

# Chapter 406

(House Bill 1203)

AN ACT concerning

## ~~Homeowner's or Renter's Insurance – Underwriting and Policy Exclusions –~~ Policy Exclusions for Specific Breed or Size of Dog Breeds or Mixed Breeds of Dogs – Notices

FOR the purpose of ~~prohibiting an insurer, with respect to homeowner's or renter's insurance, from refusing to underwrite a risk based solely on the specific breed or size of a dog owned by an applicant or insured; prohibiting an insurer from excluding coverage under a policy of homeowner's or renter's insurance for a specific breed or size of a dog owned by an applicant or insured requiring certain insurers that use breed-specific dog exclusions or underwriting guidelines with respect to~~ exclude coverage for losses caused by specific breeds or specific mixed breeds of dogs under homeowner's or renter's insurance policies to provide a certain notice to the an applicant or insured under certain circumstances at certain times; providing for the application of this Act; and generally relating to ~~underwriting and~~ policy exclusions for dogs under policies of homeowner's or renter's insurance.

BY repealing and reenacting, ~~with~~ without amendments,

Article – Insurance

Section 19–205

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

BY adding to

Article – Insurance

Section ~~27–501(r)~~ 19–206.1

Annotated Code of Maryland

(2011 Replacement Volume and 2012 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Insurance

~~27–501.~~

~~(R) WITH RESPECT TO HOMEOWNER'S INSURANCE OR RENTER'S INSURANCE, AN INSURER MAY NOT:~~

~~(1) REFUSE TO UNDERWRITE A RISK BASED SOLELY ON THE SPECIFIC BREED OR SIZE OF A DOG OWNED BY AN APPLICANT OR INSURED; OR~~

~~(2) EXCLUDE COVERAGE UNDER A POLICY OF HOMEOWNER'S INSURANCE OR RENTER'S INSURANCE FOR A SPECIFIC BREED OR SIZE OF A DOG OWNED BY AN APPLICANT OR INSURED.~~

19-205.

(a) (1) An insurer shall provide a policyholder with an annual statement that summarizes the coverages and exclusions under the policy issued by the insurer.

(2) The insurer's statement shall be clear and specific.

(3) The insurer's statement shall state whether the coverages under the policy provide for replacement cost, actual cash value, or other method of loss payment for covered structures and contents.

(4) The insurer's statement shall include a disclosure that states:

(i) the policyholder should read the policy for complete information on coverages and exclusions;

(ii) the policyholder should refer to the declarations page for a listing of coverages purchased;

(iii) the policyholder should communicate with the insurance producer or the insurer for any additional information regarding the scope of coverages in the policy;

(iv) the statement does not include additional optional coverage purchased by the policyholder, if any;

(v) the statement is not part of the policy or contract of insurance and does not create a private right of action;

(vi) all rights, duties, and obligations are controlled by the policy and contract of insurance; ~~and~~

(vii) the standard homeowner's insurance policy does not cover losses from flood; ~~AND~~

~~(VIII) THE POLICY DOES NOT COVER LOSSES CAUSED BY DOG BREEDS THAT ARE SPECIFICALLY EXCLUDED UNDER THE POLICY.~~

(b) The statement under subsection (a) of this section:

- (1) is not part of the policy or contract of insurance; and
- (2) does not create a private right of action.

(c) The Commissioner may adopt regulations to implement the provisions of this section.

**19-206.1.**

~~(A) (1) AN INSURER THAT SELLS OR NEGOTIATES HOMEOWNER'S INSURANCE IN THE STATE SHALL PROVIDE AN APPLICANT, AT THE TIME A POLICY OF HOMEOWNER'S INSURANCE IS INITIALLY PURCHASED, WITH A WRITTEN NOTICE THAT STATES WHETHER THE INSURER UNDERWRITES HOMEOWNER'S INSURANCE ON A BREED SPECIFIC BASIS OR WHETHER THE INSURANCE POLICY HAS A BREED SPECIFIC EXCLUSION.~~

~~(2) IF AN APPLICATION IS MADE BY TELEPHONE, THE INSURER IS DEEMED TO BE IN COMPLIANCE WITH THIS SECTION IF, WITHIN 7 CALENDAR DAYS AFTER THE DATE OF APPLICATION, THE INSURER SENDS BY CERTIFICATE OF MAILING THE NOTICE TO THE APPLICANT OR INSURED.~~

~~(3) IF AN APPLICATION IS MADE USING THE INTERNET, THE INSURER IS DEEMED TO BE IN COMPLIANCE WITH THIS SECTION IF THE INSURER PROVIDES THE NOTICE TO THE APPLICANT BEFORE THE SUBMISSION OF THE APPLICATION.~~

~~(B) THE NOTICE SHALL STATE THE BREEDS THAT THE INSURER DOES NOT UNDERWRITE OR THAT THE INSURER EXCLUDES FROM COVERAGE.~~

~~(C) A NOTICE PROVIDED UNDER THIS SECTION DOES NOT CREATE A PRIVATE RIGHT OF ACTION.~~

(A) THIS SECTION APPLIES TO AN INSURER THAT OFFERS A HOMEOWNER'S INSURANCE OR RENTER'S INSURANCE POLICY IN THE STATE THAT DOES NOT PROVIDE COVERAGE FOR LOSSES CAUSED BY SPECIFIC BREEDS OR SPECIFIC MIXED BREEDS OF DOGS.

(B) AT THE TIME OF APPLICATION FOR OR ISSUANCE OF A POLICY OF HOMEOWNER'S INSURANCE OR RENTER'S INSURANCE, AND AT EACH RENEWAL OF A POLICY OF HOMEOWNER'S INSURANCE OR RENTER'S INSURANCE, AN INSURER SUBJECT TO THIS SECTION SHALL PROVIDE TO AN APPLICANT OR AN INSURED A WRITTEN NOTICE THAT:

**(1) STATES THAT THE POLICY DOES NOT PROVIDE COVERAGE FOR LOSSES CAUSED BY SPECIFIC BREEDS OR SPECIFIC MIXED BREEDS OF DOGS; AND**

**(2) IDENTIFIES THE SPECIFIC BREEDS OR SPECIFIC MIXED BREEDS OF DOGS FOR WHICH THE POLICY DOES NOT PROVIDE COVERAGE.**

**(C) AN INSURER SUBJECT TO THIS SECTION MAY PROVIDE THE NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION IN THE ANNUAL STATEMENT REQUIRED UNDER § 19-205 OF THIS SUBTITLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies of homeowner's insurance or renter's insurance issued, delivered, or renewed in the State on or after ~~October 1, 2013~~ January 1, 2014.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

**Approved by the Governor, May 2, 2013.**