

HOUSE JOINT RESOLUTION NO. 29

INTRODUCED BY RAMIREZ, J. BROWN, CURTISS,
DARKO, EUDAILY, KEYSER, SEIFERT, SPAETH, ADDY

BY REQUEST OF THE HOUSE JUDICIARY COMMITTEE

IN THE HOUSE

| | |
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| February 16, 1983 | Introduced and referred to Committee on Judiciary. |
| February 21, 1983 | Committee recommend bill do pass as amended. Report adopted. Bill printed and placed on members' desks. |
| February 22, 1983 | Second reading, do pass. |
| February 23, 1983 | Considered correctly engrossed. Third reading, passed. Transmitted to Senate. |

IN THE SENATE

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| March 1, 1983 | Introduced and referred to Committee on Business and Industry. |
| March 31, 1983 | Committee recommend bill be concurrent in as amended. Report adopted. |
| April 5, 1983 | Second reading, concurred in. |
| April 6, 1983 | Third reading, concurred in. Ayes, 40; Noes, 9. |

IN THE HOUSE

April 6, 1983

Returned to House with
amendments.

April 8, 1983

Second reading, amendments
concurred in.

April 9, 1983

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 House JOINT RESOLUTION NO. 29
2 INTRODUCED BY Ramsey, J. Brown, Carter, Ninko
3 BY REQUEST OF THE HOUSE JUDICIARY COMMITTEE Ally
4 Hyler, Seifert, Smith, Hilly
5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
6 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
7 INTERIM STUDY OF THE INSURANCE LAWS OF THE STATE OF MONTANA
8 AND REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE
9 49TH LEGISLATURE.

10
11 WHEREAS, numerous bills pertaining to insurance have
12 been introduced in the 48th Legislature; and

13 WHEREAS, the area of insurance law is complex and
14 cannot be adequately considered by the Legislature during
15 the time constraints of a legislative session; and

16 WHEREAS, the Legislature is again faced with finding a
17 solution to problems caused by evasion of the mandatory
18 motor vehicle liability insurance law; and

19 WHEREAS, two bills whose enactment would result in
20 fundamental change in the insurance industry and therefore
21 merit especially careful consideration have been introduced
22 in this Legislature; and

23 WHEREAS, one of the bills provides that there may be no
24 discrimination on the basis of sex in the insurance industry
25 and the other provides for motor vehicle liability coverage

1 of an operator rather than of the operator's vehicle; and
2 WHEREAS, the issue of the existence of sex
3 discrimination in the insurance industry merits legislative
4 attention because discrimination in commerce is forbidden by
5 the Equal Dignities Clause of the Montana Constitution; and

6 WHEREAS, the Legislature desires to eliminate, in a
7 manner that is fair both to the consumer and the insurer,
8 distinctions in the insurance industry that are based upon
9 sex but does not have sufficient information available at
10 this time to determine how this distinction can be
11 eliminated in an equitable manner; and

12 WHEREAS, the Legislature does not have adequate
13 information available on the potential consequences of a
14 mandate that all such distinctions be eliminated from the
15 insurance industry and has received conflicting information
16 on the long-term effects of elimination of these
17 distinctions; and

18 WHEREAS, because of this lack of information, in
19 enacting legislation on this issue, the Legislature may not
20 be able to anticipate and resolve or mitigate any potential
21 adverse effects of such legislation; and

22 WHEREAS, the issue of the existence of economic
23 inequities in motor vehicle liability coverage merits
24 legislative attention because motor vehicle liability
25 coverage is compulsory under Montana law; and

1 WHEREAS, the fairness and adequacy of insurance
2 coverage made available by the insurance industry in Montana
3 must be considered.

4
5 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
6 OF REPRESENTATIVES OF THE STATE OF MONTANA:

7 That an appropriate interim committee be assigned to
8 study the marketing practices of the insurance industry and
9 the insurance laws of the State of Montana. The study must
10 consider all aspects of insurance, including but not limited
11 to an examination of:

12 (1) alternative mechanisms to enforce the mandatory
13 motor vehicle liability coverage law;

14 (2) the difference, if any, in the scope, coverage,
15 terms, rates, and benefits offered to consumers in all areas
16 of the insurance industry on the basis of their sex;

17 (3) the current availability in Montana of motor
18 vehicle liability coverage of operators in addition to or
19 instead of coverage of the vehicles they operate;

20 (4) the alternatives, benefits, liabilities, and time
21 reasonably necessary to implement:

22 (a) a requirement that in the marketing of insurance
23 there be no distinction made based on the insured's sex; and

24 (b) a requirement that motor vehicle liability
25 insurance coverage be made available to an operator without

1 regard to motor vehicles that he owns or operates; and

2 (5) the results in any other jurisdiction of
3 imposition of either of the requirements set forth in
4 subsection (4).

5 BE IT FURTHER RESOLVED, that the committee report the
6 findings of the study, including findings specifically
7 related to (1) through (5), to the 49th Legislature and, if
8 necessary, draft legislation to implement its
9 recommendations.

-End-

Approved by Committee
on Judiciary

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BY REQUEST OF THE HOUSE JUDICIARY COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN
INTERIM STUDY OF THE INSURANCE LAWS OF THE STATE OF MONTANA
AND REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE
49TH LEGISLATURE.

WHEREAS, numerous bills pertaining to insurance have
been introduced in the 48th Legislature; and

WHEREAS, the area of insurance law is complex and
cannot be adequately considered by the Legislature during
the time constraints of a legislative session; and

WHEREAS, the Legislature is again faced with finding a
solution to problems caused by evasion of the mandatory
motor vehicle liability insurance law; and

WHEREAS, two bills whose enactment would result in
fundamental change in the insurance industry and therefore
merit especially careful consideration have been introduced
in this legislature; and

WHEREAS, one of the bills provides that there may be no
discrimination on the basis of sex in the insurance industry

~~and the other provides for motor vehicle liability coverage
of an operator rather than of the operator's vehicle; and~~

WHEREAS, the issue of the existence of sex
discrimination in the insurance industry merits legislative
attention because discrimination in commerce is forbidden by
the Equal Dignities Clause of the Montana Constitution; and

WHEREAS, the Legislature desires to eliminate, in a
manner that is fair both to the consumer and the insurer,
distinctions in the insurance industry that are based upon
sex ~~but does not have sufficient information available at
this time AND WISHES~~ to determine how this distinction can
be eliminated in an equitable manner; and

WHEREAS, the Legislature ~~does not have adequate
information available on the potential consequences of a
mandate that all such distinctions be eliminated from the
insurance industry and~~ has received conflicting information
on the long-term effects of elimination of these
distinctions; and

WHEREAS, ~~because of this lack of information, in
enacting legislation on this issue~~ the Legislature may not
be able to anticipate and resolve or mitigate any potential
adverse effects of such legislation; and

WHEREAS, the issue of the existence of economic
inequities in motor vehicle liability coverage merits
legislative attention because motor vehicle liability

1 coverage is compulsory under Montana law; and

2 WHEREAS, the fairness and adequacy of insurance
3 coverage made available by the insurance industry in Montana
4 must be considered.

5
6 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
7 OF REPRESENTATIVES OF THE STATE OF MONTANA:

8 That an appropriate interim committee be assigned to
9 study the marketing practices of the insurance industry and
10 the insurance laws of the State of Montana. The study must
11 consider all aspects of insurance, including but not limited
12 to an examination of:

13 (1) alternative mechanisms to enforce the mandatory
14 motor vehicle liability coverage law;

15 (2) the difference, if any, in the scope, coverage,
16 terms, rates, and benefits offered to consumers in all areas
17 of the insurance industry on the basis of their sex;

18 (3) the current availability in Montana of motor
19 vehicle liability coverage of operators in addition to or
20 instead of coverage of the vehicles they operate;

21 (4) the alternatives, benefits, liabilities, and time
22 reasonably necessary to implement:

23 (a) a requirement that in the marketing of insurance
24 there be no distinction made based on the insured's sex; and

25 (b) a requirement that motor vehicle liability

1 insurance coverage be made available to an operator without
2 regard to motor vehicles that he owns or operates; and

3 (5) the results in any other jurisdiction of
4 imposition of either of the requirements set forth in
5 subsection (4).

6 BE IT FURTHER RESOLVED, that the committee report the
7 findings of the study, including findings specifically
8 related to (1) through (5), to the 49th Legislature and, if
9 necessary, draft legislation to implement its
10 recommendations.

-End-

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BY REQUEST OF THE HOUSE JUDICIARY COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE INSURANCE LAWS OF THE STATE OF MONTANA AND REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE 49TH LEGISLATURE.

WHEREAS, numerous bills pertaining to insurance have been introduced in the 48th Legislature; and

WHEREAS, the area of insurance law is complex and cannot be adequately considered by the Legislature during the time constraints of a legislative session; and

WHEREAS, the Legislature is again faced with finding a solution to problems caused by evasion of the mandatory motor vehicle liability insurance law; and

WHEREAS, ~~two bills whose enactment would result in fundamental change in the insurance industry and therefore merit especially careful consideration have been introduced in this Legislature and~~

WHEREAS, ~~one of the bills provides that there may be no discrimination on the basis of sex in the insurance industry~~

~~and the other provides for motor vehicle liability coverage of an operator rather than of the operator's vehicle; and~~

WHEREAS, the issue of the existence of sex discrimination in the insurance industry merits legislative attention because discrimination in commerce is forbidden by the Equal Dignities Clause of the Montana Constitution; and

WHEREAS, the Legislature desires to eliminate, in a manner that is fair both to the consumer and the insurer, distinctions in the insurance industry that are based upon sex ~~but does not have sufficient information available at this time~~ AND WISHES to determine how this distinction can be eliminated in an equitable manner; and

WHEREAS, the Legislature ~~does not have adequate information available on the potential consequences of a mandate that all such distinctions be eliminated from the insurance industry~~ and has received conflicting information on the long-term effects of elimination of these distinctions; and

WHEREAS, ~~because of this lack of information in enacting legislation on this issue~~ the Legislature may not be able to anticipate and resolve or mitigate any potential adverse effects of such legislation; and

WHEREAS, the issue of the existence of economic inequities in motor vehicle liability coverage merits legislative attention because motor vehicle liability

coverage is compulsory under Montana law; and

WHEREAS, the fairness and adequacy of insurance coverage made available by the insurance industry in Montana must be considered.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That an appropriate interim committee be assigned to study the marketing practices of the insurance industry and the insurance laws of the State of Montana. The study must consider all aspects of insurance, including but not limited to an examination of:

(1) alternative mechanisms to enforce the mandatory motor vehicle liability coverage law;

(2) the difference, if any, in the scope, coverage, terms, rates, and benefits offered to consumers in all areas of the insurance industry on the basis of their sex;

(3) the current availability in Montana of motor vehicle liability coverage of operators in addition to or instead of coverage of the vehicles they operate;

(4) the alternatives, benefits, liabilities, and time reasonably necessary to implement:

(a) a requirement that in the marketing of insurance there be no distinction made based on the insured's sex; and

(b) a requirement that motor vehicle liability

insurance coverage be made available to an operator without regard to motor vehicles that he owns or operates; and

(5) the results in any other jurisdiction of imposition of either of the requirements set forth in subsection (4).

BE IT FURTHER RESOLVED, that the committee report the findings of the study, including findings specifically related to (1) through (5), to the 49th Legislature and, if necessary, draft legislation to implement its recommendations.

-End-

March 31, 1983

SENATE STANDING COMMITTEE REPORT
(Business & Industry)

That House Joint Resolution No. 29 be amended as follows:

1. Page 4, line 2.

Strike: "and"

2. Page 4, line 5.

Strike: "."

Insert: "; and"

3. Page 4, line 6.

Following: Line 5

Insert: "(6) any other selected insurance issues which the
committee considers pertinent and timely."