

HOUSE BILL NO. 283

INTRODUCED BY L. BANGERTER

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING GENDER TO BE CONSIDERED WHEN ISSUING OR PROVIDING CERTAIN INSURANCE COVERAGE; DECLARING USE OF ACTUARIAL TABLES TO BE A NONDISCRIMINATORY APPROACH TO SETTING PREMIUMS; PROVIDING AN EXCEPTION FOR PREMIUM RATES ASSOCIATED WITH DISABILITY INSURANCE; AMENDING SECTIONS 33-16-103 AND 49-2-309, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

Section 1. Section 33-16-103, MCA, is amended to read:

"33-16-103. Application. ~~(1) This~~ Subject to subsection (2), this chapter applies to all insurers and all kinds of insurance;

~~(2) except that nothing contained in~~ Except as provided in [section 3], this chapter applies does not apply to:

~~(1)(a)~~ (a) life insurance;

~~(2)(b)~~ (b) disability insurance, except medicare supplement insurance subject to the provisions of chapter 22, part 9;

~~(3)(c)~~ (c) reinsurance, except joint reinsurance as provided in 33-16-307;

~~(4)(d)~~ (d) insurance against loss of or damage to aircraft, their hulls, accessories, and equipment, or against liability, other than workers' compensation and employers' liability, arising out of the ownership, maintenance, or use of aircraft;

~~(5)(e)~~ (e) insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under marine; insurance policies as distinguished from inland marine; insurance policies; or

~~(6)(f)~~ (f) surplus lines insurance as defined in 33-2-301."

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

"49-2-309. Discrimination in insurance and retirement plans. ~~(1) It is an unlawful discriminatory~~

1 ~~practice for a~~ A financial institution or person to may not discriminate solely on the basis of ~~sex or~~ marital status
2 in the issuance or operation of any type of insurance policy, plan, or coverage or in any pension or retirement
3 plan, program, or coverage, including discrimination in regard to rates or premiums and payments or benefits.

4 (2) This section does not apply to any insurance policy, plan, or coverage or to any pension or retirement
5 plan, program, or coverage in effect prior to October 1, 1985.

6 (3) It is not a violation of the prohibition against marital status discrimination in this section for an
7 employer to provide greater or additional contributions to a bona fide group insurance plan for employees with
8 dependents than to those employees without dependents or with fewer dependents."

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10 NEW SECTION. Section 3. Actuarial tables in setting rates -- exceptions. (1) A person who uses
11 industry-approved actuarial standards in establishing insurance premium rates is not discriminating on the basis
12 of gender.

13 (2) A person may not use industry-approved actuarial standards to establish disability insurance premium
14 rates for persons on the basis of gender.

15 (3) This section applies to life insurance and disability insurance.

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17 NEW SECTION. Section 4. Codification instruction. [Section 3] is intended to be codified as an
18 integral part of Title 33, chapter 16, part 2, and the provisions of Title 33, chapter 16, part 2, apply to [section 3].

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20 NEW SECTION. Section 5. Applicability. [This act] applies to insurance contracts entered into or
21 renewed on or after [the effective date of this act].

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