

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3050 Session of
1994

INTRODUCED BY COLAFELLA, DeWEESE, BLAUM, SCRIMENTI, CARONE,
D. R. WRIGHT, STURLA, STABACK, JOSEPHS, LEVDANSKY, CAWLEY,
PITTS, SAYLOR, TRELLO, YANDRISEVITS, RUDY, LAUB, TOMLINSON,
PISTELLA, MELIO, SURRA, BELARDI, TRICH, BEBKO-JONES, BUXTON,
MIHALICH, PLATTS, VAN HORNE, TULLI, KUKOVICH, HENNESSEY,
LAUGHLIN, TIGUE, WILLIAMS, RAYMOND, BATTISTO, BELFANTI,
JAROLIN, PETRARCA, SANTONI, RICHARDSON, J. TAYLOR, KASUNIC,
CURRY AND YOUNGBLOOD, SEPTEMBER 28, 1994

AS REPORTED FROM COMMITTEE ON INSURANCE, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 5, 1994

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 further providing for unfair methods and practices with
6 respect to discrimination against victims of abuse.

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

9 Section 1. Section 5(a) of the act of July 22, 1974
10 (P.L.589, No.205), known as the Unfair Insurance Practices Act,
11 is amended by adding a paragraph 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 * * *

1 (14) (i) Denying; refusing to issue, renew or reissue; or
2 cancelling or otherwise terminating an individual or group
3 accident and health or life insurance policy or restricting such
4 insurance coverage on any individual, ~~solely~~ because that <—
5 individual is, has been, or may be the subject of abuse, or
6 seeks, or has sought, medical or psychological treatment for
7 abuse, protection from abuse, or shelter from abuse; HOWEVER, <—
8 NOTHING IN THIS ACT SHALL PREVENT INSURERS FROM TAKING ANY OF
9 THE ACTIONS LISTED IN THIS SUBPARAGRAPH ON THE BASIS OF CRITERIA
10 NOT OTHERWISE MADE INVALID BY THIS OR ANY OTHER ACT, REGULATION
11 OR RULE OF LAW, AND THE FACT THAT A PERSON IS, HAS BEEN OR MAY
12 BE A VICTIM OF ABUSE SHALL BE AN INVALID CRITERION; OR
13 (II) ~~ADDING~~ ADDING any surcharge or rating factor to the <—
14 premium of an accident and health or life insurance policy
15 because of an individual's history of status or potential to be
16 subject to abuse; OR <—
17 (iii) ~~Excluding~~ EXCLUDING or limiting individual or group <—
18 accident and health or life insurance coverage for losses or
19 denying a claim incurred by an insured as a result of abuse or
20 the potential for abuse; HOWEVER, NOTHING IN THIS ACT SHALL <—
21 MODIFY VALID EXCLUSIONS AS TO ANY PREEXISTING CONDITION PROVIDED
22 THAT THE FACT THAT A PERSON IS, HAS BEEN OR MAY BE A VICTIM OF
23 ABUSE SHALL NOT BE DEEMED A PREEXISTING CONDITION.
24 ~~(iv)~~ For purposes of this paragraph, the term "abuse" shall <—
25 be as defined in 23 Pa.C.S. § 6102 (relating to definitions).
26 * * *
27 SECTION 2. AN INSURER THAT COMPLIES WITH SECTION 5(14) SHALL <—
28 NOT BE SUBJECT TO CIVIL LIABILITY AS A RESULT OF COMPLYING WITH
29 THAT PARAGRAPH.
30 Section ~~2~~ 3. This act shall take effect immediately. <—