

COMMITTEE HEARING SCHEDULE DATE: 03/14/2006, Tue

Joint Committee on Financial Services

11:00 am

Room A-2

MA H 4516 AUTHOR: Gobi (D)

TITLE: Homeowner Insurance Underwriting Guidelines

COMMITTEE: Joint Committee on Financial Services

HEARING: 03/14/2006 11:00 am

HOUSE NO. 4516

AN ACT CONCERNING THE USE OF CERTAIN INSURANCE UNDERWRITING GUIDELINES PERTAINING TO DOGS HARBORED UPON THE INSURED PROPERTY

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. As used in this act:

“Insurer” means any insurer engaged in the business of homeowners.

Section 2. No insurance company offering homeowners insurance coverage in Massachusetts issuing a policy or contract insuring against liability for injury to any person or injury to or destruction of property arising out of ownership or lease of residential property shall refuse to issue or renew, cancel or charge or impose an increased premium or rate of such a policy or contract based in whole or in part, upon the harboring of any specific breed or breeds of dog upon such real property.

Section 3. If any such dog has been designated as a dangerous dog pursuant to current statutes, the provisions in this section shall in no manner prohibit an insurer from refusing to issue or renew or from canceling any such contract or policy, nor from imposing an increased premium or rate for such a policy or contract.

Section 4. This act shall take effect on the 60th day after enactment.

Section 5. All dog bites/attacks that result in medical attention must be reported to: the Massachusetts Department of Public Health (DPH) within 60 days of the incident, using a standardized format.

The report shall include, but not be limited to, the following information:

- Time, date and location of incident
- Name, address, phone number of the dogs owner(s) and the same for the victim(s) of the attack
- The breed of dog: Actual breed, mixed breed including two breeds, beyond two breeds the breed should be listed as unknown mixed breed.
- A narrative description of the circumstances of the act, detailing the events involved in the incident.

Section 6. DPH shall compile statistics regarding the nature of each dog incident, which shall be made available to all insurers and the general public upon request.

Section 7. Failure to report such dog bite/attack within the required time shall release the insurer from the liability of paying for damages incurred.

March 8, 2006

Cape Cod Kennel Club statement in support of House Bill 4516

The Cape Cod Kennel Club (CCKC) supports House Bill No. 4516, concerning the use of certain insurance underwriting guidelines pertaining to dogs. This bill seeks to stop the practice of companies refusing to insure homeowners, many of whom have been clients for years, because of the breed of dog that they keep in their home.

The CCKC is an all breed kennel club, an active member of the American Kennel Club (AKC), with members who participate in many dog related sports encompassing breeds from the Chihuahua to the Great Dane. The CCKC is also an active participant in the Mass. Federation of Dog Clubs and Responsible Dog Owners (MassFed).

The concept of including all dogs of a certain breed or type as being too risky to insure is akin to refusing to insure all drivers because there are some bad drivers in the world. Such policies discriminate against responsible dog owners who properly train and socialize their pets. In addition, they mistakenly focus on the breed of dog and do not consider the owner's behavior and responsibility. There are countless examples of dogs included in the ever expanding list of breeds considered by insurance companies as "risky" performing daily acts of service to humans; the German Shepherds who are recognized as the premier service dog in war and peace, leading the blind and helping the handicapped, are on the list of uninsurable dogs. Dalmations who are uninsurable are visiting nursing homes and hospitals, bringing cheer with their fancy spots and cute antics, and uninsurable Rottweilers are romping with children and bringing in the morning newspaper for hundreds of households across the Commonwealth, without making the news.

Many of the dog bites being used in insurance company statistics belong to uninsured dog owners, who are renting property or living in an uninsured home and who should not be factored in the equation for insurance providers. The statistics should be looking at the dogs of insured homeowners, and they should be looking at the factors that commonly lead dogs to bite, such as being tethered outdoors for long periods of time, not being involved in training or socialization with their owners, and being allowed by their owners to roam unattended off of their property.

The CCKC suggests that the common sense reaction on the part of insurance providers would be to sanction those homeowners who have documented incidents of aggression involving their dogs, or who have a record of habitual violations of animal control ordinances in their community, and reward those dog owners who acquire obedience titles in AKC or other recognized organizations, or who earn their Canine Good Citizen award offered by the AKC. These activities are an excellent indication that the dog owner is involved with the dog in a positive manner, and has trained the dog to a certain level of obedience and socialization in order to be awarded these titles.

People who fail to drive their vehicle responsibly pay for their dangerous behavior through higher insurance rates; conscientious drivers earn credits and lower rates for their coverage. The same should apply to the homeowner who has a dog in their household, no matter what breed that person chooses to own.

Sincerely,