

# New York State ASSEMBLY

Sheldon Silver - Speaker

Friday, August 1, 2008

**Bill Summary - A03483**[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)[See Bill Text](#)**A03483 Summary:**

BILL NO      A03483

SAME AS      No same as

SPONSOR      Gottfried

COSPNSR      Glick, Seminerio, Brennan, Dinowitz, Eddington, Rosenthal, Kavanagh, Kellner

MLTSPNSR      Alfano, Barra, Bing, Boyland, Bradley, Christensen, Clark, Cook, Cymbrowitz, Diaz R, Englebright, Farrell, Galef, Greene, Hooper, Jacobs, John, Lafayette, Lifton, Lopez V, Mayersohn, McEneny, Morelle Paulin, Peoples, Perry, Pheffer, Ramos, Sweeney, Wright

Amd S2606, Ins L

Prohibits discrimination because of sexual orientation by any individual or entity in the underwriting, rating, etc. of insurance policies; prohibits insurers from making any inquiry in an application for an insurance policy or in connection with the underwriting of such an application solely because of the applicant's race, color, creed, sexual orientation, national origin or disability.

**A03483 Actions:**

BILL NO      A03483

01/26/2007 referred to insurance

03/27/2007 reported referred to codes

05/15/2007 reported

05/17/2007 advanced to third reading cal.510

05/31/2007 passed assembly

05/31/2007 delivered to senate

05/31/2007 REFERRED TO RULES

01/09/2008 DIED IN SENATE

01/09/2008 RETURNED TO ASSEMBLY

01/09/2008 ordered to third reading cal.295

02/27/2008 passed assembly

02/27/2008 delivered to senate

02/27/2008 REFERRED TO INSURANCE

**A03483 Votes:**

BILL: A03483 DATE: 02/27/2008 MOTION:

YEA/NAY: 139/000

Abbate	Y	Cahill	Y	Errigo	Y	Hooper	Y	Magnare	Y	Pheffer	Y	Spano	Y
Alessi	Y	Calhoun	Y	Espail	Y	Hoyt	Y	Maisel	Y	Powell	Y	Stirpe	Y
Alfano	Y	Camara	Y	Farrell	Y	Hyer-Sp	Y	Markey	Y	Pretlow	Y	Sweeney	Y
Amedore	Y	Canestr	Y	Fields	Y	Jacobs	Y	Mayerso	Y	Quinn	Y	Tedisco	Y
Arroyo	Y	Carrozz	Y	Finch	ER	Jaffee	Y	McDonal	Y	Rabbitt	Y	Thiele	Y
Auberti	ER	Christe	Y	Fitzpat	ER	Jeffrie	Y	McDonou	Y	Raia	Y	Titone	Y
Aubry	Y	Clark	Y	Gabrysz	Y	John	Y	McEneny	Y	Ramos	Y	Titus	Y
Bacalle	Y	Cole	Y	Galef	Y	Kavanag	Y	McKevit	Y	Reilich	Y	Tobacco	Y
Ball	Y	Colton	Y	Gantt	ER	Kellner	Y	Miller	Y	Reilly	Y	Towns	Y
Barclay	ER	Conte	Y	Gianari	Y	Kirwan	Y	Millman	Y	Rive J	Y	Townsen	Y
Barra	Y	Cook	Y	Giglio	Y	Kolb	Y	Molinar	ER	Rive N	Y	Walker	Y
Benedet	Y	Crouch	Y	Glick	Y	Koon	Y	Morelle	Y	Rive PM	Y	Weinste	Y
Benjami	Y	Cusick	Y	Gord D	Y	Lafayet	ER	Nolan	Y	Robinso	Y	Weisenb	Y
Bing	Y	Cymbrow	ER	Gord TP	Y	Lancman	Y	Oaks	Y	Rosenth	Y	Weprin	Y
Boyland	Y	DelMont	Y	Gottfri	Y	Latimer	Y	O`Donne	Y	Saladin	Y	Wright	Y
Boyle	Y	Destito	Y	Greene	Y	Lavine	Y	O`Mara	Y	Sayward	Y	Young	Y
Bradley	Y	Diaz LM	ER	Gunther	Y	Lentol	Y	Ortiz	ER	Scarbor	Y	Zebrows	Y
Brennan	Y	Diaz R	Y	Hawley	Y	Lifton	Y	Parment	Y	Schimel	Y	Mr Spkr	Y
Brodsky	Y	Dinowit	Y	Hayes	Y	Lope PD	Y	Paulin	Y	Schimmi	Y		
Brook-K	Y	Duprey	Y	Heastie	Y	Lope VJ	ER	Peoples	Y	Schroed	Y		
Burling	Y	Eddingt	Y	Hevesi	Y	Lupardo	Y	Peralta	Y	Scozzaf	Y		
Butler	Y	Englebr	Y	Hikind	Y	Magee	Y	Perry	Y	Seminer	Y		

**A03483 Memo:**

BILL NUMBER : A3483

TITLE OF BILL : An act to amend the insurance law, in relation to discrimination because of sexual orientation

**PURPOSE :**

To prohibit discrimination because of sexual orientation in the underwriting and rating of insurance policies.

**SUMMARY OF SPECIFIC PROVISIONS :**

Amends subsections (a) and (b) of section 2606 of the Insurance Law to add sexual orientation to the factors of race, color, creed or national origin which are prohibited for use in the underwriting and rating of insurance. Adds new paragraph (3) to subsection (b) of section 2606 to prohibit any inquiry in an application for an insurance policy or in connection with the underwriting of such an application as to race, color, creed, sexual orientation, national origin.

**EXISTING LAW :**

Section 2606 currently prohibits discrimination because of race, color, creed or national origin in the underwriting and rating of insurance policies. Insurers are specifically prohibited from using these factors in the issuance, renewal, sale or rating of insurance policies.

**JUSTIFICATION :**

An insurance applicant's sexual orientation should be irrelevant in the underwriting and rating process. This bill is consistent with 1986 model guidelines adopted by the National Association of Insurance Commissioners which prohibit: inquiries designed to determine an applicant's sexual orientation; the use of sexual orientation in the underwriting process or the determination of insurability; or the investigation by insurance support organizations of the sexual orientation of an applicant or beneficiary. By expressly prohibiting an insurer from using questions designed to elicit information from an applicant regarding race, color, creed, sexual orientation, national origin or disability, this bill would protect the applicant from being required to provide information that is prohibited for use in the underwriting process. The prohibition on the use of sexual orientation as an underwriting criteria has also been recommended by the New York State Bar Association's Special Committee on AIDS and the Law.

PRIOR LEGISLATIVE HISTORY : 1993-94, referred to Insurance  
1995 - A.3828 advanced to 3rd reading; 1996, referred to Insurance;  
1997 - A.2061 advanced to 3rd reading; 1998, referred to Rules;  
1999 - A.5046 referred to rules; 2000, advanced to 3rd reading.  
2001-02: A.2678 - advanced to 3rd reading  
2003: a.10285 - advanced to 3rd reading  
2004: A.10285 - passed the assembly  
2005-06: A.3268 - passed the assembly

FISCAL IMPLICATIONS :

None.

EFFECTIVE DATE : First of January following the date of enactment.

Contact Webmaster

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