

BY: Finance Committee

AMENDMENTS TO HOUSE BILL NO. 1356
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Insurance" insert "Homeowner's Insurance and Private Passenger Motor Vehicle"; in the same line, strike ", Underwriting,"; in line 4, strike "or underwrite"; in line 5, strike "automobile" and substitute "motor vehicle"; in the same line, after "insurance" insert "under certain circumstances"; in lines 7 and 11, in each instance, strike "or underwrite"; in line 8, strike "automobile" and substitute "motor vehicle"; in the same line, after "circumstances," insert "specifying that certain standards that relate to a certain purpose do not require certain statistical validation under certain circumstances,"; in line 9, strike "applicants and"; and in line 11, before "providing" insert "providing for the application of this Act,"; and strike beginning with "that" in line 12 down through "certain" in line 13 and substitute "for canceling or refusing to renew homeowner's insurance and private passenger motor vehicle".

AMENDMENT NO. 2

On page 2, in line 7, strike "An" and substitute "EXCEPT AS PROVIDED IN THIS SECTION, AN".

On page 3, in line 33, strike "UNDERWRITE OR"; and in line 34, strike "APPLICANT OR"; and strike beginning with "WHERE" in line 34 down through "EVENTS" in line 36 and substitute "FOR WEATHER-RELATED CLAIMS, UNLESS THERE WERE THREE OR MORE WEATHER-RELATED CLAIMS WITHIN THE PRECEDING 3-YEAR PERIOD".

On page 4, in line 2, strike "UNDERWRITE OR"; strike beginning with the colon in line 3 down through "(II)" in line 7; in line 12, after "(J)" insert "(1)"; in lines 16, 18, 19, 23, and 25, strike "(1)", "(2)", "(3)", "(4)", and "(5)", respectively, and substitute "(I)", "(II)", "(III)", "(IV)", and "(V)", respectively; in line 23, after "CONVICTION" insert ": 1."; in the same line, strike "36 MONTHS" and substitute "5-YEAR PERIOD,"; in the same line, after "ARSON" insert a semicolon; in line 24, strike "OTHER CRIME WHICH DIRECTLY INCREASES THE HAZARD".

(Over)

INSURED AGAINST” and substitute:

“2. WITHIN THE PRECEDING 3-YEAR PERIOD, OF A CRIME WHICH DIRECTLY INCREASES THE HAZARD INSURED AGAINST”;

in line 27, strike “AND”; in line 28, strike “(6)” and substitute “(VI)”; and in line 31, after “PRODUCE” insert “; AND”

(VII) ANY OTHER STANDARD SET FORTH IN REGULATIONS ADOPTED BY THE COMMISSIONER THAT IS FOUND TO BE REASONABLY RELATED TO THE INSURER’S ECONOMIC AND BUSINESS PURPOSES.

(2) AN INSURER IS NOT REQUIRED TO PRODUCE STATISTICAL VALIDATION THAT EXCLUDES WEATHER-RELATED CLAIMS OR THAT MAKES ANY DISTINCTION BETWEEN WEATHER-RELATED CLAIMS AND NONWEATHER-RELATED CLAIMS IN ORDER TO SUSTAIN THE INSURER’S BURDEN OF PERSUASION UNDER SUBSECTION (G) OF THIS SECTION WITH RESPECT TO A CANCELLATION OR REFUSAL TO RENEW FOR A REASON THAT IS NOT LISTED IN THIS SUBSECTION”.

AMENDMENT NO. 3

On page 4, in lines 32 and 37, in each instance, strike “AUTOMOBILE” and substitute “MOTOR VEHICLE”; in line 33, strike “UNDERWRITE OR”; in line 34, strike “APPLICANT OR”; and in line 37, after “(L)” insert “(1)”.

On page 5, in line 8, strike “PREVIOUS 2 YEARS” and substitute “PRECEDING 2-YEAR PERIOD”; in line 15, strike beginning with “36 MONTHS” down through “THAT” in line 16 and substitute “3-YEAR PERIOD FOR WHICH”; in line 17, strike “THE PROXIMATE CAUSE OF THE ACCIDENT” and substitute “AT FAULT FOR THE ACCIDENTS”; in lines 3, 5, 6, 13, 18, 21, and 29, strike “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, “(6)”, and “(7)”, respectively, and substitute “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, “(VI)”, and “(VII)”, respectively; in lines 9 and 11, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; in lines 23, 24, and 27, strike “(I)”, “(II)”, and “(III)”, respectively, and substitute “1.”, “2.”, and “3.”, respectively; in line 20, strike “24 MONTH” and substitute “2-YEAR”; in line 28, strike “AND”; in line 32, after “PRODUCE” insert “; AND”

(VIII) ANY OTHER STANDARD SET FORTH IN REGULATIONS ADOPTED BY THE COMMISSIONER THAT IS FOUND TO BE REASONABLY RELATED TO THE INSURER’S ECONOMIC AND BUSINESS PURPOSES”;

and after line 32, insert:

“(2) AN INSURER IS NOT REQUIRED TO PRODUCE STATISTICAL VALIDATION THAT EXCLUDES AT FAULT ACCIDENTS OR THAT MAKES ANY DISTINCTION BETWEEN NOT AT FAULT ACCIDENTS AND AT FAULT ACCIDENTS IN ORDER TO SUSTAIN THE INSURER’S BURDEN OF PERSUASION UNDER SUBSECTION (G) OF THIS SECTION WITH RESPECT TO A CANCELLATION OR REFUSAL TO RENEW FOR A REASON THAT IS NOT LISTED IN THIS SUBSECTION.”.

On page 6, in lines 3 and 13, in each instance, strike “UNDERWRITE OR”; and in line 14, strike “APPLICANT OR”.

AMENDMENT NO. 4

On page 6, after line 15, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act applies on or after October 1, 1998 to claims made in connection with homeowner’s insurance or private passenger motor vehicle insurance regardless of the date of the claim.”;

and in line 16, strike “2.” and substitute “3.”.