed because of the geographical location of the  
17 agent or broker or the geographical location, age or market value of the  
18 risks within the state for which coverage is afforded through the agent  
19 or broker [~~and the grievance was not the result of the application of~~  
20 ~~sound underwriting and actuarial principles reasonably related to actual~~  
21 ~~or anticipated loss experience~~] may file a complaint to that effect with  
22 the superintendent on a form prescribed by him.

23 (b) The superintendent shall investigate the complaint pursuant to  
24 rules and regulations promulgated by him. In addition to any other power  
25 or procedure authorized by this chapter, the superintendent shall take  
26 such action and require such documentation as deemed necessary to deter-  
27 mine compliance with section three thousand four hundred twenty-nine and  
28 three thousand four hundred thirty-three of this article, and may  
29 require the physical inspection of the risk or property or hold a hear-  
30 ing, or both, for the purpose of assisting him in his determination of  
31 the issues raised by the complaint.

32 § 3. Section 3433 of the insurance law is amended to read as follows:

33 § 3433. Termination of contracts or accounts of licensed agents or  
34 brokers; prohibition; geographical location. (a) No insurer shall termi-  
35 nate or refuse to renew a contract or account of a licensed agent or  
36 broker who negotiated policies of:

37 (1) homeowners' insurance, fire insurance or fire and extended cover-  
38 age insurance or

39 (2) automobile insurance subject to section three thousand four  
40 hundred twenty-five of this article when such termination or refusal to  
41 renew is based solely on the geographical location of the agent or  
42 broker or geographical location, age or market value of the risks for  
43 which coverage is afforded through such agent or broker unless such  
44 action is supported by actuarially sound statistical data reasonably  
45 related to actual or anticipated loss experience of such risks, and such  
46 action is consistent with its treatment of licensed agents or brokers  
47 who negotiated policies for risks of substantially similar hazard in all  
48 geographical locations it serves in this state.

49 (b) The superintendent shall by regulation establish procedures  
50 requiring notification to such agents or brokers of the insurer's  
51 specific reason or reasons for termination or refusal to renew the  
52 agent's or broker's contract or account.

53 § 4. This act shall take effect on the thirtieth day after it shall  
54 have become a law and shall apply to all contracts and policies of  
55 insurance issued or renewed on and after such date.