

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1632

By: Representative C. Douglas

Filed with: Arkansas Legislative Council
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO REGULATE INSURANCE CLAIM PRACTICES
INVOLVING DOMESTIC ABUSE; AND FOR OTHER PURPOSES.

Subtitle

TO REGULATE INSURANCE CLAIM PRACTICES
INVOLVING DOMESTIC ABUSE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 23-89-205 is amended to read as follows:
23-89-205. Exclusion of benefits.

~~Am~~ Except as provided in § 23-89-217, an insurer may exclude benefits
to any insured, or to his or her personal representative, under a policy
required by § 23-89-202, when the insured's conduct contributed to the injury
he or she sustained in any of the following ways:

- (1) Causing injury to himself or herself intentionally; or
- (2) Causing injury while in the commission of a felony or while
seeking to elude lawful apprehension or arrest by a law enforcement official.

SECTION 2. Arkansas Code Title 23, Chapter 89, Subchapter 2, is
amended to add an additional section to read as follows:

23-89-217. Unlawful administration of claims involving domestic abuse.

(a) As used in this section, "domestic abuse" means:

(1) Physical harm, bodily injury, or assault between family or
household members;

1 (2) The infliction of fear of imminent physical harm, bodily
2 injury, or assault between family or household members; or

3 (3) Sexual conduct between family or household members, whether
4 minors or adults, that constitutes a crime under the laws of this state.

5 (b) A motor vehicle liability insurer shall not deny a covered claim,
6 limit the scope of insurance coverage, or refuse to pay benefits that an
7 insured is entitled to under the terms and conditions of the policy to a
8 victim of domestic abuse if:

9 (1) The claim arose in connection with an incident involving
10 domestic abuse; and

11 (2) The claim would be covered under the insurance policy if the
12 claimant was not a member of the insured's family or household.

13 (c) A violation of subsection (b) of this section:

14 (1) Is a Class A misdemeanor; and

15 (2) Entitles the claimant to recover in a civil action treble
16 damages, including costs and attorney's fees, not to exceed one hundred
17 thousand dollars (\$100,000), from the motor vehicle liability insurer.

18 (d) This section does not apply unless:

19 (1) Within thirty (30) days of the incident involving domestic
20 abuse, or a longer period if appropriate under the circumstances, the victim
21 of domestic abuse:

22 (A) Is protected by a restraining order, order of
23 protection, or similar no-contact order directed against the perpetrator of
24 the domestic abuse; and

25 (B) Resides in a separate household from the perpetrator
26 of the domestic abuse; or

27 (2) The victim of domestic abuse dies as a result of the
28 domestic abuse.

29 (e) The victim of domestic abuse shall cooperate with the motor
30 vehicle liability insurer in the insurer's claim loss investigation.

31 (f) At the time a motor vehicle liability insurance policy is issued
32 or renewed, the motor vehicle liability insurer shall make the following
33 written disclosure in a conspicuous manner to the insured:

34 "ARKANSAS LAW PROVIDES THAT A VICTIM OF DOMESTIC ABUSE MAY NOT BE
35 DENIED COVERAGE UNDER A MOTOR VEHICLE LIABILITY INSURANCE POLICY FOR A CLAIM
36 THAT AROSE IN CONNECTION WITH A FATAL INCIDENT INVOLVING THE DOMESTIC ABUSE

1 OR A NON-FATAL INCIDENT INVOLVING THE DOMESTIC ABUSE IF WITHIN THIRTY (30)
2 DAYS THE VICTIM OF DOMESTIC ABUSE:

3 (1) IS PROTECTED BY A RESTRAINING ORDER, AN ORDER OF PROTECTION,
4 A NO-CONTACT ORDER DIRECTED AGAINST THE PERPETRATOR OF THE DOMESTIC ABUSE;
5 AND

6 (2) RESIDES IN A SEPARATE HOUSEHOLD FROM THE PERPETRATOR OF THE
7 DOMESTIC ABUSE.”

8 (g) The benefits provided by this section shall not be waived by any
9 form of waiver or exclusion from coverage under a motor vehicle liability
10 insurance policy.

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13 Referral requested by: Representative Charlotte V. Douglas

14 Prepared by: VJF
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