

HOUSE BILL NO. 366

1/22 Introduced
1/22 Referred to Judiciary
2/14 Hearing
2/16 Adverse Committee Report
2/18 Objection to Adverse Committee Report
2/18 Rereferred to Judiciary
2/21 2nd Reading Pass
2/22 3rd Reading Pass

Transmitted to Seante

2/05 Referred to Business & Industry
3/04 Rereferred to Judiciary
3/14 Hearing
3/23 Adverse Committee Report
3/25 Bill Killed

HOUSE BILL NO. 366

INTRODUCED BY *Archie D. Russell*
Goodwin M. Daniel

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATING TO DISCRIMINATION IN INSURANCE AND RETIREMENT PLANS; AMENDING SECTION 49-2-309, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 49-2-309, MCA, is amended to read:

"49-2-309. Discrimination in insurance and retirement plans. (1) No insurer may refuse to insure, refuse to continue to insure, or limit the amount of coverage available to an individual because of the sex or marital status of the individual. However, nothing in this subsection prohibits an insurer from taking marital status into account for the purpose of defining persons eligible for dependent benefits.

(2) It is an unlawful discriminatory practice for any financial institution or person to discriminate solely on the basis of sex or marital status in the issuance or operation of any type of insurance ~~policy, plan, or coverage or in any pension or retirement plan, program, or coverage, including discrimination in regard to rates or premiums and payments or benefits.~~

~~(2) This section does not apply to any insurance policy, plan, coverage, or any pension or retirement plan, program, or coverage in effect prior to October 1, 1985, that is a part of an employee benefit plan as defined in Section 3(3) of The Employee Retirement Income Security Act of 1974, 29 U.S.C. 1002(3), including discrimination in regard to contributions, rates, or premiums and payments or benefits. Nothing in this subsection prohibits an insurer from reflecting the proportional representation of males and females within a group or the experience of a group if the rates or premiums and payments or benefits of any insurance offered to individual participants within a group do not vary according to the sex of the participants.~~

NEW SECTION. Section 2. Extension of authority. Any existing authority of the commissioner of insurance to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 3. Codification instruction. Section 1 is intended to be renumbered and recodified as an integral part of Title 33, and the provisions of Title 33 apply to section 1.

NEW SECTION. Section 4. Applicability. This act applies to insurance policies or contracts delivered or issued for delivery in this state on or after October 1, 1985, unless the policy or contract is directly derived from

INTRODUCED BILL
HB 366



LC 0863/01

- 1 guarantees contained in a policy or contract that was
- 2 delivered or issued for delivery before October 1, 1985.

-End-

ON JUDICIARY

RECOMMEND DO NOT PASS
OBJECTION RAISED TO
ADVERSE COMMITTEE REPORT

HOUSE BILL NO. 366

INTRODUCED BY

Lawrence J. Connell
Gregory M. Hansen
Stephen Hayden

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATING TO DISCRIMINATION IN INSURANCE AND RETIREMENT PLANS; AMENDING SECTION 49-2-309, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 49-2-309, MCA, is amended to read:

"49-2-309. Discrimination in insurance and retirement plans. (1) No insurer may refuse to insure, refuse to continue to insure, or limit the amount of coverage available to an individual because of the sex or marital status of the individual. However, nothing in this subsection prohibits an insurer from taking marital status into account for the purpose of defining persons eligible for dependent benefits.

(2) It is an unlawful discriminatory practice for any financial institution or person to discriminate solely on the basis of sex or marital status in the issuance or operation of any type of insurance ~~policy, plan, or coverage or in any pension or retirement plan, program, or coverage, including discrimination in regard to rates or premiums and payments or benefits.~~

~~{2}--This section does not apply to any insurance policy, plan, coverage, or any pension or retirement plan, program, or coverage in effect prior to October 1, 1985, that is a part of an employee benefit plan as defined in Section 3(3) of The Employee Retirement Income Security Act of 1974, 29 U.S.C. 1002(3), including discrimination in regard to contributions, rates, or premiums and payments or benefits. Nothing in this subsection prohibits an insurer from reflecting the proportional representation of males and females within a group or the experience of a group if the rates or premiums and payments or benefits of any insurance offered to individual participants within a group do not vary according to the sex of the participants."~~

NEW SECTION. Section 2. Extension of authority. Any existing authority of the commissioner of insurance to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 3. Codification instruction. Section 1 is intended to be renumbered and recodified as an integral part of Title 33, and the provisions of Title 33 apply to section 1.

NEW SECTION. Section 4. Applicability. This act applies to insurance policies or contracts delivered or issued for delivery in this state on or after October 1, 1985, unless the policy or contract is directly derived from

LC 0863/01

- 1 guarantees contained in a policy or contract that was
- 2 delivered or issued for delivery before October 1, 1985.

-End-

HOUSE BILL NO. 366

INTRODUCED BY *Samuel D. Cannon*
Goodwin M. Hansen *Boyer* *Hayden*

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATING TO DISCRIMINATION IN INSURANCE AND RETIREMENT PLANS; AMENDING SECTION 49-2-309, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 49-2-309, MCA, is amended to read:

"49-2-309. Discrimination in insurance and retirement plans. (1) No insurer may refuse to insure, refuse to continue to insure, or limit the amount of coverage available to an individual because of the sex or marital status of the individual. However, nothing in this subsection prohibits an insurer from taking marital status into account for the purpose of defining persons eligible for dependent benefits.

(2) It is an unlawful discriminatory practice for any financial institution or person to discriminate solely on the basis of sex or marital status in the issuance or operation of any type of insurance ~~policy, plan, or coverage or in any pension or retirement plan, program, or coverage, including discrimination in regard to rates or premiums and payments or benefits.~~

~~(2) This section does not apply to any insurance policy, plan, coverage, or any pension or retirement plan, program, or coverage in effect prior to October 1, 1985, that is a part of an employee benefit plan as defined in Section 3(3) of The Employee Retirement Income Security Act of 1974, 29 U.S.C. 1002(3), including discrimination in regard to contributions, rates, or premiums and payments or benefits. Nothing in this subsection prohibits an insurer from reflecting the proportional representation of males and females within a group or the experience of a group if the rates or premiums and payments or benefits of any insurance offered to individual participants within a group do not vary according to the sex of the participants."~~

NEW SECTION. Section 2. Extension of authority. Any existing authority of the commissioner of insurance to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 3. Codification instruction. Section 1 is intended to be renumbered and recodified as an integral part of Title 33, and the provisions of Title 33 apply to section 1.

NEW SECTION. Section 4. Applicability. This act applies to insurance policies or contracts delivered or issued for delivery in this state on or after October 1, 1985, unless the policy or contract is directly derived from

LC 0863/01

- 1 guarantees contained in a policy or contract that was
- 2 delivered or issued for delivery before October 1, 1985.

-End-