S T A T E O F N E W Y O R K

2566

2009-2010 Regular Sessions

I N A S S E M B L Y

January 20, 2009

Introduced by M. of A. GLICK, O'DONNELL, ENGLEBRIGHT, COLTON, SWEENEY, KELLNER, McDONOUGH -- read once and referred 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

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

Section 1. The insurance law is amended by adding a new section 3421 to read as follows:

S 3421. HOMEOWNERS' LIABILITY INSURANCE; DOGS. 1. WITH RESPECT TO HOMEOWNERS' INSURANCE POLICIES AS DEFINED IN SECTION TWO THOUSAND THREE HUNDRED FIFTY-ONE OF THIS CHAPTER, NO INSURER SHALL REFUSE TO ISSUE OR RENEW, CANCEL, OR CHARGE OR IMPOSE AN INCREASED PREMIUM OR RATE FOR SUCH POLICY OR CONTRACT BASED, IN WHOLE OR IN PART, UPON HARBORING OR OWNING A DOG OR DOGS OF A SPECIFIC BREED OR BREEDS OR A DOG OR DOGS "MIXED" WITH A SPECIFIC BREED OR BREEDS.

2. THE PROVISIONS OF THIS SECTION SHALL NOT PROHIBIT AN INSURER FROM REFUSING TO ISSUE OR RENEW OR FROM CANCELING ANY SUCH CONTRACT OR POLICY, NOR FROM IMPOSING A REASONABLY INCREASED PREMIUM OR RATE FOR SUCH A POLICY OR CONTRACT BASED UPON THE DESIGNATION OF A DOG OF ANY BREED OR MIXTURE OF BREEDS AS A DANGEROUS DOG PURSUANT TO SECTION ONE HUNDRED TWENTY-ONE OF THE AGRICULTURE AND MARKETS LAW, BASED ON SOUND UNDERWRITING AND ACTUARIAL PRINCIPLES REASONABLY RELATED TO ACTUAL OR ANTICIPATED LOSS EXPERIENCE SUBJECT TO THE APPLICABLE PROVISIONS OF SECTION THREE THOUSAND FOUR HUNDRED TWENTY-FIVE OF THIS ARTICLE.

3. THE PROVISIONS OF THIS SECTION SHALL NOT PROHIBIT AN INSURER FROM IMPOSING A REASONABLY INCREASED PREMIUM OR RATE FOR SUCH POLICY OR CONTRACT BASED UPON PRIOR PAID LIABILITY CLAIMS ON THE INSURED'S HOMEOWNERS' LIABILITY POLICY FOR LOSSES INCURRED DUE TO THE INSURED'S DOG OR DOGS, IF THAT DOG OR DOGS STILL RESIDE IN THE INSURED'S HOME OR HOUSE-

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

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HOLD, BASED ON SOUND UNDERWRITING AND ACTUARIAL PRINCIPLES REASONABLY RELATED TO ACTUAL OR ANTICIPATED LOSS EXPERIENCE SUBJECT TO THE APPLICABLE PROVISIONS OF SECTION THREE THOUSAND FOUR HUNDRED TWENTY-FIVE OF THIS ARTICLE.

S 2. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to all policies issued, renewed, modified, altered or amended on or after such effective date.