

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1632

By: Representative C. Douglas

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.

~~As~~ 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;

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



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

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

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

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

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

(1) Is a Class A misdemeanor; and

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

(d) This section does not apply unless:

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

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

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

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

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

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

"ARKANSAS LAW PROVIDES THAT A VICTIM OF DOMESTIC ABUSE MAY NOT BE DENIED COVERAGE UNDER A MOTOR VEHICLE LIABILITY INSURANCE POLICY FOR A CLAIM THAT AROSE IN CONNECTION WITH A FATAL INCIDENT INVOLVING THE DOMESTIC ABUSE OR A NON-FATAL INCIDENT INVOLVING THE DOMESTIC ABUSE IF WITHIN THIRTY (30) DAYS THE VICTIM OF DOMESTIC ABUSE:

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

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

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