
**Financial Institutions &
Insurance Committee**

HB 1016

Brief Description: Limiting when the presence of a dog may affect the availability of homeowner's insurance.

Sponsors: Representatives Campbell, Kirby, Appleton and Simpson.

Brief Summary of Bill

- Insurers writing homeowner's insurance are specifically prohibited from taking underwriting actions based on whether or not the applicant or insured owns or harbors a specific breed of dog.
- The prohibitions do not apply if the homeowner owns or harbors a dangerous dog as defined in current law.

Hearing Date: 1/18/05

Staff: Jon Hedegard (786-7127).

Background:

Authority of the Insurance Commissioner

The Office of the Insurance Commissioner (OIC) is responsible for the licensing and regulation of insurance companies doing business in the state. The authority of the OIC includes the oversight of homeowner's insurance policies. Homeowner's policies and rates are filed with the OIC for review and approval.

Current law

Current law prohibits "unfair discrimination" between insureds that have substantially similar risk factors, exposure factors, and expense elements. Current law does not prohibit insurers from having underwriting restrictions on the basis of the type or breed of dog.

Dangerous Dog

Dangerous dog is defined in law as "any dog that (a) inflicts severe injury on a human being without provocation on public or private property, (b) kills a domestic animal without provocation while the dog is off the owner's property, or (c) has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans."

Summary of Bill:

Insurers writing homeowner's insurance may not make underwriting decisions based on whether or not the applicant or insured owns or harbors a specific breed of dog. Insurers writing homeowner's insurance are specifically prohibited from:

- Denying an application for a homeowner's policy;
- Canceling an existing policy;
- Refusing to renew a policy; or
- Modifying an existing policy.

The prohibitions do not apply if the homeowner owns or harbors a dangerous dog as defined in current law

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.