

HB 52 INTRODUCED BY THOMAS
 ALLOWING MARITAL STATUS TO BE USED AS A FACTOR IN
 SETTING AUTO INSURANCE RATES

1/05 INTRODUCED
1/05 REFERRED TO BUSINESS & LABOR
1/13 HEARING
2/11 TABLED IN COMMITTEE

1 HOUSE BILL NO. 52
 2 INTRODUCED BY THOMAS

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING MARITAL
 5 STATUS TO BE USED AS A FACTOR IN DETERMINING MOTOR VEHICLE
 6 INSURANCE RATES; REQUIRING THAT CERTAIN DATA BE FILED WITH
 7 THE INSURANCE COMMISSIONER IF MARITAL STATUS IS USED AS A
 8 FACTOR; AND AMENDING SECTIONS 33-16-203 AND 49-2-309, MCA."

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

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

12 "49-2-309. Discrimination in insurance and retirement
 13 plans. (1) It (a) Except as provided in subsection (1)(b),
 14 it is an unlawful discriminatory practice for any financial
 15 institution or person to discriminate solely on the basis of
 16 sex or marital status in the issuance or operation of any
 17 type of insurance policy, plan, or coverage or in any
 18 pension or retirement plan, program, or coverage, including
 19 discrimination in regard to rates or premiums and payments
 20 or benefits.

21 (b) Distinctions based on marital status may be made
 22 in determining rates for motor vehicle insurance if
 23 statistical differences in risk or exposure have been
 24 substantiated.

25 (2) This-section Subsection (1)(a) does not apply to

1 any insurance policy, plan, coverage, or any pension or
 2 retirement plan, program, or coverage in effect prior to
 3 October 1, 1985."

4 Section 2. Section 33-16-203, MCA, is amended to read:

5 "33-16-203. Rates filed. (1) (a) Every insurer, rating
 6 organization, or advisory organization shall file with the
 7 commissioner all rates intended for use within this state,
 8 together with supporting data sufficient to substantiate
 9 such filing.

10 (b) If an insurer, rating organization, or advisory
 11 organization uses marital status as a factor for determining
 12 rates, it shall file, in addition to the information
 13 required in subsection (1)(a), statistical data
 14 substantiating differences in risk or exposure due to
 15 marital status.

16 (2) The filing required by this subsection may be made
 17 by rating organizations on behalf of their members and
 18 subscribers; but this provision does not prohibit a member
 19 or subscriber from filing any such rates on its own behalf.
 20 Any deviations from a rating organization's rates by a
 21 member or subscriber must be filed with the commissioner and
 22 must be accompanied by supporting data."

23 NEW SECTION. Section 3. Extension of authority. Any
 24 existing authority of the insurance commissioner to make
 25 rules on the subject of the provisions of this act is

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1 extended to the provisions of this act.

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