STATE OF NEW YORK

2207

2023-2024 Regular Sessions

IN ASSEMBLY

January 24, 2023

Introduced by M. of A. EICHENSTEIN -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to insurance for victims of a hate crime; and to repeal certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 3114 of the insurance law, as added by a chapter of the laws of 2022 amending the insurance law relating to insurance for victims of a hate crime, as proposed in legislative bills numbers S. 7658-B and A. 8869-B, is REPEALED.

§ 2. The insurance law is amended by adding a new section 3422 to read as follows:

§ 3422. 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 business entity that is independently owned and operated and employs one hundred or fewer individuals;

(3) a religious organization;

(4) an educational organization; or

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

(c) An insurer that issues or delivers a policy in this state shall not cancel, refuse to issue, refuse to renew, or increase the premium of a policy or exclude, limit, restrict, or reduce coverage under such 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

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

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eighty-five of the penal law, committed against the person or property insured if the named insured provides evidence to the insurer that the act causing such loss is a result of a hate crime and that an insured was not the perpetrator of the hate crime.

(d) Nothing in this section shall prohibit an insurer from canceling, refusing to renew, increasing the premium of an insurance policy or excluding, limiting, restricting, or reducing coverage under such policy due to other factors that are permitted by any other section of this chapter, including the factors set forth in section two thousand three hundred three of this chapter.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law and shall apply to all policies issued, renewed, modified, altered or amended on or after such date; provided, however, that the provisions of section one of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 amending the insurance law relating to insurance for victims of a hate crime, as proposed in legislative bills numbers S. 7658-B and A. 8869-B, takes effect.