STATE OF NEW YORK

7473

2023-2024 Regular Sessions

IN SENATE

May 30, 2023

Introduced by Sen. BAILEY -- 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 discrimination

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

Section 1. The section heading and subsections (a) and (b) of section 2606 of the insurance law, as amended by chapter 159 of the laws of 1993, are amended and a new subsection (g) is added to read as follows:

Discrimination [~~because of race, color, creed, national origin, or disability~~]**; prohibited**. (a) Except as provided in section one thousand one hundred eight of this chapter, no individual or entity subject to the supervision of the superintendent shall because of race, color, creed, national origin, [~~or~~] disability**, age, marital status, sex, sexual orientation, education background or educational level attained, employment status or occupation, income level, consumer credit information or score, ownership or interest in real property, location, type of residence, including but not limited to single-family home, multi-family home, apartment, housing subsidized by state and/or federal programs, or any other residence type, or any indication of a consumer's price elasticity of demand**:

(1) Make any distinction or discrimination between persons as to the premiums or rates charged for insurance policies or in any other manner whatever.

(2) Demand or require a greater premium from any persons than it requires at that time from others in similar cases.

(3) Make or require any rebate, discrimination or discount upon the amount to be paid or the service to be rendered on any policy.

(4) Insert in the policy any condition, or make any stipulation, whereby the insured binds themselves, or their heirs, executors, administrators or assigns, to accept any sum or service less than the full value or amount of such policy in case of a claim thereon except such

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

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conditions and stipulations as are imposed upon others in similar cases; and any such stipulation or condition so made or inserted shall be void.

(b) Except as provided in section one thousand one hundred eight of this chapter, no individual or entity subject to the superintendent's supervision shall solely because of the applicant's race, color, creed, national origin, [~~or~~] disability**, age, marital status, sex, sexual orientation, education background or educational level attained, employment status or occupation, income level, consumer credit information or score, ownership or interest in real property, location, type of residence, including but not limited to single-family home, multi-family home, apartment, housing subsidized by state and/or federal programs, or any other residence type, or any indication of a consumer's price elasticity of demand**:

(1) Reject any application for a policy of insurance issued and/or sold by it.

(2) Refuse to issue, renew or sell such policy after appropriate application therefor.

(3) Fix any lower rate or discriminate in the fees or commissions of agents or brokers for writing or renewing such a policy.

(g) It shall further be unlawful to consider the factors specified in subsection (a) of this section to:

(1) adjust any algorithm or equation used to construct actuarial tables or otherwise determine the cost of coverage;

(2) make any distinction or discrimination between persons as to the premiums or rates charged for property/casualty insurance policies or the terms of coverage or in any other manner whatsoever;

(3) demand or require a greater premium from any person than such insurer requires at that time from other individuals or entities in similar cases; or

(4) refuse to issue, renew, or sell a policy after appropriate application therefor.

§ 2. This act shall take effect immediately.