

House Study Bill 99 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON LUNDGREN)

A BILL FOR

1 An Act relating to homeowner's and renter's insurance policies
2 and certain dog breeds, and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 515.116 Homeowner's and renter's
2 insurance — dangerous or high risk dogs.

3 1. This section shall be known and may be cited as the "Dog
4 Breed Insurance Underwriting Protection Act".

5 2. As used in this section, unless the context otherwise
6 requires:

7 a. "Custody" means to possess, keep, or harbor.

8 b. "Insurer" means the same as defined in section 515.115.

9 3. a. An insurer shall not, based solely upon a
10 policyholder or potential policyholder having custody of a
11 dog of a specific breed or mixture of breeds, do any of the
12 following:

13 (1) Refuse to issue or renew the policyholder's or potential
14 policyholder's homeowner's or renter's insurance policy.

15 (2) Charge or impose an increased premium or rate for the
16 policyholder's or potential policyholder's homeowner's or
17 renter's insurance policy.

18 (3) Cancel a policyholder's homeowner's or renter's
19 insurance policy.

20 b. An insurer shall not exclude, limit, restrict, or reduce
21 coverage under a homeowner's or renter's insurance policy based
22 solely upon the policyholder or potential policyholder having
23 custody of a dog of a specific breed or mixture of breeds.

24 4. Notwithstanding subsection 3, if a policyholder has
25 custody of a dog of a specific breed or mixture of breeds
26 classified as dangerous or high risk pursuant to an applicable
27 city ordinance, an insurer may, based on sound underwriting
28 and actuarial principles reasonably related to actual or
29 anticipated loss experience as determined by rules adopted by
30 the insurance commissioner, do any of the following:

31 a. Refuse to issue or renew the policyholder's or potential
32 policyholder's homeowner's or renter's insurance policy.

33 b. Charge or impose a reasonable premium or rate increase
34 for the policyholder's homeowner's or renter's insurance
35 policy.

1 c. Cancel the policyholder's homeowner's or renter's
2 insurance policy.

3 5. The commissioner shall adopt rules pursuant to chapter
4 17A to implement and administer this section.

5 Sec. 2. EFFECTIVE DATE. This Act takes effect one hundred
6 eighty days after enactment.

7 Sec. 3. APPLICABILITY. This Act applies to all homeowner's
8 and renter's insurance policies issued or renewed in the state
9 on or after the effective date of this Act.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill relates to homeowner's and renter's insurance
14 policies and certain dog breeds.

15 The bill prohibits an insurer from, based solely on a
16 policyholder or potential policyholder having custody of a dog
17 of a specific breed or mixture of breeds (dog), refusing to
18 issue or renew the policyholder's or potential policyholder's
19 homeowner's or renter's insurance policy; charging or
20 imposing an increased premium or rate for the policyholder's
21 or potential policyholder's policy; or from canceling a
22 policyholder's homeowner's or renter's policy. An insurer
23 is also prohibited from excluding, limiting, restricting,
24 or reducing coverage under a homeowner's or renter's policy
25 based solely upon the policyholder having custody of a dog.
26 "Custody" is defined in the bill as possessing, keeping, or
27 harboring.

28 If, however, a policyholder has custody of a dog classified
29 as dangerous or high risk pursuant to an applicable city
30 ordinance, an insurer may, based on sound underwriting
31 and actuarial principles reasonably related to actual or
32 anticipated loss experience determined by rules adopted by
33 the commissioner of insurance, refuse to issue or renew the
34 homeowner's or renter's policy. An issuer may also impose a
35 reasonable premium or rate increase or cancel the homeowner's

1 or renter's policy.

2 The commissioner of insurance shall adopt rules pursuant to
3 Code chapter 17A to implement and administer the bill.

4 The bill takes effect 180 days after enactment and applies
5 to all homeowner's and renter's insurance policies issued or
6 renewed in the state on or after the effective date of the
7 bill.