

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 339

(First Reading File Bill)

AMENDMENT NO. 1

On page 2, strike in their entirety lines 16 and 17 and substitute:

“(3) “COHABITANT” MEANS A PERSON WHO HAS HAD A SEXUAL RELATIONSHIP WITH AN INDIVIDUAL AND RESIDED WITH THE INDIVIDUAL FOR A PERIOD OF AT LEAST 90 DAYS.

(4) “VICTIM OF DOMESTIC VIOLENCE” MEANS AN INDIVIDUAL WHO:

(I) HAS RECEIVED DELIBERATE, SEVERE, AND DEMONSTRABLE PHYSICAL INJURY FROM A CURRENT OR FORMER SPOUSE, OR A CURRENT OR FORMER COHABITANT; OR

(II) IS IN FEAR OF IMMINENT DELIBERATE, SEVERE, AND DEMONSTRABLE PHYSICAL INJURY FROM A CURRENT OR FORMER SPOUSE, OR A CURRENT OR FORMER COHABITANT.”;

and in line 18, strike “OR MAY BE”.

AMENDMENT NO. 2

On page 2, in line 18, after “(B)” insert “EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE.”.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 32 through 39 and substitute:

(Over)

“(C) IF AN INSURER ACTS IN GOOD FAITH, THE INSURER IS NOT SUBJECT TO TORT LIABILITY FOR A CAUSE OF ACTION ARISING FROM THE INSURER’S LAWFUL ISSUANCE OF AND LAWFUL COMPLIANCE WITH A LIFE INSURANCE POLICY FOR AN INSURED WHO SUBSEQUENTLY SUFFERS DOMESTIC VIOLENCE OR ABUSE.

(D) THIS SECTION DOES NOT REQUIRE AN INSURER:

(1) TO MAKE A PAYMENT TO AN INDIVIDUAL WHO WILLFULLY CAUSED AN INJURY THAT GAVE RISE TO A LOSS UNDER A LIFE INSURANCE POLICY; OR

(2) TO ISSUE, WITHOUT THE CONSENT OF THE PROPOSED INSURED, LIFE INSURANCE OR DISABILITY INCOME INSURANCE TO AN APPLICANT KNOWN TO HAVE ABUSED THE PROPOSED INSURED.”.

AMENDMENT NO. 4

On page 3, before line 1, insert:

“(E) THIS SECTION MAY NOT BE INTERPRETED TO PRECLUDE AN INSURER FROM USING MENTAL OR PHYSICAL CONDITIONS, REGARDLESS OF CAUSE, IN DETERMINING THE ELIGIBILITY, RATE, OR UNDERWRITING CLASSIFICATION OF THE APPLICANT OR INSURED.”.