

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, YOUNGBLOOD, FLICK AND JAMES, SEPTEMBER 28, 1994

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 16, 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 because that individual is,
5 has been, or may be the subject of abuse, or seeks, or has
6 sought, medical or psychological treatment for abuse, protection
7 from abuse, or shelter from abuse; however, nothing in this act <—
8 PARAGRAPH shall prevent insurers from taking any of the actions <—
9 listed in this subparagraph on the basis of criteria not
10 otherwise made invalid by this or any other act, regulation or
11 rule of law, and the fact that a person is, has been or may be a <—
12 victim THE SUBJECT of abuse shall be an invalid criterion; or <—
13 (ii) adding any surcharge or rating factor to the premium of
14 an accident and health or life insurance policy because of an <—
15 individual's history of status or potential to be subject to THE <—
16 INDIVIDUAL IS, HAS BEEN OR MAY BE THE SUBJECT OF abuse; or
17 (iii) excluding or limiting individual or group accident and
18 health or life insurance coverage for losses or denying a claim
19 incurred by an insured as a result of abuse or the potential for <—
20 BECAUSE THE INDIVIDUAL IS, HAS BEEN OR MAY BE THE SUBJECT OF <—
21 abuse; however, nothing in this act PARAGRAPH shall modify valid <—
22 exclusions as to any preexisting condition provided that the
23 fact that a person is, has been or may be a victim of SUBJECT TO <—
24 abuse shall not be deemed a preexisting condition.
25 (IV) For purposes of this paragraph, the term "abuse" shall <—
26 be as defined in 23 Pa.C.S. § 6102 (relating to definitions).
27 * * * <—
28 Section 2. ~~An insurer that complies with section 5(14) shall~~
29 ~~not be subject to civil liability as a result of complying with~~
30 ~~that paragraph.~~

1 (V) AN INSURER THAT COMPLIES WITH THIS PARAGRAPH SHALL NOT <—
2 BE SUBJECT TO CIVIL LIABILITY AS A RESULT OF COMPLYING WITH THIS
3 PARAGRAPH.

4 * * *

5 Section 3 2. This act shall take effect immediately. <—