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

5103

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. BALL -- 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 cancelling, refusing to issue or renew homeowner's 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. HOMEOWNER'S LIABILITY INSURANCE; DOGS. NO INSURER ISSUING A POLICY OR CONTRACT INSURING AGAINST LIABILITY FOR INJURY TO ANY PERSON, OR INJURY TO OR DESTRUCTION OF PROPERTY ARISING OUT OF OWNERSHIP OR LEASE OF RESIDENTIAL ONE, TWO, THREE OR FOUR DWELLING REAL PROPERTY SHALL REFUSE TO ISSUE, RENEW OR CANCEL FOR SUCH A POLICY OR CONTRACT BASED, IN WHOLE OR IN PART, UPON THE HARBORING OF ANY SPECIFIC BREED OR BREEDS OF DOG OR DOGS UPON SUCH REAL PROPERTY. THE RATES FOR THAT PORTION OF ANY SUCH POLICY OR CONTRACT WHICH INSURES AGAINST LIABILITY FOR INJURY TO ANY PERSON, OR INJURY TO OR DESTRUCTION OF PROPERTY SHALL BE BASED ON SOUND UNDERWRITING AND ACTUARIAL PRINCIPLES. HOWEVER, IF ANY SUCH DOG HAS BEEN DESIGNATED AS A DANGEROUS DOG PURSUANT TO SECTION ONE HUNDRED TWENTY-THREE OF THE AGRICULTURE AND MARKETS LAW, THE PROVISIONS OF THIS SECTION SHALL IN NO MANNER PROHIBIT AN INSURER FROM REFUSING TO ISSUE OR RENEW OR FROM CANCELLING ANY SUCH CONTRACT OR POLICY, NOR FROM IMPOSING AN INCREASED PREMIUM OR RATE FOR SUCH A POLICY OR CONTRACT 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 immediately and shall apply to all policies issued, renewed, modified, altered or amended on or after such date.

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

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