

616 Fifth Avenue, Suite 106  
Belmar, NJ 07719  
732-201-4133  
CHIEF EXECUTIVE OFFICER: Thomas B. Considine



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## National Council of Insurance Legislators (NCOIL)

### Property/Casualty Insurance Domestic Violence Model Act

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*\*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; Readopted by the NCOIL Property & Casualty Insurance Committee and NCOIL Executive Committee on July 22, 2023.*

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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. 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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