

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 221

Session of
1981

INTRODUCED BY MICHLOVIC, PISTELLA, HASAY, KUKOVICH, COHEN,
MURPHY, WACHOB, WARGO, LETTERMAN, BLAUM, ITKIN, SEVENTY,
DeWEESE, MRKONIC, GREENFIELD, DAWIDA, JACKSON, BROWN, LEVIN,
SWEET, WAMBACH, COLAFELLA, GEORGE, ARTY, TELEK, J. L. WRIGHT,
GAMBLE, HOFFEL, KOLTER, TRELLO, COWELL, GRAY, DUFFY, ALDEN,
LUCYK, HALUSKA, PERZEL, MORRIS, E. Z. TAYLOR, PETRARCA,
WHITE AND PETRONE, JANUARY 26, 1981

REFERRED TO COMMITTEE ON INSURANCE, JANUARY 26, 1981

AN ACT

1 Amending the act of July 19, 1974 (P.L.489, No.176), entitled
2 "An act providing for a compensation system for persons
3 injured in motor vehicle accidents; requiring insurance for
4 all motor vehicles required to be registered in Pennsylvania;
5 defining compensable damage in motor vehicle accident cases;
6 establishing an assigned claims plan; providing for
7 arbitration; imposing powers and duties on courts, the
8 Department of Transportation and the Insurance Commissioner;
9 prohibiting certain discrimination; and providing penalties,"
10 further limiting premium increases.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Subsection (c) of section 504, act of July 19,
14 1974 (P.L.489, No.176), known as the "Pennsylvania No-fault
15 Motor Vehicle Insurance Act," is amended to read:

16 § 504. Policy requirements and premium changes.

17 * * *

18 (c) Limitation on premium increases.--

19 (1) No insurer shall increase the premium rate of [an

1 owner of a policy] a policyholder solely because one or more
2 of the named insureds under the policy made a claim under the
3 policy and was paid thereon unless it is determined that the
4 named insured was at fault in contributing to the accident
5 giving rise to the claim.

6 (2) No insurer shall increase a policyholder's premium
7 solely because of one accident among all named insureds under
8 the policy resulting in a paid claim, unless one of such
9 named insureds pleads guilty to, is convicted of, or accepts
10 accelerated rehabilitative disposition as to, any violation
11 enumerated in paragraph (3) which results in a paid claim, if
12 during the thirty-six months prior to the accident all named
13 insureds under the policy had not received a paid claim. The
14 Insurance Commissioner shall promulgate rules and regulations
15 establishing guidelines and procedures for determining fault
16 of an insured for the purposes of this subsection.

17 (3) The violations referred to in paragraph (2) are the
18 following violations of Title 75 (Vehicles) of the
19 Pennsylvania Consolidated Statutes:

20 Section 1543 (relating to driving while operating
21 privilege is suspended or revoked).

22 Section 3731 (relating to driving under influence of
23 alcohol or controlled substance).

24 Section 3732 (relating to homicide by vehicle).

25 Section 3742 (relating to accidents involving death or
26 personal injury).

27 Section 3743 (relating to accidents involving damage to
28 attended vehicle or property).

29 Section 3745 (relating to accidents involving damage to
30 unattended vehicle or property).

1 Section 2. This act shall take effect in 120 days and shall
2 apply to all policies written or renewed after such date.