

S. 1194

A. 3484

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

January 27, 2009

IN SENATE -- Introduced by Sens. THOMPSON, KLEIN, KRUEGER, ONORATO, PERKINS, SMITH -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

IN ASSEMBLY -- Introduced by M. of A. PEOPLES, P. RIVERA, SCHROEDER, CARROZZA -- Multi-Sponsored by -- M. of A. GREENE, JOHN, WRIGHT -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to discrimination based on inquiries

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 2616
 2 to read as follows:
 3 S 2616. DISCRIMINATION BASED ON INQUIRIES. (A) NO INSURER SHALL REPORT
 4 TO AN INSURANCE SUPPORT ORGANIZATION OR COMPANY THAT COLLECTS AND MAIN-
 5 TAINS CLAIMS HISTORY REPORTS FROM INSURERS, ANY INQUIRY ABOUT A POLICY,
 6 INCLUDING ANY INQUIRY IN WHICH LOSS OR DAMAGE IS REVEALED UNDER A HOME-
 7 OWNERS', PERSONAL LINES FIRE, OR NON-BUSINESS MOTOR VEHICLE INSURANCE
 8 POLICY.
 9 (B) NO INSURER SHALL REFUSE TO ISSUE OR RENEW A HOMEOWNERS', PERSONAL
 10 LINES FIRE, OR NON-BUSINESS MOTOR VEHICLE INSURANCE POLICY, IMPOSE OR
 11 OFFER A HIGHER RATE OR PREMIUM FOR ANY SUCH POLICY, OR ASSIGN TO A MORE
 12 EXPENSIVE AFFILIATE, RATING TIER OR CATEGORY, AN INSURED OR APPLICANT
 13 FOR ANY SUCH POLICY ON THE BASIS OF ANY INQUIRY ABOUT A POLICY, INCLUD-
 14 ING ANY INQUIRY IN WHICH LOSS OR DAMAGE IS REVEALED TO THE INSURER OR
 15 ANY PREVIOUS INSURERS, OR ON THE BASIS OF ANY SUCH INQUIRY REPORTED TO
 16 OR RECORDED BY AN INSURANCE SUPPORT ORGANIZATION OR COMPANY THAT
 17 COLLECTS AND MAINTAINS CLAIMS HISTORY REPORTS FROM INSURERS.
 18 S 2. This act shall take effect on the thirtieth day after it shall
 19 have become a law.

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

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