

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1877 Session of
1985

INTRODUCED BY FATTAH, McHALE, TRUMAN, WAMBACH, OLIVER, LINTON,
FREEMAN, DAWIDA, PRESTON, PISTELLA, TRELLO, MURPHY, MAYERNIK,
MARKOSEK, COWELL, KOSINSKI, DOMBROWSKI, PIEVSKY, VAN HORNE,
COLAFELLA, DEAL, SWEET, ACOSTA, AFFLERBACH, KUKOVICH, TIGUE,
BELARDI, STABACK, O'DONNELL, JOSEPHS, ROEBUCK, STEWART,
BATTISTO, ITKIN, BALDWIN, SHOWERS, LAUGHLIN, HOWLETT,
JAROLIN, KASUNIC, DALEY, PETRARCA AND PERZEL, NOVEMBER 18,
1985

REFERRED TO COMMITTEE ON INSURANCE, NOVEMBER 18, 1985

AN ACT

1 Amending the act of July 22, 1974 (P.L.589, No.205), entitled
2 "An act relating to unfair insurance practices; prohibiting
3 unfair methods of competition and unfair or deceptive acts
4 and practices; and prescribing remedies and penalties,"
5 providing that it is unfair discrimination for certain
6 companies to fail to offer insurance in all counties.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 5(a)(7) of the act of July 22, 1974
10 (P.L.589, No.205), known as the Unfair Insurance Practices Act,
11 is amended to read:

12 Section 5. Unfair Methods of Competition and Unfair or
13 Deceptive Acts or Practices Defined.--(a) "Unfair methods of
14 competition" and "unfair or deceptive acts or practices" in the
15 business of insurance means:

16 * * *

17 (7) Unfairly discriminating by means of:

1 (i) making or permitting any unfair discrimination between
2 individuals of the same class and equal expectation of life in
3 the rates charged for any contract of life insurance or of life
4 annuity or in the dividends or other benefits payable thereon,
5 or in any other of the terms and conditions of such contract; or

6 (ii) making or permitting any unfair discrimination between
7 individuals of the same class and of essentially the same hazard
8 in the amount of premium, policy, fees or rates charged for any
9 policy or contract of insurance or in the benefits payable
10 thereunder, or in any of the terms or conditions of such
11 contract, or in any other manner whatever; or

12 (iii) making or permitting any unfair discrimination between
13 individuals of the same class and essentially the same hazard
14 with regard to underwriting standards and practices or
15 eligibility requirements by reason of race, religion,
16 nationality or ethnic group, age, sex, family size, occupation,
17 place of residence or marital status. The terms "underwriting
18 standards and practices" or "eligibility rules" do not include
19 the promulgation of rates if made or promulgated in accordance
20 with the appropriate Rate Regulatory Act of this Commonwealth
21 and regulations promulgated by the commissioner pursuant to such
22 act[.]; or

23 (iv) failing to offer automobile insurance in every county
24 if it offers automobile insurance in any county in this
25 Commonwealth.

26 * * *

27 Section 2. This act shall take effect in 90 days.