



10/14/09 Hearing
3/23/10 Sent to Study
To be refiled next
session

Support Representative Gobi's HB913

Referred to Joint Committee on Financial Services

THIS BILL WOULD MAKE IT ILLEGAL FOR INSURANCE COMPANIES TO REFUSE TO SELL HOME OWNERS INSURANCE TO PEOPLE WHO OWN A PARTICULAR BREED OF DOG

IT'S THE DEED, NOT THE BREED!

Insurance companies can refuse to grant homeowners insurance coverage to families in Massachusetts just because they own a particular breed of dog, even if the dog is well trained and has never demonstrated aggression. Other families who have had coverage for years with a given company have suddenly lost their homeowners insurance just because they own a specific breed - it doesn't matter if they have ever filed a claim.

This bill will protect responsible dog owners and allows insurance companies to raise rates or refuse coverage only if a specific dog has been deemed dangerous based on nondiscriminatory dangerous dog laws or by actual individual incidents of dog attack and bites.

The following information comes from the American Kennel Club, the most knowledgeable dog organization in the US:

“Despite the fact that animal welfare and behavior experts all agree that there's no such thing as a bad breed, many insurers are adopting blacklists of dogs they refuse to cover.

“The American Kennel Club believes that insurance companies should determine coverage of a dog-owning household based on the dog's deeds, not the dog's breed. If a dog is a well-behaved member of the household and the community, there is no reason to deny or cancel coverage. In fact, insurance companies should consider a dog an asset, a natural alarm system whose bark may deter intruders and prevent potential theft.” (letter to Massachusetts Joint Committee on Insurance Dec 1, 2003)

CDC (US Center for Disease Control) and many other organizations also do not believe that the problem of dog bites / attacks can be resolved or reduced by using breed specific laws or policies. Responsible dog ownership is the solution.

WHY ENACT THIS LEGISLATION? This legislation will prevent unwarranted penalties on responsible dog owners and focus the attention on those dog owners who are irresponsible. All experts, including the American Kennel Club and the US Center for Disease Control agree that education and training is a paramount element of reducing dog attacks / bites!

For More Information:

Massachusetts Federation of Dog Clubs and Responsible Dog Owners

Virginia Rowland, President, Blacksate@aol.com; 978-424-1044

Nancy Fisk, Vice President, akikoakitas@aol.com; 508-966-4564

HOUSE No. 913

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill: An Act concerning the use of certain insurance underwriting guidelines pertaining to dogs harbored upon the insured property.

Anne M. Gobi 5th Worcester
Todd M. Smola 1st Hampden
Jennifer M. Callahan 18th Worcester
Sarah K. Peake 4th Barnstable

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 957 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

**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 contact 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.