

---

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 756 Session of  
2013

---

INTRODUCED BY SWANGER, TALLMAN, BARRAR, BOBACK, V. BROWN,  
CLYMER, COHEN, CONKLIN, D. COSTA, COX, DAVIDSON, DENLINGER,  
FARRY, GABLER, HAGGERTY, HALUSKA, KNOWLES, KORTZ, MOUL, MURT,  
O'NEILL, READSHAW AND SANTARSIERO, FEBRUARY 14, 2013

---

REFERRED TO COMMITTEE ON INSURANCE, FEBRUARY 14, 2013

---

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An  
2 act relating to insurance; amending, revising, and  
3 consolidating the law providing for the incorporation of  
4 insurance companies, and the regulation, supervision, and  
5 protection of home and foreign insurance companies, Lloyds  
6 associations, reciprocal and inter-insurance exchanges, and  
7 fire insurance rating bureaus, and the regulation and  
8 supervision of insurance carried by such companies,  
9 associations, and exchanges, including insurance carried by  
10 the State Workmen's Insurance Fund; providing penalties; and  
11 repealing existing laws," in automobile insurance, further  
12 providing for discrimination.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 2003(a) of the act of May 17, 1921  
16 (P.L.682, No.284), known as The Insurance Company Law of 1921,  
17 added June 17, 1998 (P.L.464, No.68), is amended to read:

18 Section 2003. Discrimination Prohibited.--(a) An insurer  
19 may not cancel or refuse to write or renew a policy of  
20 automobile insurance for any of the following reasons:

21 (1) Age.

22 (2) Residence or operation of a motor vehicle in a specific

1 geographic area.

2 (3) Race.

3 (4) Color.

4 (5) Creed.

5 (6) National origin.

6 (7) Ancestry.

7 (8) Marital status.

8 (9) Sex.

9 (10) Lawful occupation, including military service.

10 (11) The refusal of another insurer to write a policy or the  
11 cancellation or refusal to renew an existing policy by another  
12 insurer.

13 (12) Illness or permanent or temporary disability where the  
14 insured can medically document that such illness or disability  
15 will not impair his ability to operate a motor vehicle. Failure  
16 to provide such documentation shall be proper reason for the  
17 insurer to amend the policy of the named insured to exclude such  
18 disabled insured from coverage under the policy while operating  
19 a motor vehicle after the effective date of such policy  
20 amendment but shall not be proper reason to cancel or refuse to  
21 write or renew the policy. Nothing in this provision shall be  
22 construed to effect such excluded individual's eligibility for  
23 coverage under the named insured's policy for any injury  
24 sustained while not operating a motor vehicle. Illness or  
25 permanent or temporary disability on the part of any insured  
26 shall not be proper reason for cancelling the policy of the  
27 named insured.

28 (13) Any accident which occurred under the following  
29 circumstances:

30 (i) automobile lawfully parked (if the parked vehicle rolls

1 from the parked position, then any such accident is charged to  
2 the person who parked the automobile);

3 (ii) the applicant, owner or other resident operator is  
4 reimbursed by or on behalf of a person who is responsible for  
5 the accident or has judgment against such person;

6 (iii) automobile is struck in the rear by another vehicle  
7 and the applicant or other resident operator has not been  
8 convicted of a moving traffic violation in connection with this  
9 accident;

10 (iv) operator of the other automobile involved in the  
11 accident was convicted of a moving traffic violation and the  
12 applicant or resident operator was not convicted of a moving  
13 traffic violation in connection with the accident;

14 (v) automobile operated by the applicant or any resident  
15 operator is struck by a "hit-and-run" vehicle if the accident is  
16 reported to the proper authority within twenty-four (24) hours  
17 by the applicant or resident operator;

18 (vi) accident involving damage by contact with animals or  
19 fowl;

20 (vii) accident involving physical damage limited to and  
21 caused by flying gravel, missiles or falling objects;

22 (viii) accident occurring when using automobile in response  
23 to any emergency if the operator of the automobile at the time  
24 of the accident was a paid or volunteer member of any police or  
25 fire department, first aid squad or any law enforcement agency.  
26 This exception does not include an accident occurring after the  
27 automobile ceases to be used in response to such emergency; [or]

28 (ix) accidents which occurred more than thirty-six (36)  
29 months prior to the later of the inception of the insurance  
30 policy or the upcoming anniversary date of the policy; or

1        (x) automobile being operated by a paid or volunteer  
2 firefighter or by emergency medical service personnel.

3        (14) Any claim under the comprehensive portion of the policy  
4 unless such loss was intentionally caused by the insured.

5        \* \* \*

6        Section 2. This act shall take effect in 60 days.