

# 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:

1 Section 1. Section 3114 of the insurance law, as added by a chapter of  
2 the laws of 2022 amending the insurance law relating to insurance for  
3 victims of a hate crime, as proposed in legislative bills numbers S.  
4 7658-B and A. 8869-B, is REPEALED.

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

7 § 3422. Hate crimes; coverage refusal. (a) For purposes of this  
8 section, "insured" means a current policyholder or a person or entity  
9 that is covered under an insurance policy.

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

12 (1) an individual;

13 (2) a business entity that is independently owned and operated and  
14 employs one hundred or fewer individuals;

15 (3) a religious organization;

16 (4) an educational organization; or

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

19 (c) An insurer that issues or delivers a policy in this state shall  
20 not cancel, refuse to issue, refuse to renew, or increase the premium of  
21 a policy or exclude, limit, restrict, or reduce coverage under such  
22 policy solely on the basis that one or more claims have been made  
23 against any policy during the preceding sixty months for a loss that is  
24 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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1 eighty-five of the penal law, committed against the person or property  
2 insured if the named insured provides evidence to the insurer that the  
3 act causing such loss is a result of a hate crime and that an insured  
4 was not the perpetrator of the hate crime.

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

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