STATE OF NEW YORK

7658--B

Cal. No. 765

IN SENATE

January 5, 2022

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the insurance law, in relation to insurance for victims of a hate crime

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 3114 to read as follows:

§ 3114. Hate crimes; coverage refusal. (a) For purposes of this section, "insured" means a current policyholder or a person or entity that is covered under an insurance policy.

(b) This section shall apply to policies of insurance if the insured or proposed insured is:

1. an individual;

2. a religious organization;

3. an educational organization; or

4. any other nonprofit organization that is organized and operated for religious, charitable or educational purposes.

(c) An insurer issuing policies subject to this section shall not cancel, refuse to issue, refuse to renew, or increase the premium of a policy solely on the basis that one or more claims have been made against any policy during the preceding sixty months for a loss that is the result of a hate crime as defined pursuant to article four hundred eighty-five of the penal law committed against the person or property insured if the insured provides evidence to the insurer that the act causing such loss is a result of a hate crime and that such insured was not the offender of the hate crime.

(d) An insurer may cancel, refuse to renew, increase the premium of, or change the terms or benefits of an insurance policy due to other factors that are not prohibited by this section.

§ 2. This act shall take effect immediately.

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

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