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

93

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

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:

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 AN 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. HOWEVER, BEFORE AN INSURER MAY REFUSE TO ISSUE, RENEW OR CANCEL SUCH CONTRACT OR POLICY OR IMPOSE AN INCREASED PREMIUM OR RATE FOR SUCH POLICY OR CONTRACT BASED UPON THE DESIGNATION OF A DOG AS DANGEROUS, AN INSURER SHALL PROVIDE SUCH DANGEROUS DOG NINETY DAYS TO SUCCESSFULLY COMPLETE AN APPROVED OBEDIENCE

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

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COURSE. IF SUCH COURSE LASTS LONGER THAN NINETY DAYS, THE HOMEOWNER MAY SHOW PROOF THAT THE DOG IS ENROLLED IN SUCH COURSE AND UPON SUCH PROOF SHALL RECEIVE AN ADDITIONAL SIXTY DAYS TO COMPLETE SUCH COURSE. IF SUCH DESIGNATED DANGEROUS DOG SUCCESSFULLY COMPLETES SUCH COURSE, THE INSURER IS PROHIBITED FROM REFUSING TO ISSUE, RENEW OR CANCEL SUCH POLICY OR CONTRACT OR INCREASE THE PREMIUM OR RATE ON SUCH POLICY OR CONTRACT BASED UPON THE DESIGNATION OF SUCH DOG AS DANGEROUS.

S 2. This act shall take effect immediately and shall apply to all policies issued, renewed, modified, altered or amended on or after such effective date.