

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL NO. 766

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “, Underwriting.”; in lines 11, 15, 19, and 21, in each instance, strike “underwrite or”; in lines 17 and 18, strike “applicants and”; and in line 19, before “providing” insert “providing for the application of this Act”.

AMENDMENT NO. 2

On page 4, in lines 9 and 14, in each instance, strike “UNDERWRITE OR”; in line 10, strike “APPLICANT OR”; strike beginning with “WHERE” in line 10 down through “EVENTS” in line 12 and substitute “FOR WEATHER-RELATED CLAIMS, UNLESS THERE WERE THREE OR MORE WEATHER-RELATED CLAIMS WITHIN THE PRECEDING 3 YEARS”; strike beginning with the colon in line 15 down through “(II)” in line 19; in line 24, after “(J)” insert “(1)”; in lines 28, 30, 31, 35, and 37, strike “(1)”, “(2)”, “(3)”, “(4)”, and “(5)”, respectively, and substitute “(I)”, “(II)”, “(III)”, “(IV)”, and “(V)”, respectively; in line 35, after “CONVICTION” insert “:

1.”;

in the same line, strike “3-YEAR” and substitute “5-YEAR”; in the same line, after “PERIOD” insert a comma; in the same line, after “ARSON” insert a semicolon; in line 36, strike “OTHER CRIME WHICH DIRECTLY INCREASES THE HAZARD INSURED AGAINST” and substitute:

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

and in line 39, strike “AND”.

On page 5, in line 1, strike “(6)” and substitute “(VI)”; in line 4, after “PRODUCE” insert “;
AND”

(Over)

(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”;

and after line 4, insert:

“(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 5, in line 6, strike “UNDERWRITE OR”; in line 7, strike “APPLICANT OR”; in line 10, after “(L)” insert “(1)”; strike beginning with “IF” in line 26 down through “THAT” in line 28 and substitute “FOR WHICH”; in line 28, strike “THE PROXIMATE CAUSE OF THE ACCIDENT” and substitute “AT FAULT”; in lines 14, 16, 17, 24, 29, and 32, strike “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, and “(6)”, respectively, and substitute “(I)”, “(II)”, “(III)”, “(IV)”, “(V)”, and “(VI)”, respectively; in lines 20 and 22, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively; and in lines 34 and 35, strike “(I)” and “(II)”, respectively, and substitute “1.” and “2.”, respectively.

On page 6, in line 1, strike “(III)” and substitute “3.”; in line 2, strike “AND”; in line 3, strike “(7)” and substitute “(VII)”; in line 6, 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 6, 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.”;

in lines 13 and 23, in each instance, strike “UNDERWRITE OR”; and in line 24, strike “APPLICANT OR”.

AMENDMENT NO. 4

On page 6, after line 25, 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 26, strike “2.” and substitute “3.”.