

SENATE BILL No. 994

March 1, 2012, Introduced by Senators BIEDA, WHITMER, SMITH, YOUNG and ANDERSON and referred to the Committee on Insurance.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
by amending section 2027 (MCL 500.2027), as amended by 1998 PA 26,
and by adding section 2027a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2027. Unfair methods of competition and unfair or
2 deceptive acts or practices in the business of insurance include:

3 (a) Refusing to insure, or refusing to continue to insure, or
4 limiting the amount of coverage available to an individual or risk
5 because of any of the following:

6 (i) Race, color, creed, marital status, sex, or national
7 origin, except that marital status may be used to classify
8 individuals or risks for the purpose of insuring family units.

9 (ii) The residence, age, disability, or lawful occupation of

1 the individual or the location of the risk, unless there is a
2 reasonable relationship between the residence, age, disability, or
3 lawful occupation of the individual or the location of the risk and
4 the extent of the risk or the coverage issued or to be issued, but
5 subject to subparagraph (iii). This section ~~shall~~**DOES** not prohibit
6 an insurer from specializing in or limiting its transactions of
7 insurance to certain occupational groups, types, or risks as
8 approved by the commissioner. ~~of insurance.~~ The commissioner shall
9 approve the specialization for an insurer licensed to do business
10 in this state and whose articles of incorporation contained a
11 provision on July 1, 1976, requiring that specialization.

12 (iii) For property insurance, the location of the risk, unless
13 there is a statistically significant relationship between the
14 location of the risk and a risk of loss due to fire within the area
15 in which the insured property is located. As used in this
16 subparagraph, "area" means a single zip code number under the
17 zoning improvement plan of the United States postal service.

18 (b) Refusing to insure or refusing to continue to insure an
19 individual or risk solely because the insured or applicant was
20 previously denied insurance coverage by an insurer.

21 (c) Charging a different rate for the same coverage based on
22 sex, marital status, age, residence, location of risk, disability,
23 or lawful occupation of the risk unless the rate differential is
24 based on sound actuarial principles, a reasonable classification
25 system, and is related to the actual and credible loss statistics
26 or reasonably anticipated experience in the case of new coverages
27 **BUT SUBJECT TO SECTION 2027A. This-EXCEPT AS PROVIDED IN SECTION**

1 2027A, THIS subdivision shall—DOES not apply if the rate has
2 previously been approved by the commissioner.

3 SEC. 2027A. IT IS AN UNFAIR METHOD OF COMPETITION AND AN
4 UNFAIR OR DECEPTIVE ACT OR PRACTICE IN THE BUSINESS OF INSURANCE
5 FOR AN AUTOMOBILE INSURER TO REFUSE TO INSURE, REFUSE TO CONTINUE
6 TO INSURE, LIMIT THE AMOUNT OF COVERAGE AVAILABLE, OR CHARGE A
7 DIFFERENT RATE OR PREMIUM FOR THE SAME COVERAGE BASED ON THE CREDIT
8 HISTORY OR LACK OF CREDIT HISTORY OF AN INSURED OR APPLICANT.