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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. Re-adopted by the NCOIL Property & Casualty Insurance Committee on July 12, 2018 and the NCOIL Executive Committee on July 15, 2018

Table of Contents

Section 1. Legislative Intent

Section 2. Scope

Section 3. Definitions

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

Section 5. Effective Date

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. Scope.

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.

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