

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2627 Session of
1994

INTRODUCED BY CURRY, MELIO, STABACK, M. COHEN, TRELLO, KASUNIC,
DeLUCA, FAIRCHILD, HALUSKA, YEWIC, LAUB, FAJT, SAURMAN,
BELFANTI, CARN, FREEMAN, CORRIGAN, MERRY, RAYMOND, PISTELLA
AND WILLIAMS, MARCH 22, 1994

REFERRED TO COMMITTEE ON INSURANCE, MARCH 22, 1994

AN ACT

1 Amending the act of June 5, 1968 (P.L.140, No.78), entitled "An
2 act regulating the writing, cancellation of or refusal to
3 renew policies of automobile insurance; and imposing powers
4 and duties on the Insurance Commissioner therefor," further
5 providing for cancellation and refusal to write or renew
6 automobile insurance policies.

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

9 Section 1. Section 3(a) and (b) of the act of June 5, 1968
10 (P.L.140, No.78), entitled "An act regulating the writing,
11 cancellation of or refusal to renew policies of automobile
12 insurance; and imposing powers and duties on the Insurance
13 Commissioner therefor," amended October 5, 1978 (P.L.1060,
14 No.248), are amended to read:

15 Section 3. (a) No insurer shall cancel or refuse to write
16 or renew a policy of automobile insurance for one or more of the
17 following reasons:

18 (1) Age.

19 (2) Residence or operation of a motor vehicle in a specific

1 geographic area.

2 (3) Race.

3 (4) Color.

4 (5) Creed.

5 (6) National origin.

6 (7) Ancestry.

7 (8) Marital status.

8 (9) Sex.

9 (10) Lawful occupation (including military service).

10 (11) The refusal of another insurer to write a policy, or
11 the cancellation or refusal to renew an existing policy by
12 another insurer.

13 (12) Illness or permanent or temporary disability, where the
14 insured can medically document that such illness or disability
15 will not impair his ability to operate a motor vehicle. Failure
16 to provide such documentation shall be proper reason for the
17 insurer to amend the policy of the named insured to exclude such
18 disabled insured from coverage under the policy while operating
19 a motor vehicle after the effective date of such policy
20 amendment, but shall not be proper reason to cancel or refuse to
21 write or renew the policy. Nothing in this provision shall be
22 construed to effect such excluded individual's eligibility for
23 coverage under the named insured's policy for any injury
24 sustained while not operating a motor vehicle. Illness, or
25 permanent or temporary disability, on the part of any insured
26 shall not be proper reason for cancelling the policy of the
27 named insured.

28 (13) Any accident which occurred under the following
29 circumstances:

30 (i) auto lawfully parked (if the parked vehicle rolls from

1 the parked position then any such accident is charged to the
2 person who parked the auto);

3 (ii) the applicant, owner or other resident operator is
4 reimbursed by, or on behalf of, a person who is responsible for
5 the accident or has judgement against such person;

6 (iii) auto is struck in the rear by another vehicle and the
7 applicant or other resident operator has not been convicted of a
8 moving traffic violation in connection with this accident;

9 (iv) operator of the other auto involved in the accident was
10 convicted of a moving traffic violation and the applicant or
11 resident operator was not convicted of a moving traffic
12 violation in connection with the accident;

13 (v) auto operated by the applicant or any resident operator
14 is struck by a "hit-and-run" vehicle, if the accident is
15 reported to the proper authority within twenty-four hours by the
16 applicant or resident operator;

17 (vi) accident involving damage by contact with animals or
18 fowl;

19 (vii) accident involving physical damage, limited to and
20 caused by flying gravel, missiles, or falling objects;

21 (viii) accident occurring when using auto in response to any
22 emergency if the operator of the auto at the time of the
23 accident was a paid or volunteer member of any police or fire
24 department, first aid squad, or any law enforcement agency. This
25 exception does not include an accident occurring after the auto
26 ceases to be used in response to such emergency; or

27 (ix) accidents which occurred more than thirty-six months
28 prior to the later of the inception of the insurance policy or
29 the upcoming anniversary date of the policy[.];

30 (x) accidents caused by road conditions over which the

1 operator has no control.

2 (14) Any claim under the comprehensive portion of the policy
3 unless such loss was intentionally caused by the insured.

4 (b) (1) No insurer shall cancel or refuse to renew a policy
5 of automobile insurance on the basis of [one accident] three
6 accidents within the [thirty-six] twelve month period prior to
7 the upcoming anniversary date of the policy[.] unless the
8 accident was caused by any of the following on the part of the
9 named insured:

10 (i) Negligence.

11 (ii) Driving under the influence of alcohol or controlled
12 substance.

13 (iii) Violating a law of this Commonwealth.

14 (2) The applicability of this subsection to one who is
15 either a resident in the same household or who customarily
16 operates an automobile insured under the policy shall be proper
17 reason for the insurer thereafter excluding such individual from
18 coverage, but not for cancelling or refusing to renew the
19 policy.

20 * * *

21 Section 2. This act shall take effect in 60 days.