

**H. B. 2794**

(By Delegates Reynolds, Stowers, Ferns, Sponaugle,  
Barrett, Phillips, R., Moye, Skaff, Guthrie,  
Walker and Marcum)

[Introduced March 1, 2013; referred to the  
Committee on Banking and Insurance then the Judiciary.]

A BILL to amend and reenact §33-17A-6 of the Code of West Virginia,  
1931, as amended, relating to prohibiting declination or  
termination of property insurance based solely upon a home  
owner's possession of a certain breed of dog; and providing an  
exception.

*Be it enacted by the Legislature of West Virginia:*

That §33-17A-6 of the Code of West Virginia, 1931, as amended,  
be amended and reenacted to read as follows:

**ARTICLE 17A. PROPERTY INSURANCE DECLINATION, TERMINATION AND  
DISCLOSURE.**

**§33-17A-6. Discriminatory terminations and declinations  
prohibited.**

No insurer may decline to issue or terminate a policy of  
insurance subject to this article if the declination or termination  
is:

(a) Based upon the race, religion, nationality, ethnic group,

1 age, sex or marital status of the applicant or named insured;

2 (b) Based solely upon the lawful occupation or profession of  
3 the applicant or named insured, unless the decision is for a  
4 business purpose that is not a mere pretext for unfair  
5 discrimination: *Provided*, That this provision does not apply to  
6 any insurer, agent or broker that limits its market to one lawful  
7 occupation or profession or to several related lawful occupations  
8 or professions;

9 (c) Based upon the age or location of the residence of the  
10 applicant or named insured unless the decision is for a business  
11 purpose that is not a mere pretext for unfair discrimination or  
12 unless the age or location materially affects the risk;

13 (d) Based upon the fact that another insurer previously  
14 declined to insure the applicant or terminated an existing policy  
15 in which the applicant was the named insured;

16 (e) Based upon the fact that the applicant or named insured  
17 previously obtained insurance coverage through a residual market  
18 insurance mechanism;

19 (f) Based upon the fact that the applicant has not previously  
20 been insured;

21 (g) Based upon the fact that the applicant did not have  
22 insurance coverage for a period of time prior to the application;  
23 ~~or~~

24 (h) Based solely upon an adverse credit report or adverse

1 credit scoring; or

2 (i) Based upon the sole fact that the applicant has a certain  
3 breed of dog. However, this provision does not apply to any  
4 applicant who owns a dog that has a history of biting people.

NOTE: The purpose of this bill is to prohibit declination or termination of property insurance based solely upon an applicant's or home owner's possession of a certain breed of dog. The bill provides an exception if the dog has a history of biting people.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.