62nd Legislature HB0283.02

1	HOUSE BILL NO. 283
2	INTRODUCED BY L. BANGERTER, O'HARA, WARBURTON, FLYNN , VANCE, WITTICH, C. SMITH,
3	KLOCK, BLASDEL, BURNETT, MCGILLVRAY, REICHNER, WASHBURN, WELBORN, LONEY, STAHL,
4	ARTHUN, MILBURN, SONJU, VINCENT, J. PETERSON
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6	A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING GENDER SEX TO BE CONSIDERED WHEN ISSUING
7	OR PROVIDING CERTAIN INSURANCE COVERAGE; DECLARING USE OF ACTUARIAL TABLES TO BE A
8	NONDISCRIMINATORY APPROACH TO SETTING PREMIUMS; PROVIDING AN EXCEPTION FOR PREMIUM
9	RATES ASSOCIATED WITH DISABILITY INSURANCE; AMENDING SECTIONS 33-16-103 AND SECTION
10	49-2-309, MCA; AND PROVIDING AN APPLICABILITY DATE."
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12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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14	Section 1. Section 33-16-103, MCA, is amended to read:
15	"33-16-103. Application. (1) This Subject to subsection (2), this chapter applies to all insurers and all
16	kinds of insurance,.
17	(2) except that nothing contained in Except as provided in [section 3], this chapter applies does not apply
18	to:
19	(1)(a) life insurance;
20	(2)(b) disability insurance, except medicare supplement insurance subject to the provisions of chapter
21	22, part 9;
22	(3)(c) reinsurance, except joint reinsurance as provided in 33-16-307;
23	(4)(d) insurance against loss of or damage to aircraft, their hulls, accessories, and equipment, or against
24	liability, other than workers' compensation and employers' liability, arising out of the ownership, maintenance, or
25	use of aircraft;
26	(5)(e) insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity,
27	or other risks commonly insured under marine, insurance policies as distinguished from inland marine, insurance
28	policies; or
29	(6)(f) surplus lines insurance as defined in 33-2-301."



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1 **Section 1.** Section 49-2-309, MCA, is amended to read: 2 "49-2-309. Discrimination in insurance and retirement plans. (1) It is an unlawful discriminatory 3 practice for a A financial institution or person to may not discriminate solely on the basis of sex or SEX OR marital 4 status in the issuance or operation of any type of insurance policy, plan, or coverage or in any pension or 5 retirement plan, program, or coverage, including discrimination in regard to rates or premiums and payments or 6 benefits. 7 (2) This section does not apply to any insurance policy, plan, or coverage or to any pension or retirement 8 plan, program, or coverage in effect prior to October 1, 1985. 9 (3) It is not a violation of the prohibition against marital status discrimination in this section for an 10 employer to provide greater or additional contributions to a bona fide group insurance plan for employees with 11 dependents than to those employees without dependents or with fewer dependents. 12 (4) EXCEPT AS PROVIDED IN SUBSECTION (5), IT IS NOT A VIOLATION OF THE PROHIBITION AGAINST SEX 13 DISCRIMINATION IN THIS SECTION FOR A PERSON TO USE INDUSTRY-APPROVED ACTUARIAL STANDARDS BASED ON SEX IN 14 ESTABLISHING INSURANCE PREMIUM RATES. 15 (5) AN INSURER OR A HEALTH SERVICE CORPORATION THAT ISSUES OR RENEWS A POLICY, CERTIFICATE, OR 16 MEMBERSHIP CONTRACT OF HEALTH INSURANCE COVERAGE AS DEFINED IN 33-22-140 TO A RESIDENT OF THIS STATE MAY 17 NOT USE INDUSTRY-APPROVED ACTUARIAL STANDARDS BASED ON SEX TO ESTABLISH HEALTH PLAN PREMIUM RATES." 18 19 NEW SECTION. Section 3. Actuarial tables in setting rates -- exceptions. (1) A person who uses 20 industry-approved actuarial standards in establishing insurance premium rates is not discriminating on the basis 21 of gender. 22 (2) A person may not use industry-approved actuarial standards to establish disability insurance premium 23 rates for persons on the basis of gender. 24 (3) This section applies to life insurance and disability insurance. 25 26 NEW SECTION. Section 4. Codification instruction. [Section 3] is intended to be codified as an 27 integral part of Title 33, chapter 16, part 2, and the provisions of Title 33, chapter 16, part 2, apply to [section 3]. 28 29 NEW SECTION. Section 2. Applicability. [This act] applies to insurance contracts entered into or 30 renewed on or after [the effective date of this act].



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