

LEGISLATIVE NOTES ON R.S. 17:29B-4
(Insurance - discrimination in)

(1965 amendment)

COPY NO. 2

Previous bills introduced:

1963 - A644
1964 - A526
1965 - A490

Hearing: 974.90 N.J. Legislature. Assembly. Special
A939 Committee to Study Alleged Discriminatory
1964a Practices in Connection with Writing
Automobile Liability Insurance.
Public hearing(s).

Report: 974.90 N.J. Legislature. Assembly. Special
A939 Committee to Study Allegedly Dis-
1965 criminatory Practices in Connection with
the writing of Automobile Liability
Insurance.
Report ... February 3, 1965.

L. 1965, Chapter 139 - S266
No statement.
Not amended during passage.

RS/PC

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ASSEMBLY, No. 644

STATE OF NEW JERSEY

INTRODUCED MARCH 25, 1963

By Assemblymen GROSS, GIMSON, SARCONE, TANZMAN, LYNCH,
BRADY, MORAITES and WOODCOCK

Referred to Committee on Business Affairs

AN ACT to amend the "Law Against Discrimination," approved April 16, 1945
(P. L. 1945, c. 169).

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 11 of the act of which this act is amendatory is amended to
2 read as follows:

3 11. It shall be an unlawful employment practice, or, as the case may be,
4 an unlawful discrimination:

5 a. For an employer, because of the race, creed, color, national origin,
6 ancestry, or age of any individual, or because of the liability for service in the
7 Armed Forces of the United States, of any individual, to refuse to hire or
8 employ or to bar or to discharge from employment such individual or to
9 discriminate against such individual in compensation or in terms, conditions
10 or privileges of employment, however, it shall not be an unlawful employ-
11 ment practice to refuse to accept for employment an applicant who has re-
12 ceived a notice of induction or orders to report for active duty in the armed
13 forces.

14 b. For a labor organization, because of the race, creed, color, national
15 origin, ancestry, or age of any individual, or because of the liability for
16 service in the Armed Forces of the United States, of any individual, to exclude

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17 or to expel from its membership such individual or to discriminate in any way
18 against any of its members, against any applicant for, or individual in-
19 cluded in, any apprentice or other training program or against any employer
20 or any individual employed by an employer.

21 c. For any employer or employment agency to print or circulate or cause
22 to be printed or circulated any statement, advertisement or publication, or
23 to use any form of application for employment, or to make any inquiry in
24 connection with prospective employment, which expresses, directly or in-
25 directly, any limitation, specification or discrimination as to race, creed,
26 color, national origin, ancestry, or age or liability of any applicant for
27 employment for service in the Armed Forces of the United States, or any
28 intent to make any such limitation, specification or discrimination, unless
29 based upon a bona fide occupational qualification.

30 d. For any employer, labor organization or employment agency to dis-
31 charge, expel or otherwise discriminate against any person because he has
32 opposed any practices or acts forbidden under this act or because he has
33 filed a complaint, testified or assisted in any proceeding under this act.

34 e. For any person, whether an employer or an employee or not, to aid,
35 abet, incite, compel or coerce the doing of any of the acts forbidden under
36 this act, or to attempt to do so.

37 f. For any owner, lessee, proprietor, manager, superintendent, agent, or
38 employee of any place of public accommodation directly or indirectly to re-
39 fuse, withhold from or deny to any person any of the accommodations, advan-
40 tages, facilities or privileges thereof, or to discriminate against any person in
41 the furnishing thereof, or directly or indirectly to publish, circulate, issue,
42 display, post or mail any written or printed communication, notice, or adver-
43 tisement to the effect that any of the accommodations, advantages, facilities,
44 or privileges of any such place will be refused, withheld from, or denied to
45 any person on account of the race, creed, color, national origin, or ancestry
46 of such person, or that the patronage or custom thereof of any person of any
47 particular race, creed, color, national origin or ancestry is unwelcome,

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48 objectionable or not acceptable, desired or solicited, and the production of
49 any such written or printed communication, notice or advertisement, purport-
50 ing to relate to any such place and to be made by any owner, lessee, proprie-
51 tor, superintendent, or manager thereof, shall be presumptive evidence in
52 any action that the same was authorized by such person.

53 g. For the owner, lessee, sublessee, assignee or managing agent of, or
54 other person having the right of ownership or possession of or the right to
55 sell, rent, lease, assign, or sublease any real property or part or portion
56 thereof, or any agent or employee of any of these:

57 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny
58 to or withhold from any person or group of persons any real property or
59 part or portion thereof because of the race, creed, color, national origin or
60 ancestry of such person or group of persons;

61 (2) To discriminate against any person or group of persons because of
62 the race, creed, color or national origin of such person or group of persons
63 in the terms, conditions or privileges of the sale, rental or lease of any real
64 property or part or portion thereof or in the furnishing of facilities or
65 services in connection therewith; or

66 (3) To print, publish, circulate, issue, display, post or mail, or cause to be
67 printed, published, circulated, issued, displayed, posted or mailed any state-
68 ment, advertisement, publication or sign, or to use any form of application for
69 the purchase, rental, lease, assignment or sublease of any real property or
70 part or portion thereof, or to make any record or inquiry in connection with
71 the prospective purchase, rental, lease, assignment, or sublease of any real
72 property, or part or portion thereof which expresses, directly or indirectly,
73 any limitation, specification or discrimination as to race, creed, color, na-
74 tional origin or ancestry, or any intent to make any such limitation, specifica-
75 tion or discrimination, and the production of any such statement, advertise-
76 ment, publicity, sign, form of application, record, or inquiry purporting to
77 be made by any such person shall be presumptive evidence in any action
78 that the same was authorized by such person.

79 h. For any real estate broker, real estate salesman or employee or agent
80 thereof:

81 (1) To refuse to sell, rent, assign, lease or sublease, or offer for sale,
82 rental, lease, assignment, or sublease any real property or part or portion
83 thereof to any person or group of persons or to refuse to negotiate for the
84 sale, rental, lease, assignment, or sublease of any real property or part or
85 portion thereof to any person or group of persons because of the race,
86 creed, color, national origin or ancestry of such person or group of persons,
87 or to represent that any real property or part or portion thereof is not avail-
88 able for inspection, sale, rental, lease, assignment, or sublease when in fact
89 it is so available, or otherwise to deny or withhold any real property or any
90 part or portion or facilities thereof to or from any person or group of per-
91 sons because of the race, creed, color, national origin or ancestry of such
92 person or group of persons;

93 (2) To discriminate against any person because of his race, creed, color,
94 national origin or ancestry in the terms, conditions or privileges of the sale,
95 rental, lease, assignment or sublease of any real property or part or portion
96 thereof or in the furnishing of facilities or services in connection therewith;
97 or

98 (3) To print, publish, circulate, issue, display, post, or mail, or cause
99 to be printed, published, circulated, issued, displayed, posted or mailed, any
100 statement, advertisement, publication or sign, or to use any form of applica-
101 tion for the purchase, rental, lease, assignment, or sublease of any real prop-
102 erty or part or portion thereof or to make any record or inquiry in con-
103 nection with the prospective purchase, rental, lease, assignment, or sublease
104 of any real property or part or portion thereof which expresses, directly or
105 indirectly, any limitation or discrimination as to race, creed, color, national
106 origin or ancestry or any intent to make any such limitation or discrimina-
107 tion, and the production of any such statement, advertisement, publicity,
108 sign, form of application, record, or inquiry purporting to be made by any

109 purporting to be made by any such person shall be presumptive evidence in
110 any action that the same was authorized by such person.

111 i. For any person, bank, banking organization, mortgage company, insur-
112 ance company or other financial institution or lender to whom application is
113 made for financial assistance for the purchase, acquisition, construction, re-
114 habilitation, repair or maintenance of any real property or part or portion
115 thereof or any agent or employee thereof:

116 (1) To discriminate against any person or group of persons because of
117 the race, creed, color, national origin or ancestry of such person or group of
118 persons or of the prospective occupants or tenants of such real property or
119 part or portion thereof, in the granting, withholding, extending, modifying
120 or renewing, or in the fixing of the rates, terms, conditions or provisions of
121 any such financial assistance or in the extension of services in connection
122 therewith; or

123 (2) To use any form of application for such financial assistance or to
124 make any record or inquiry in connection with applications for such finan-
125 cial assistance which expresses, directly or indirectly, any limitation, speci-
126 fication or discrimination as to race, creed, color, national origin or ancestry,
127 or any intent to make any such limitation, specification or discrimination.

128 j. *For any insurance company engaged in doing any type of insurance*
129 *business in this State, or any agent or employee thereof:*

130 (1) *To discriminate against any person or group of persons because of*
131 *the race, creed, color, national origin or ancestry of such person or group*
132 *of persons in the issuance, withholding, extension or renewal of any policy*
133 *of insurance, or in the fixing of the rates, terms or conditions therefor, or in*
134 *the issuance or acceptance of any application therefor; or*

135 (2) *To use any form of application for any policy of insurance, or to*
137 *make any record or inquiry in connection with applications for a policy of*
138 *insurance which expresses, directly or indirectly, any limitation, specification*
139 *or discrimination as to race, creed, color, national origin or ancestry, or any*
140 *intent to make any such limitation, specification or discrimination.*

1 2. This act shall take effect immediately.

ASSEMBLY, No. 526

STATE OF NEW JERSEY

INTRODUCED MARCH 9, 1964

By Assemblyman GIMSON

Referred to Committee on Business Affairs

AN ACT to amend the "Law Against Discrimination," approved April 16, 1945

(P. L. 1945, c. 169).

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 11 of the act of which this act is amendatory is amended to
2 read as follows:

3 11. It shall be an unlawful employment practice, or, as the case may be,
4 an unlawful discrimination:

5 a. For an employer, because of the race, creed, color, national origin,
6 ancestry, or age of any individual, or because of the liability for service in the
7 Armed Forces of the United States, of any individual, to refuse to hire or
8 employ or to bar or to discharge from employment such individual or to
9 discriminate against such individual in compensation or in terms, conditions
10 or privileges of employment, however, it shall not be an unlawful employ-
11 ment practice to refuse to accept for employment an applicant who has re-
12 ceived a notice of induction or orders to report for active duty in the armed
13 forces.

14 b. For a labor organization, because of the race, creed, color, national
15 origin, ancestry, or age of any individual, or because of the liability for
16 service in the Armed Forces of the United States, of any individual, to exclude
17 or to expel from its membership such individual or to discriminate in any way

18 against any of its members, against any applicant for, or individual in-
19 cluded in, any apprentice or other training program or against any employer
20 or any individual employed by an employer.

21 c. For any employer or employment agency to print or circulate or cause
22 to be printed or circulated any statement, advertisement or publication, or
23 to use any form of application for employment, or to make any inquiry in
24 connection with prospective employment, which expresses, directly or in-
25 directly, any limitation or discrimination as to race, creed, color, national
26 origin, ancestry, or age or liability of any applicant for employment for serv-
27 ice in the Armed Forces of the United States, or any intent to make any such
28 limitation or discrimination, unless based upon a bona fide occupational
29 qualification.

30 d. For any employer, labor organization or employment agency to dis-
31 charge, expel or otherwise discriminate against any person because he has
32 opposed any practices or acts forbidden under this act or because he has
33 filed a complaint, testified or assisted in any proceeding under this act.

34 e. For any person, whether an employer or an employee or not, to aid,
35 abet, incite, compel or coerce the doing of any of the acts forbidden under
36 this act, or to attempt to do so.

37 f. For any owner, lessee, proprietor, manager, superintendent, agent, or
38 employee of any place of public accommodation directly or indirectly to re-
39 fuse, withhold from or deny to any person any of the accommodations, advan-
40 tages, facilities or privileges thereof, or to discriminate against any person in
41 the furnishing thereof, or directly or indirectly to publish, circulate, issue,
42 display, post or mail any written or printed communication, notice, or adver-
43 tisement to the effect that any of the accommodations, advantages, facilities,
44 or privileges of any such place will be refused, withheld from, or denied to
45 any person on account of the race, creed, color, national origin, or ancestry
46 of such person, or that the patronage or custom thereof of any person of any
47 particular race, creed, color, national origin or ancestry is unwelcome,
48 objectionable or not acceptable, desired or solicited, and the production of

49 any such written or printed communication, notice or advertisement, purport-
50 ing to relate to any such place and to be made by any owner, lessee, proprie-
51 tor, superintendent, or manager thereof, shall be presumptive evidence in
52 any action that the same was authorized by such person.

53 g. For the owner, lessee, sublessee, assignee or managing agent of, or
54 other person having the right of ownership or possession of or the right to
55 sell, rent, lease, assign, or sublease any real property or part or portion
56 thereof, or any agent or employee of any of these:

57 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny
58 to or withhold from any person or group of persons any real property or
59 part or portion thereof because of the race, creed, color, national origin or
60 ancestry of such person or group of persons;

61 (2) To discriminate against any person or group of persons because of
62 the race, creed, color or national origin of such person or group of persons
63 in the terms, conditions or privileges of the sale, rental or lease of any real
64 property or part or portion thereof or in the furnishing of facilities or
65 services in connection therewith; or

66 (3) To print, publish, circulate, issue, display, post or mail, or cause to be
67 printed, published, circulated, issued, displayed, posted or mailed any state-
68 ment, advertisement, publication or sign, or to use any form of application for
69 the purchase, rental, lease, assignment or sublease of any real property or
70 part or portion thereof, or to make any record or inquiry in connection with
71 the prospective purchase, rental, lease, assignment, or sublease of any real
72 property, or part or portion thereof which expresses, directly or indirectly,
73 any limitation or discrimination as to race, creed, color, national origin or
74 ancestry, or any intent to make any such limitation or discrimination, and
75 the production of any such statement, advertisement, publicity, sign, form
76 of application, record, or inquiry purporting to be made by any such per-
77 son shall be presumptive evidence in any action that the same was author-
78 ized by such person.

79 h. For any real estate broker, real estate salesman or employee or agent
80 thereof:

81 (1) To refuse to sell, rent, assign, lease or sublease, or offer for sale,
82 rental, lease, assignment, or sublease any real property or part or portion
83 thereof to any person or group of persons or to refuse to negotiate for the
84 sale, rental, lease, assignment, or sublease of any real property or part or
85 portion thereof to any person or group of persons because of the race,
86 creed, color, national origin or ancestry of such person or group of persons,
87 or to represent that any real property or part or portion thereof is not avail-
88 able for inspection, sale, rental, lease, assignment, or sublease when in fact
89 it is so available, or otherwise to deny or withhold any real property or any
90 part or portion or facilities thereof to or from any person or group of per-
91 sons because of the race, creed, color, national origin or ancestry of such
92 person or group of persons;

93 (2) To discriminate against any person because of his race, creed, color,
94 national origin or ancestry in the terms, conditions or privileges of the sale,
95 rental, lease, assignment or sublease of any real property or part or portion
96 thereof or in the furnishing of facilities or services in connection therewith;
97 or

98 (3) To print, publish, circulate, issue, display, post, or mail, or cause
99 to be printed, published, circulated, issued, displayed, posted or mailed, any
100 statement, advertisement, publication or sign, or to use any form of applica-
101 tion for the purchase, rental, lease, assignment, or sublease of any real prop-
102 erty or part or portion thereof or to make any record or inquiry in con-
103 nection with the prospective purchase, rental, lease, assignment, or sublease
104 of any real property or part or portion thereof which expresses, directly or
105 indirectly, any limitation or discrimination as to race, creed, color, national
106 origin or ancestry or any intent to make any such limitation or discrimina-
107 tion, and the production of any such statement, advertisement, publicity,
108 sign, form of application, record, or inquiry purporting to be made by any

109 such person shall be presumptive evidence in any action that the same was
110 authorized by such person.

111 i. For any person, bank, banking organization, mortgage company, insur-
112 ance company or other financial institution or lender to whom application is
113 made for financial assistance for the purchase, acquisition, construction, re-
114 habilitation, repair or maintenance of any real property or part or portion
115 thereof or any agent or employee thereof:

116 (1) To discriminate against any person or group of persons because of
117 the race, creed, color, national origin or ancestry of such person or group of
118 persons or of the prospective occupants or tenants of such real property or
119 part or portion thereof, in the granting, withholding, extending, modifying
120 or renewing, or in the fixing of the rates, terms, conditions or provisions of
121 any such financial assistance or in the extension of services in connection
122 therewith; or

123 (2) To use any form of application for such financial assistance or to
124 make any record or inquiry in connection with applications for such finan-
125 cial assistance which expresses, directly or indirectly, any limitation or dis-
126 crimination as to race, creed, color, national origin or ancestry, or any in-
127 tent to make any such limitation or discrimination.

128 j. *For any insurance company engaged in doing any type of insurance*
129 *business in this State, or any agent or employee thereof:*

130 (1) *To discriminate against any person or group of persons because of*
131 *the race, creed, color, national origin or ancestry of such person or group*
132 *of persons in the issuance, withholding, extension or renewal of any policy*
133 *of insurance, or in the fixing of the rates, terms or conditions therefor, or in*
134 *the issuance or acceptance of any application therefor; or*

135 (2) *To use any form of application for any policy of insurance, or to*
136 *make any record or inquiry in connection with applications for a policy of*
137 *insurance which expresses, directly or indirectly, any limitation or dis-*
138 *crimination as to race, creed, color, national origin or ancestry, or any intent*
139 *to make any such limitation or discrimination.*

1 2. This act shall take effect immediately.

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ASSEMBLY, No. 490

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1965

By Assemblymen GIMSON, BURKE and WERNER

Referred to Committee on Business Affairs

AN ACT to amend the "Law Against Discrimination," approved April 16, 1945
(P. L. 1945, c. 169).

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

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6 ancestry, or age of any individual, or because of the liability for service in the
7 Armed Forces of the United States, of any individual, to refuse to hire or
8 employ or to bar or to discharge from employment such individual or to
9 discriminate against such individual in compensation or in terms, conditions
10 or privileges of employment, however, it shall not be an unlawful employ-
11 ment practice to refuse to accept for employment an applicant who has re-
12 ceived a notice of induction or orders to report for active duty in the armed
13 forces.

14 b. For a labor organization, because of the race, creed, color, national
15 origin, ancestry, or age of any individual, or because of the liability for
16 service in the Armed Forces of the United States, of any individual, to exclude
17 or to expel from its membership such individual or to discriminate in any way

18 against any of its members, against any applicant for, or individual in-
19 cluded in, any apprentice or other training program or against any employer
20 or any individual employed by an employer.

21 c. For any employer or employment agency to print or circulate or cause
22 to be printed or circulated any statement, advertisement or publication, or
23 to use any form of application for employment, or to make any inquiry in
24 connection with prospective employment, which expresses, directly or in-
25 directly, any limitation or discrimination as to race, creed, color, national
26 origin, ancestry, or age or liability of any applicant for employment for serv-
27 ice in the Armed Forces of the United States, or any intent to make any such
28 limitation or discrimination, unless based upon a bona fide occupational
29 qualification.

30 d. For any employer, labor organization or employment agency to dis-
31 charge, expel or otherwise discriminate against any person because he has
32 opposed any practices or acts forbidden under this act or because he has
33 filed a complaint, testified or assisted in any proceeding under this act.

34 e. For any person, whether an employer or an employee or not, to aid,
35 abet, incite, compel or coerce the doing of any of the acts forbidden under
36 this act, or to attempt to do so.

37 f. For any owner, lessee, proprietor, manager, superintendent, agent, or
38 employee of any place of public accommodation directly or indirectly to re-
39 fuse, withhold from or deny to any person any of the accommodations, advan-
40 tages, facilities or privileges thereof, or to discriminate against any person in
41 the furnishing thereof, or directly or indirectly to publish, circulate, issue,
42 display, post or mail any written or printed communication, notice, or adver-
43 tisement to the effect that any of the accommodations, advantages, facilities,
44 or privileges of any such place will be refused, withheld from, or denied to
45 any person on account of the race, creed, color, national origin, or ancestry
46 of such person, or that the patronage or custom thereof of any person of any
47 particular race, creed, color, national origin or ancestry is unwelcome,
48 objectionable or not acceptable, desired or solicited, and the production of

49 any such written or printed communication, notice or advertisement, purport-
50 ing to relate to any such place and to be made by any owner, lessee, proprie-
51 tor, superintendent, or manager thereof, shall be presumptive evidence in
52 any action that the same was authorized by such person.

53 g. For the owner, lessee, sublessee, assignee or managing agent of, or
54 other person having the right of ownership or possession of or the right to
55 sell, rent, lease, assign, or sublease any real property or part or portion
56 thereof, or any agent or employee of any of these:

57 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny
58 to or withhold from any person or group of persons any real property or
59 part or portion thereof because of the race, creed, color, national origin or
60 ancestry of such person or group of persons;

61 (2) To discriminate against any person or group of persons because of
62 the race, creed, color or national origin of such person or group of persons
63 in the terms, conditions or privileges of the sale, rental or lease of any real
64 property or part or portion thereof or in the furnishing of facilities or
65 services in connection therewith; or

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68 ment, advertisement, publication or sign, or to use any form of application for
69 the purchase, rental, lease, assignment or sublease of any real property or
70 part or portion thereof, or to make any record or inquiry in connection with
71 the prospective purchase, rental, lease, assignment, or sublease of any real
72 property, or part or portion thereof which expresses, directly or indirectly,
73 any limitation or discrimination as to race, creed, color, national origin or
74 ancestry, or any intent to make any such limitation or discrimination, and
75 the production of any such statement, advertisement, publicity, sign, form
76 of application, record, or inquiry purporting to be made by any such per-
77 son shall be presumptive evidence in any action that the same was author-
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83 thereof to any person or group of persons or to refuse to negotiate for the
84 sale, rental, lease, assignment, or sublease of any real property or part or
85 portion thereof to any person or group of persons because of the race,
86 creed, color, national origin or ancestry of such person or group of persons,
87 or to represent that any real property or part or portion thereof is not avail-
88 able for inspection, sale, rental, lease, assignment, or sublease when in fact
89 it is so available, or otherwise to deny or withhold any real property or any
90 part or portion or facilities thereof to or from any person or group of per-
91 sons because of the race, creed, color, national origin or ancestry of such
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94 national origin or ancestry in the terms, conditions or privileges of the sale,
95 rental, lease, assignment or sublease of any real property or part or portion
96 thereof or in the furnishing of facilities or services in connection therewith;
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98 (3) To print, publish, circulate, issue, display, post, or mail, or cause
99 to be printed, published, circulated, issued, displayed, posted or mailed, any
100 statement, advertisement, publication or sign, or to use any form of applica-
101 tion for the purchase, rental, lease, assignment, or sublease of any real prop-
102 erty or part or portion thereof or to make any record or inquiry in con-
103 nection with the prospective purchase, rental, lease, assignment, or sublease
104 of any real property or part or portion thereof which expresses, directly or
105 indirectly, any limitation, specification or discrimination as to race, creed,
106 color, national origin or ancestry or any intent to make any such limita-
107 tion, specification or discrimination, and the production of any such state-
108 ment, advertisement, publicity, sign, form of application, record, or inquiry

109 such person shall be presumptive evidence in any action that the same was
110 authorized by such person.

111 i. For any person, bank, banking organization, mortgage company, insur-
112 ance company or other financial institution or lender to whom application is
113 made for financial assistance for the purchase, acquisition, construction, re-
114 habilitation, repair or maintenance of any real property or part or portion
115 thereof or any agent or employee thereof:

116 (1) To discriminate against any person or group of persons because of
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119 part or portion thereof, in the granting, withholding, extending, modifying
120 or renewing, or in the fixing of the rates, terms, conditions or provisions of
121 any such financial assistance or in the extension of services in connection
122 therewith; or

123 (2) To use any form of application for such financial assistance or to
124 make any record or inquiry in connection with applications for such finan-
125 cial assistance which expresses, directly or indirectly, any limitation or dis-
126 crimination as to race, creed, color, national origin or ancestry, or any in-
127 tent to make any such limitation or discrimination.

128 j. *For any insurance company engaged in doing any type of insurance*
129 *business in this State, or any agent or employee thereof:*

130 (1) *To discriminate against any person or group of persons because of*
131 *the race, creed, color, national origin, ancestry or solely age of such person or*
132 *group of persons in the issuance, withholding, extension or renewal of any*
133 *policy of insurance, or in the fixing of the rates, terms or conditions therefor,*
134 *or in the issuance or acceptance of any application therefor; or*

135 (2) *To use any form of application for any policy of insurance, or to*
136 *make any record or inquiry in connection with applications for a policy of*
137 *insurance which expresses, directly or indirectly, any limitation or dis-*
138 *crimination as to race, creed, color, national origin, ancestry or solely age, or*
139 *any intent to make any such limitation or discrimination.*

1 2. This act shall take effect immediately.

ASSEMBLY AMENDMENT TO
ASSEMBLY, No. 490

STATE OF NEW JERSEY

ADOPTED APRIL 5, 1965

Amend page 5, section 1, line 139, after "discrimination" insert ", however, nothing in this section shall be deemed to prohibit an insurance company from the collection of data for use in its actuarial processes or for general statistical information".

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ASSEMBLY, No. 490

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1965

By Assemblymen GIMSON, BURKE and WERNER

Referred to Committee on Business Affairs

AN ACT to amend the "Law Against Discrimination," approved April 16, 1945
(P. L. 1945, c. 169).

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 11 of the act of which this act is amendatory is amended to
2 read as follows:

3 11. It shall be an unlawful employment practice, or, as the case may be,
4 an unlawful discrimination:

5 a. For an employer, because of the race, creed, color, national origin,
6 ancestry, or age of any individual, or because of the liability for service in the
7 Armed Forces of the United States, of any individual, to refuse to hire or
8 employ or to bar or to discharge from employment such individual or to
9 discriminate against such individual in compensation or in terms, conditions
10 or privileges of employment, however, it shall not be an unlawful employ-
11 ment practice to refuse to accept for employment an applicant who has re-
12 ceived a notice of induction or orders to report for active duty in the armed
13 forces.

14 b. For a labor organization, because of the race, creed, color, national
15 origin, ancestry, or age of any individual, or because of the liability for
16 service in the Armed Forces of the United States, of any individual, to exclude
17 or to expel from its membership such individual or to discriminate in any way

18 against any of its members, against any applicant for, or individual in-
19 cluded in, any apprentice or other training program or against any employer
20 or any individual employed by an employer.

21 c. For any employer or employment agency to print or circulate or cause
22 to be printed or circulated any statement, advertisement or publication, or
23 to use any form of application for employment, or to make any inquiry in
24 connection with prospective employment, which expresses, directly or in-
25 directly, any limitation or discrimination as to race, creed, color, national
26 origin, ancestry, or age or liability of any applicant for employment for serv-
27 ice in the Armed Forces of the United States, or any intent to make any such
28 limitation or discrimination, unless based upon a bona fide occupational
29 qualification.

30 d. For any employer, labor organization or employment agency to dis-
31 charge, expel or otherwise discriminate against any person because he has
32 opposed any practices or acts forbidden under this act or because he has
33 filed a complaint, testified or assisted in any proceeding under this act.

34 e. For any person, whether an employer or an employee or not, to aid,
35 abet, incite, compel or coerce the doing of any of the acts forbidden under
36 this act, or to attempt to do so.

37 f. For any owner, lessee, proprietor, manager, superintendent, agent, or
38 employee of any place of public accommodation directly or indirectly to re-
39 fuse, withhold from or deny to any person any of the accommodations, advan-
40 tages, facilities or privileges thereof, or to discriminate against any person in
41 the furnishing thereof, or directly or indirectly to publish, circulate, issue,
42 display, post or mail any written or printed communication, notice, or adver-
43 tisement to the effect that any of the accommodations, advantages, facilities,
44 or privileges of any such place will be refused, withheld from, or denied to
45 any person on account of the race, creed, color, national origin, or ancestry
46 of such person, or that the patronage or custom thereof of any person of any
47 particular race, creed, color, national origin or ancestry is unwelcome,
48 objectionable or not acceptable, desired or solicited, and the production of

49 any such written or printed communication, notice or advertisement, purport-
50 ing to relate to any such place and to be made by any owner, lessee, proprie-
51 tor, superintendent, or manager thereof, shall be presumptive evidence in
52 any action that the same was authorized by such person.

53 g. For the owner, lessee, sublessee, assignee or managing agent of, or
54 other person having the right of ownership or possession of or the right to
55 sell, rent, lease, assign, or sublease any real property or part or portion
56 thereof, or any agent or employee of any of these:

57 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny
58 to or withhold from any person or group of persons any real property or
59 part or portion thereof because of the race, creed, color, national origin or
60 ancestry of such person or group of persons;

61 (2) To discriminate against any person or group of persons because of
62 the race, creed, color or national origin of such person or group of persons
63 in the terms, conditions or privileges of the sale, rental or lease of any real
64 property or part or portion thereof or in the furnishing of facilities or
65 services in connection therewith; or

66 (3) To print, publish, circulate, issue, display, post or mail, or cause to be
67 printed, published, circulated, issued, displayed, posted or mailed any state-
68 ment, advertisement, publication or sign, or to use any form of application for
69 the purchase, rental, lease, assignment or sublease of any real property or
70 part or portion thereof, or to make any record or inquiry in connection with
71 the prospective purchase, rental, lease, assignment, or sublease of any real
72 property, or part or portion thereof which expresses, directly or indirectly,
73 any limitation or discrimination as to race, creed, color, national origin or
74 ancestry, or any intent to make any such limitation or discrimination, and
75 the production of any such statement, advertisement, publicity, sign, form
76 of application, record, or inquiry purporting to be made by any such per-
77 son shall be presumptive evidence in any action that the same was author-
78 ized by such person.

79 h. For any real estate broker, real estate salesman or employee or agent
80 thereof:

81 (1) To refuse to sell, rent, assign, lease or sublease, or offer for sale,
82 rental, lease, assignment, or sublease any real property or part or portion
83 thereof to any person or group of persons or to refuse to negotiate for the
84 sale, rental, lease, assignment, or sublease of any real property or part or
85 portion thereof to any person or group of persons because of the race,
86 creed, color, national origin or ancestry of such person or group of persons,
87 or to represent that any real property or part or portion thereof is not avail-
88 able for inspection, sale, rental, lease, assignment, or sublease when in fact
89 it is so available, or otherwise to deny or withhold any real property or any
90 part or portion or facilities thereof to or from any person or group of per-
91 sons because of the race, creed, color, national origin or ancestry of such
92 person or group of persons;

93 (2) To discriminate against any person because of his race, creed, color,
94 national origin or ancestry in the terms, conditions or privileges of the sale,
95 rental, lease, assignment or sublease of any real property or part or portion
96 thereof or in the furnishing of facilities or services in connection therewith;
97 or

98 (3) To print, publish, circulate, issue, display, post, or mail, or cause
99 to be printed, published, circulated, issued, displayed, posted or mailed, any
100 statement, advertisement, publication or sign, or to use any form of applica-
101 tion for the purchase, rental, lease, assignment, or sublease of any real prop-
102 erty or part or portion thereof or to make any record or inquiry in con-
103 nection with the prospective purchase, rental, lease, assignment, or sublease
104 of any real property or part or portion thereof which expresses, directly or
105 indirectly, any limitation or discrimination as to race, creed, color, national
106 origin or ancestry or any intent to make any such limitation or discrimina-
107 tion, and the production of any such statement, advertisement, publicity,
108 sign, form of application, record, or inquiry purporting to be made by any
109 such person shall be presumptive evidence in any action that the same was
110 authorized by such person.

111 i. For any person, bank, banking organization, mortgage company, insur-
112 ance company or other financial institution or lender to whom application is

113 made for financial assistance for the purchase, acquisition, construction, re-
 114 habilitation, repair or maintenance of any real property or part or portion
 115 thereof or any agent or employee thereof:

116 (1) To discriminate against any person or group of persons because of
 117 the race, creed, color, national origin or ancestry of such person or group of
 118 persons or of the prospective occupants or tenants of such real property or
 119 part or portion thereof, in the granting, withholding, extending, modifying
 120 or renewing, or in the fixing of the rates, terms, conditions or provisions of
 121 any such financial assistance or in the extension of services in connection
 122 therewith; or

123 (2) To use any form of application for such financial assistance or to
 124 make any record or inquiry in connection with applications for such finan-
 125 cial assistance which expresses, directly or indirectly, any limitation or dis-
 126 crimination as to race, creed, color, national origin or ancestry, or any in-
 127 tent to make any such limitation or discrimination.

128 *j. For any insurance company engaged in doing any type of insurance*
 129 *business in this State, or any agent or employee thereof:*

130 (1) *To discriminate against any person or group of persons because of*
 131 *the race, creed, color, national origin, ancestry or solely age of such person or*
 132 *group of persons in the issuance, withholding, extension or renewal of any*
 133 *policy of insurance, or in the fixing of the rates, terms or conditions therefor,*
 134 *or in the issuance or acceptance of any application therefor; or*

135 (2) *To use any form of application for any policy of insurance, or to*
 136 *make any record or inquiry in connection with applications for a policy of*
 137 *insurance which expresses, directly or indirectly, any limitation or dis-*
 138 *crimination as to race, creed, color, national origin, ancestry or solely age, or*
 139 *any intent to make any such limitation or discrimination*, however, nothing*
 140 *in this section shall be deemed to prohibit an insurance company from the col-*
 141 *lection of data for use in its actuarial processes or for general statistical in-*
 142 *formation*.*

1 2. This act shall take effect immediately.

SENATE, No. 266

STATE OF NEW JERSEY

INTRODUCED APRIL 12, 1965

By Senators DUMONT, STOUT and WEBER

Referred to Committee on Business Affairs

AN ACT to amend "An act concerning insurance, regulating the trade practices in the business of insurance, defining and prohibiting unfair and deceptive acts and practices in the business of insurance, and supplementing subtitle 3 of Title 17 of the Revised Statutes," approved July 3, 1947 (P. L. 1947, c. 379).

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 4 of the act of which this act is amendatory is amended to
2 read as follows:

3 4. Unfair methods of competition and unfair or deceptive acts or prac-
4 tices defined.

5 The following are hereby defined as unfair methods of competition and
6 unfair and deceptive acts or practices in the business of insurance:

7 (1) Misrepresentations and false advertising of policy contracts. Mak-
8 ing, issuing, circulating, or causing to be made, issued or circulated, any esti-
9 mate, illustration, circular or statement misrepresenting the terms of any
10 policy issued or to be issued or the benefits or advantages promised thereby
11 or the dividends or share of the surplus to be received thereon, or making
12 any false or misleading statement as to the dividends or share of surplus
13 previously paid on similar policies, or making any misleading representation
14 or any misrepresentation as to the financial condition of any insurer, or as

15 to the legal reserve system upon which any life insurer operates, or using
16 any name or title of any policy or class of policies misrepresenting the true
17 nature thereof, or making any misrepresentation to any policyholder insured
18 in any company for the purpose of inducing or tending to induce such policy-
19 holder to lapse, forfeit, or surrender his insurance.

20 (2) False information and advertising generally. Making, publishing,
21 disseminating, circulating, or placing before the public, or causing, directly
22 or indirectly, to be made, published, disseminated, circulated, or placed be-
23 fore the public, in a newspaper, magazine or other publication, or in the form
24 of a notice, circular, pamphlet, letter or poster, or over any radio station, or
25 in any other way, an advertisement, announcement or statement containing
26 any assertion, representation or statement with respect to the business of in-
27 surance or with respect to any person in the conduct of his insurance business,
28 which is untrue, deceptive or misleading.

29 (3) Defamation. Making, publishing, disseminating, or circulating,
30 directly or indirectly, or aiding, abetting or encouraging the making, pub-
31 lishing, disseminating or circulating of any oral or written statement or any
32 pamphlet, circular, article or literature which is false, or maliciously critical
33 of or derogatory to the financial condition of an insurer, and which is calcu-
34 lated to injure any person engaged in the business of insurance.

35 (4) Boycott, coercion and intimidation. Entering into any agreement to
36 commit, or by any concerted action committing, any act of boycott, coercion
37 or intimidation resulting in or tending to result in unreasonable restraint of,
38 or monopoly in, the business of insurance.

39 (5) False financial statements. Filing with any supervisory or other
40 public official, or making, publishing, disseminating, circulating or deliver-
41 ing to any person, or placing before the public, or causing directly or in-
42 directly, to be made, published, disseminated, circulated, delivered to any
43 person, or placed before the public, any false statement of financial condition
44 of an insurer with intent to deceive.

45 Making any false entry in any book, report or statement of any insurer
46 with intent to deceive any agent or examiner lawfully appointed to exam-
47 ine into its condition or into any of its affairs, or any public official to
48 whom such insurer is required by law to report, or who has authority by
49 law to examine into its condition or into any of its affairs, or, with like intent,
50 willfully omitting to make a true entry of any material fact pertaining to the
51 business of such insurer in any book, report or statement of such insurer.

52 (6) Stock operations and advisory board contracts. Issuing or deliver-
53 ing or permitting agents, officers, or employees to issue or deliver, agency
54 company stock or other capital stock, or benefit certificates or shares in any
55 common-law corporation, or securities or any special or advisory board con-
56 tracts or other contracts of any kind promising returns and profits as an
57 inducement to insurance.

58 (7) Unfair discrimination. (a) Making or permitting any unfair discrim-
59 ination between individuals of the same class and equal expectation of life
60 in the rates charged for any contract of life insurance or of life annuity or
61 in the dividends or other benefits payable thereon, or in any other of the
62 terms and conditions of such contract.

63 (b) Making or permitting any unfair discrimination between individuals
64 of the same class and of essentially the same hazard in the amount of
65 premium, policy fees, or rates charged for any policy or contract of acci-
66 dent or health insurance or in the benefits payable thereunder, or in any of
67 the terms or conditions of such contract, or in any other manner whatever.

68 (c) *Making or permitting any discrimination against any person or*
69 *group of persons because of race, creed, color, national origin or ancestry*
70 *of such person or group of persons in the issuance, withholding, extension or*
71 *renewal of any policy of insurance or in the fixing of the rates, terms or con-*
72 *ditions therefor, or in the issuance or acceptance of any application therefor.*

73 (d) *Making or permitting discrimination in the use of any form of policy*
74 *of insurance which expresses, directly or indirectly, any limitation or dis-*
75 *crimination as to race, creed, color, national origin or ancestry or any*
76 *intent to make any such limitation or discrimination.*

77 (e) Making or permitting any unfair discrimination solely because of
78 age in the issuance, withholding, extension or renewal of any policy or con-
79 tract of automobile liability insurance or in the fixing of the rates, terms or
80 conditions therefor, or in the issuance or acceptance of any application there-
81 for, provided, that nothing herein shall be construed to interfere with the
82 application of any applicable rate classification filed with and approved by
83 the commissioner pursuant to chapter 27 of the laws of 1944 (c. 17:29A-1
84 to 17:29A-28), or any amendment or supplement thereof, which is in effect
85 with respect to such policy or contract of insurance.

86 (8) Rebates. (a) Except as otherwise expressly provided by law, know-
87 ingly permitting or offering to make or making any contract of life insur-
88 ance, life annuity or accident and health insurance, or agreement as to such
89 contract other than as plainly expressed in the contract issued thereon, or
90 paying or allowing, or giving or offering to pay, allow, or give, directly or
91 indirectly, as inducement to such insurance, or annuity, any rebate of pre-
92 miums payable on the contract, or any special favor or advantage in the
93 dividends or other benefits thereon, or any valuable consideration or in-
94 ducement whatever not specified in the contract; or giving, or selling, or
95 purchasing or offering to give, sell, or purchase as inducement to such
96 insurance or annuity or in connection therewith, any stocks, bonds, or other
97 securities of any insurance company or other corporation, association, or
98 partnership, or any dividends or profits accrued thereon, or anything of
99 value whatsoever not specified in the contract.

100 (b) Nothing in clause seven or paragraph (a) of this clause 8 shall be
101 construed as including within the definition of discrimination or rebates any
102 of the following practices: (i) in the case of any contract of life insurance
103 or life annuity, paying bonuses to policyholders or otherwise abating their
104 premiums in whole or in part out of surplus accumulated from nonpartici-
105 pating insurance; provided, that any such bonuses or abatement of premiums
106 shall be fair and equitable to policyholders and for the best interests of the
107 company and its policyholders; (ii) in the case of life insurance policies issued

108 on the industrial debit plan, making allowance to policyholders who have
109 continuously for a specified period made premium payments directly to an
110 office of the insurer in an amount which fairly represents the saving in col-
111 lection expense; (iii) readjustment of the rate of premium for a group policy
112 based on the loss or expense experience thereunder, at the end of the first
113 or any subsequent policy year of insurance thereunder, which may be made
114 retroactive only for such policy year.

115 (9) The enumeration in this act of specific unfair methods of compe-
116 tition and unfair or deceptive acts and practices in the business of insurance
117 is not exclusive or restrictive or intended to limit the powers of the com-
118 missioner or any court of review under the provisions of section 9 of this act.

1 2. This act shall take effect immediately.

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STATE OF WISCONSIN

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