

## Property/Casualty Insurance Domestic Violence Model Act

*Adopted by the Property-Casualty Insurance and Executive Committees on March 1, 1998; readopted on July 13, 2005; July 11, 2003; July 8, 2005; and November 20, 2010.*

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### **Section 1. Legislative Intent**

The purpose of this Act is to prohibit unfair discrimination by property-casualty insurers on the basis of domestic violence.

### **Section 2. Scop.**

This Act shall apply to all insurers issuing or renewing a policy of property-casualty insurance in this state.

### **Section 3. Definitions**

- A. "Abuse" means bodily injury as a result of battery.
- B. "Innocent co-insured" means an individual who did not cooperate in or contribute to the creation of the loss.
- C. "Insured" *[insert state definition]*.
- D. "Insurer" *[insert state definition]*.
- E. "Policy" *[insert state definition]*.

### **Section 4. Prohibited Discriminatory Acts Relating to Property-Casualty Insurance**

- A. No insurer shall use the fact that an applicant or insured incurred bodily injury as a result of a battery committed against him or her by a spouse or a person in the same household as the sole reason for rating or underwriting decisions.
- B. Where a policy excludes property coverage for intentional acts, the insurer shall not deny payment to an innocent co-insured who did not cooperate or contribute to the creation of the loss if the loss arose out of a pattern of criminal domestic violence and the perpetrator of the loss is criminally prosecuted for the act causing the loss. Payment to the innocent co-insured may be limited to his or her ownership interests in the property as reduced by any payments to a mortgage or other secured interest.

## **Section 5. Effective Date**

This Act is effective *[insert date]*, and applies to all action taken on or after the effective date, except where otherwise explicitly stated.