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

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:

Section 1. The insurance law is amended by adding a new section 2616 to read as follows:

S 2616. DISCRIMINATION BASED ON INQUIRIES. (A) NO INSURER SHALL REPORT TO AN INSURANCE SUPPORT ORGANIZATION OR COMPANY THAT COLLECTS AND MAINTAINS CLAIMS HISTORY REPORTS FROM INSURERS, ANY INQUIRY ABOUT A POLICY, INCLUDING ANY INQUIRY IN WHICH LOSS OR DAMAGE IS REVEALED UNDER A HOMEOWNERS', PERSONAL LINES FIRE, OR NON-BUSINESS MOTOR VEHICLE INSURANCE POLICY.

(B) NO INSURER SHALL REFUSE TO ISSUE OR RENEW A HOMEOWNERS', PERSONAL LINES FIRE, OR NON-BUSINESS MOTOR VEHICLE INSURANCE POLICY, IMPOSE OR OFFER A HIGHER RATE OR PREMIUM FOR ANY SUCH POLICY, OR ASSIGN TO A MORE EXPENSIVE AFFILIATE, RATING TIER OR CATEGORY, AN INSURED OR APPLICANT FOR ANY SUCH POLICY ON THE BASIS OF ANY INQUIRY ABOUT A POLICY, INCLUDING ANY INQUIRY IN WHICH LOSS OR DAMAGE IS REVEALED TO THE INSURER OR ANY PREVIOUS INSURERS, OR ON THE BASIS OF ANY SUCH INQUIRY REPORTED TO OR RECORDED BY AN INSURANCE SUPPORT ORGANIZATION OR COMPANY THAT COLLECTS AND MAINTAINS CLAIMS HISTORY REPORTS FROM INSURERS.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

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