

1710

2011-2012 Regular Sessions

I N S E N A T E

January 11, 2011

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:

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

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

10 2. THE PROVISIONS OF THIS SECTION SHALL NOT PROHIBIT AN INSURER FROM
11 REFUSING TO ISSUE OR RENEW OR FROM CANCELING ANY SUCH CONTRACT OR POLI-
12 CY, NOR FROM IMPOSING AN INCREASED PREMIUM OR RATE FOR SUCH A POLICY OR
13 CONTRACT BASED UPON THE DESIGNATION OF A DOG OF ANY BREED OR MIXTURE OF
14 BREEDS AS A DANGEROUS DOG PURSUANT TO SECTION ONE HUNDRED TWENTY-THREE
15 OF THE AGRICULTURE AND MARKETS LAW, BASED ON SOUND UNDERWRITING AND
16 ACTUARIAL PRINCIPLES REASONABLY RELATED TO ACTUAL OR ANTICIPATED LOSS
17 EXPERIENCE SUBJECT TO THE APPLICABLE PROVISIONS OF SECTION THREE THOU-
18 SAND FOUR HUNDRED TWENTY-FIVE OF THIS ARTICLE. HOWEVER, BEFORE AN
19 INSURER MAY REFUSE TO ISSUE, RENEW OR CANCEL SUCH CONTRACT OR POLICY OR
20 IMPOSE AN INCREASED PREMIUM OR RATE FOR SUCH POLICY OR CONTRACT BASED
21 UPON THE DESIGNATION OF A DOG AS DANGEROUS, AN INSURER SHALL PROVIDE
22 SUCH DANGEROUS DOG NINETY DAYS TO SUCCESSFULLY COMPLETE AN APPROVED
23 OBEDIENCE COURSE. IF SUCH COURSE LASTS LONGER THAN NINETY DAYS, THE

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

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

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