## 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

1	HOUSE BILL NO. 366
2	IMPRODUCED BY arriver O Carpill Blush
3	Boolover m. Hanel Saylan Kayne
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW
5	RELATING TO DISCRIMINATION IN INSURANCE AND RETIREMENT
6	PLANS; AMENDING SECTION 49-2-309, MCA; AND PROVIDING AN
7	APPLICABILITY DATE."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	Section 1. Section 49-2-309, MCA, is amended to read:
11	"49-2-309. Discrimination in insurance and retirement
12	plans. (1) No insurer may refuse to insure, refuse to
13	continue to insure, or limit the amount of coverage
14	available to an individual because of the sex or marital
15	status of the individual. However, nothing in this
16	subsection prohibits an insurer from taking marital status
17	into account for the purpose of defining persons eligible
18	for dependent benefits.
19	(1)(2) It is an unlawful discriminatory practice for
20	any financial institution or person to discriminate solely
21	on the basis of sex or marital status in the issuance or
22	operation of any type of insurance policy; -plan; -or-coverage
23	or-in-any-pension-or-retirement-plan;-program;-orcoverage;
24	includingdiscrimination-in-regard-to-rates-or-premiums-and
25	payments-or-benefits.

1	(2)This-sectiondoesnotapplytoanyinsurance
2	policy;plan;coverage;-or-any-pension-or-retirement-plan;
3	programy-or-coverage-in-effect-priortoOctober1y1985
4	that is a part of an employee benefit plan as defined in
5	Section 3(3) of The Employee Retirement Income Security Act
6	of 1974, 29 U.S.C. 1002(3), including discrimination in
7 .	regard to contributions, rates, or premiums and payments or
8	benefits. Nothing in this subsection prohibits an insurer
9	from reflecting the proportional representation of males and
10	females within a group or the experience of a group if the
11	rates or premiums and payments or benefits of any insurance
12	offered to individual participants within a group do not
13	vary according to the sex of the participants."
14	NEW SECTION. Section 2. Extension of authority. Any
15	existing authority of the commissioner of insurance to make
16	rules on the subject of the provisions of this act is
17	extended to the provisions of this act.
18	NEW SECTION. Section 3. Codification instruction.
19	Section 1 is intended to be renumbered and recodified as an
20	integral part of Title 33, and the provisions of Title 33
21	apply to section 1.
22	NEW SECTION. Section 4. Applicability. This act

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applies to insurance policies or contracts delivered or

issued for delivery in this state on or after October 1,

LC 0863/01

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

-End-

instruction.

act

This

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LC 0863/01 COMMITTEE

ON JUDICIARY

RECOMMEND DO NOT PASS
OBJECTION RAISED TO
ADVERSE COMMITTEE REPORT

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subsection prohibits an insurer from taking marital status

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.

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Montana Legislative Council

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1 {2}--Phis-section--does--not--apply--to--any--insurance policy;--plan;--coverage;-or-any-pension-or-retirement-plan; programy-or-coverage-in-effect-prior--to--October--17--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 10 11 rates or premiums and payments or benefits of any insurance offered to individual participants within a group do not 12 vary according to the sex of the participants." 13 NEW SECTION. Section 2. Extension of authority. Any 14 existing authority of the commissioner of insurance to make 15 16 rules on the subject of the provisions of this act is 17 extended to the provisions of this act.

NEW SECTION. Section 3. Codification

NEW SECTION. Section 4. Applicability.

Section 1 is intended to be renumbered and recodified as an

integral part of Title 33, and the provisions of Title 33

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

SECOND READING
48 366

LC 0863/01

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

-End-

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IMPRODUCED BY arriver Claryell Bluste
Goodores m. Vanen Soglan Hayne
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NEW SECTION. Section 4. Applicability.

## LC 0863/01

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-End-