

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

§§1,2,4,5 -
C.17:29B-16 to
17:29B-19
§3 - C.17:23A-13.3
§4 - Note to §3

P.L. 2003, CHAPTER 41, *approved April 14, 2003*
Assembly Committee Substitute (*Second Reprint*) for
Assembly, No. 689

1 **AN ACT** to prevent discrimination against victims of domestic violence
2 in certain insurance contracts ¹[and],² and² supplementing
3 ¹[Chapter] chapter¹ 29B of Title 17 of the Revised Statutes ¹and
4 ²[supplementing]² P.L.1985, c.179 (C.17:23A-1 et seq.).¹

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. As used in this act:

10 "Domestic violence" and "victim of domestic violence" shall have
11 the same meaning as in section 3 of P.L.1991, c.261 (C.2C:25-19).
12 "Domestic violence" shall also mean intentionally, knowingly or
13 recklessly causing or attempting to cause damage to property so as to
14 intimidate or attempt to control the behavior of a person in a
15 relationship with a perpetrator of one or more acts of domestic
16 violence.

17 "Domestic violence-related condition" means a medical condition
18 which arises in whole or in part from one or more acts of domestic
19 violence.

20 "Insurer" means:

21 a. any corporation, association, partnership, reciprocal exchange,
22 interinsurer, Lloyd's insurer, fraternal benefit society or other person
23 engaged in the business of insurance pursuant to Subtitle 3 of Title 17
24 of the Revised Statutes (R.S.17:17-1 et seq.), but shall not include
25 health insurance, accident and health insurance, automobile medical
26 payment insurance or personal injury protection insurance issued
27 pursuant to P.L.1972, c.70 (C.39:6A-1 et seq.);

28 b. any corporation, association, partnership, reciprocal exchange,
29 interinsurer, Lloyd's insurer, fraternal benefit society or other person
30 engaged in the business of insurance that provides policies or contracts
31 of life insurance delivered, issued, executed or renewed in this State
32 pursuant to Subtitle 3 of Title 17B of the New Jersey Statutes
33 (N.J.S.17B:17-1 et seq.), or approved for issuance or renewal in this
34 State by the Commissioner of Banking and Insurance; and

35 c. the State disability benefits fund established by the "Temporary

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted May 6, 2002.

² Senate SHH committee amendments adopted January 27, 2003.

1 Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.).

2

3 2. ²[No insurer shall discriminate by engaging in the practices set
4 forth in subsections a. through c. of this section against ¹[:]¹ an
5 insured or prospective insured, ¹[the insured's or prospective insured's
6 employer, or an employee of the insured or prospective insured on the
7 basis that the insured or prospective insured or a person with whom
8 the insured or prospective insured has a relationship] on the basis that
9 the insured or prospective insured, or any person employed by the
10 insured or prospective insured, or with whom the insured or
11 prospective insured has a relationship.¹ is or may be a victim of
12 domestic violence ¹[; or the staff of].¹ a domestic violence shelter that
13 is operating pursuant to the standards set forth in P.L.1979, c.337
14 (C.30:14-1 et seq.) ¹[and providing services to the insured or
15 prospective insured on the basis that the insured or the prospective
16 insured is or may be a victim of domestic violence]. or is employed by
17 or works as a volunteer for a domestic violence shelter¹. No insurer,
18 on the basis that the insured or prospective insured is or may be a
19 victim of domestic violence, ¹the insured or prospective insured
20 employs or has a relationship with a person who is or may be a victim
21 of domestic violence, or the insured or prospective insured is a
22 domestic violence shelter or is employed by or works as a volunteer
23 for a domestic violence shelter¹ shall:

24 a. deny, refuse to issue, renew or reissue, cancel or otherwise
25 terminate an insurance policy;

26 b. restrict, exclude or limit an insurance policy coverage for
27 losses, or deny a claim incurred by an insured as a result of domestic
28 violence; or

29 c. add a premium differential to any insurance policy.

30 ¹Nothing contained in this section shall be construed to require an
31 insurer to issue, renew or reissue a policy of insurance or insurance
32 contract or provide benefits or coverage for losses solely on the basis
33 that an insured or prospective insured: is or may be a victim of
34 domestic violence, employs or has a relationship with a person who is
35 or may be a victim of domestic violence; or is a domestic violence
36 shelter or is employed by or works as a volunteer for a domestic
37 violence shelter.¹]

38 An insurer, on the basis that the insured or prospective insured: is
39 or may be a victim of domestic violence; employs a person who is or
40 may be a victim of domestic violence; or is a domestic violence shelter
41 that is operating pursuant to the standards set forth in P.L.1979, c.337
42 (C.30:14-1 et seq.) or is employed by a domestic violence shelter, shall
43 not discriminate by engaging in the practices set forth in subsections
44 a., b. and c. of this section. The prohibited practices are:

45 a. denying, refusing to issue or renew, canceling or otherwise
46 terminating an insurance policy;

1 b. (1) restricting, excluding or limiting benefits under an insurance
2 policy, (2) denying a covered claim incurred by an insured as a result
3 of domestic violence, or (3) failing to pay claims arising out of abuse
4 to an innocent claimant to the extent of that claimant's legal interest in
5 the covered property if the loss is caused by the intentional act of an
6 insured, or using other exclusions or limitations on coverage which the
7 Commissioner of Banking and Insurance has determined unreasonably
8 restrict the ability of a victim of domestic violence to be indemnified
9 for the loss; or

10 c. adding a premium differential to any insurance policy.

11 The provisions of paragraphs (2) and (3) of subsection b. of this
12 section shall not require payment in excess of the loss or policy limits.
13 The provisions of paragraph (3) of subsection b. of this section shall
14 not require payment in the event that the claimant conspires with the
15 insured to commit insurance fraud. Nothing in paragraphs (2) and (3)
16 of subsection b. of this section shall be construed to prohibit an insurer
17 from applying reasonable standards of proof to claims under this
18 section.

19 Nothing contained in this section shall be construed to require an
20 insurer to issue or renew an insurance policy or contract, or provide
21 benefits or coverage for claims, solely on the basis that an insured or
22 prospective insured: is or may be a victim of domestic violence;
23 employs a person who is or may be a victim of domestic violence; or
24 is a domestic violence shelter or is employed by a domestic violence
25 shelter.²

26
27 ¹3. An ²[insurance institution, agent or insurance-support
28 organization] insurer or insurance producer² shall not disclose any
29 personal or privileged information collected or received in connection
30 with an insurance transaction regarding an individual's status as a
31 victim of domestic violence or ²a² domestic violence-related condition
32 as defined in section 1 of P.L. , c. (C.) (pending before the
33 Legislature as this bill), or the individual's status as ²[a family
34 member,] an² employer² [, associate or person in a relationship with]
35 of² a victim of domestic violence, unless the disclosure is:

36 a. To the individual or another ²[individual] person² with the
37 written authorization of the individual;

38 b. To a licensed physician or health care provider for the direct
39 provision of health care services with the written authorization of the
40 individual;

41 c. Ordered by a court of competent jurisdiction;

42 d. Necessary to perform a valid business purpose, including the
43 transfer of personal or privileged information that cannot be
44 reasonably segregated without undue hardship, provided that the
45 recipient of the information has executed a written agreement with the
46 ²[insurance institution, agent or insurance-support organization]

1 insurer or insurance producer² and the disclosure is for the benefit of
2 the individual. The disclosure shall only be made to the following:

3 (1) A reinsurer who seeks to ²[indemnify or indemnifies all or any
4 part of]reinsure² a policy covering the individual and cannot write or
5 satisfy the reinsurer's obligations under a reinsurance agreement
6 without the disclosure:

7 (2) A party to a proposed or consummated sale, transfer, merger
8 or consolidation of all or part of the business of an ²[insurance
9 institution, agent or insurance-support organization] insurer or
10 insurance producer² :

11 (3) A medical or claims professional contracting with the
12 ²[insurance institution, agent or insurance-support organization]
13 insurer or insurance producer², when necessary, to process an
14 application, perform the ²[insurance institution, agent or insurance-
15 support organization's]insurer or insurance producer's² duties under
16 a policy, or protect the safety or privacy of the individual; or

17 (4) A person, other than the ²[insurance institution, agent or
18 insurance-support organization] insurer or insurance producer², to
19 enable the person to transact business with the disclosing ²[insurance
20 institution, agent or insurance-support organization] insurer or
21 insurance producer², if the business cannot be transacted without the
22 individual's address and telephone number, and the person agrees not
23 to disclose the information further without the individual's written
24 authorization:

25 e. To an attorney for the purpose of representing the ²[insurance
26 institution, agent or insurance-support organization] insurer or
27 insurance producer² in a judicial matter, provided that the ²[insurance
28 institution, agent or insurance-support organization] insurer or
29 insurance producer² informs the attorney of its obligations under this
30 section and requests the attorney to exercise due diligence in
31 preventing the disclosure of the information, unless disclosure is
32 reasonably necessary to enable the attorney to effectively represent the
33 ²[insurance institution, agent or insurance-support organization]
34 insurer or insurance producer²:

35 f. To a policyholder or assignee, in the course of delivering ²[a
36 policy of insurance] an insurance policy², if the policy contains
37 information about the individual's status as a victim of domestic
38 violence or domestic violence-related condition or ²[family member,]
39 an² employer² [, associate or person in a relationship with]of² a victim
40 of domestic violence;

41 g. To any other entity as ordered by the commissioner; or

42 h. Otherwise required by law.¹

43 ²As used in this section, "individual" shall have the same meaning
44 as defined in section 2 of P.L.1985, c.179 (C.17:23A-2).²

1 ¹[4. An insurer, insurance producer or any entity under contract
2 with the insurer for the purpose of administering a policy or claim shall
3 develop written protocols to prevent the disclosure of any information
4 regarding the insured's or prospective insured's status as a victim of
5 domestic violence. The protocols shall be followed when taking an
6 application, investigating a claim, pursuing subrogation or taking any
7 other action relating to a policy or claim involving a victim of domestic
8 violence.]¹

9
10 ¹[5.] 4.¹ a. A person aggrieved by a violation of [this act]
11 ²[section 2 of P.L. , c. (C.) (pending before the Legislature
12 as this bill)¹] this act² may file a complaint with the Commissioner of
13 Banking and Insurance. Upon receipt of the complaint, the
14 commissioner shall investigate an insurer to determine whether the
15 insurer has violated any provision of ¹[this act] ²[section 2 of
16 P.L. , c. (C.) (pending before the Legislature as this
17 bill)¹] this act².

18 b. The commissioner may:

19 (1) order an insurer that ²[has violated ¹[this act] section 2 of
20 P.L. , c. (C.) (pending before the Legislature as this bill)¹]
21 is in violation² to pay a monetary penalty of \$5,000 for each violation
22 ²[of ¹[this act]section 2 of P.L. , c. (C.) (pending before
23 the Legislature as this bill)¹]²;

24 ²(2) order the insurer to make restitution to the aggrieved person;²
25 or

26 ²[(2)] (3)² obtain equitable relief in a State or federal court of
27 competent jurisdiction against an insurer, as well as the costs of suit,
28 attorney's fees and expert witness fees.

29
30 ¹[6.] 5.¹ The ¹[Commissioners] Commissioner¹ of Banking and
31 Insurance shall adopt rules and regulations pursuant to the
32 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
33 seq.), necessary to effectuate the purposes of this act.

34
35 ¹[7.] 6.¹ This act shall take effect immediately.

36
37
38
39
40 Prohibits insurers from discriminating against insureds on the basis of
41 domestic violence.

ASSEMBLY, No. 689

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Assemblywoman LORETTA WEINBERG

District 37 (Bergen)

Assemblyman JOSEPH V. DORIA, JR.

District 31 (Hudson)

Co-Sponsored by:

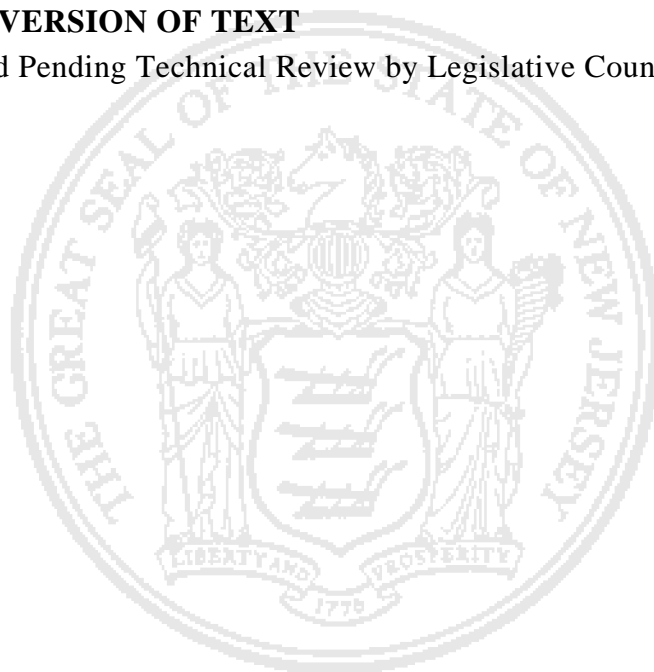
Assemblywoman Quigley, Assemblymen Conaway and Ahearn

SYNOPSIS

Prohibits insurers from discriminating against insureds on the basis of domestic violence.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/1/2002)

1 AN ACT to prevent discrimination against victims of domestic violence
2 in certain insurance contracts.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. As used in this act:

8 "Domestic violence" and "victim of domestic violence" shall have
9 the same meaning as in section 3 of P.L.1991, c.261 (C.2C:25-19).

10 "Domestic violence-related condition" means a medical condition
11 which arises in whole or in part from one or more acts of domestic
12 violence.

13 "Health benefit plan" means a program, contract, or plan issued by
14 an insurer that provides health care services or expense benefits.

15 "Insurer" means (1) any corporation, association, partnership,
16 reciprocal exchange, interinsurer, Lloyd's insurer, fraternal benefit
17 society or other person engaged in the business of insurance pursuant
18 to Subtitle 3 of Title 17 of the Revised Statutes (C.17:17-1 et seq.),
19 or Subtitle 3 of Title 17B of the New Jersey Statutes (C.17B:17-1 et
20 seq.); (2) any medical service corporation operating pursuant to
21 P.L.1940, c.74 (C.17:48A-1 et seq.); (3) any hospital service
22 corporation operating pursuant to P.L.1938, c.366 (C.17:48-1 et seq.);
23 (4) any health service corporation operating pursuant to P.L.1985,
24 c.236 (C.17:48E-1 et seq.); (5) any dental service corporation
25 operating pursuant to P.L.1968, c.305 (C.17:48C-1 et seq.); (6) any
26 dental plan organization operating pursuant to P.L.1979, c.478
27 (C.17:48D-1 et seq.); (7) any risk retention group or purchasing
28 group operating pursuant to the "Liability Risk Retention Act of
29 1986," 15 U.S.C. s.3901 et seq; and (8) any health maintenance
30 organization operating pursuant to P.L.1973, c.337 (C.26:2J-1 et
31 seq.).

32
33 2. No insurer shall discriminate by engaging in the practices set
34 forth in subsections a. through d. of this section against an insured or
35 prospective insured on the basis that the insured or prospective
36 insured, or any person employed by the insured or prospective insured,
37 or with whom the insured or prospective insured has a relationship,
38 is or may be a victim of domestic violence. No insurer shall:

39 a. deny, refuse to issue, renew or reissue, cancel or otherwise
40 terminate an insurance policy or health benefit plan;

41 b. restrict, exclude or limit an insurance policy or health benefit
42 plan coverage for losses, or deny a claim incurred by an insured as a
43 result of domestic violence;

44 c. add a premium differential to any insurance policy or health
45 benefit plan; or

46 d. terminate health coverage under a health benefit plan for a

1 victim of domestic violence because the health benefit plan was issued
2 in the name of the perpetrator of domestic violence and the perpetrator
3 of domestic violence has divorced, separated from, or lost custody of
4 the victim of domestic violence; or where the perpetrator of domestic
5 violence has terminated coverage under a health benefit plan
6 voluntarily or involuntarily, and the victim of domestic violence does
7 not qualify for continuation of health benefits coverage under the
8 "Consolidated Omnibus Budget Reconciliation Act of 1985,"
9 (COBRA) Pub.L. 93-406 (29 U.S.C. § 1161 et seq.). Nothing in this
10 subsection shall prohibit the insurer from requiring the victim of
11 domestic violence to pay the full premium for coverage under the
12 health benefit plan or requiring the victim to reside or work within the
13 insurer's service area, provided that these requirements apply to all
14 insureds. The insurer may terminate coverage after the continuation
15 coverage required by this subsection has been in force for 18 months
16 if it offers conversion to an equivalent plan. The continuation
17 coverage required by this subsection shall be satisfied by COBRA
18 coverage provided to a victim of domestic violence and shall not be in
19 addition to coverage provided under COBRA.

20

21 3. No insurer shall use, disclose or transfer the applicant's or
22 insured's name, address, telephone number, information regarding the
23 applicant's or insured's status as a victim of domestic violence or
24 domestic violence-related condition, or the prospective insured's or
25 insured's status as a family member, employer, associate or person in
26 a relationship with a victim of domestic violence, for a purpose
27 unrelated to the direct provision of health care services, except when
28 required by the Commissioner of Banking and Insurance or a court of
29 competent jurisdiction. Nothing in this section shall limit or preclude
30 a victim of domestic violence from.

31 a. obtaining the victim's medical records from an insurer; or

32 b. providing evidence of or information regarding domestic
33 violence to an insurer for the sole purpose of (1) facilitating treatment
34 of a domestic violence-related condition or (2) demonstrating that a
35 medical condition is related to domestic violence.

36

37 4. Insurers shall develop written policies and procedures to protect
38 the safety and privacy of victims of domestic violence and to
39 implement the provisions of this act. These policies and procedures
40 shall be followed by the insurer and insurance producers when taking
41 an application, investigating a claim, pursuing subrogation or taking
42 any other action relating to a policy or claim involving a victim of
43 domestic violence.

44

45 5. a. The Commissioner of Banking and Insurance shall investigate
46 an insurer to determine whether the insurer has violated any provision

1 of this act. A person aggrieved by a violation of this act may file a
2 complaint with the commissioner.

3 b. A person who believes to be adversely affected by a violation of
4 this act may maintain a private cause of action against the insurer in a
5 State or federal court of competent jurisdiction seeking the penalties
6 provided in this section, as well as any additional remedies available by
7 law.

8 c. The commissioner may:

9 (1) order an insurer that has violated this act to pay a monetary
10 penalty of \$5,000.00 for each violation of this act; or

11 (2) obtain equitable relief in a State or federal court of competent
12 jurisdiction against an insurer, as well as the costs of suit, attorney's
13 fees and expert witness fees.

14

15 6. The Commissioner of Banking and Insurance may adopt rules
16 and regulations pursuant to the "Administrative Procedure Act,"
17 P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the
18 purposes of this act.

19

20 7. This act shall take effect immediately.

21

22

23

STATEMENT

24

25 This bill prohibits discrimination against insureds or prospective
26 insureds on the basis of domestic violence. Insurers would be
27 forbidden from refusing to issue policies, restricting or limiting policy
28 benefits, or adding premium differentials to insurance policies because
29 the insured or prospective insured, or any person employed by the
30 insured or prospective insured, or with whom the insured or
31 prospective insured has a relationship, is or may be a victim of
32 domestic violence. This bill applies to property/casualty insurers and
33 life and health insurers, who are required to develop written policies
34 and procedures to safeguard the privacy and safety of domestic
35 violence victims. Insurers and insurance producers must follow these
36 policies and procedures.

ASSEMBLY FAMILY, WOMEN AND CHILDREN'S SERVICES
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 689

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2002

The Assembly Family, Women and Children's Services Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 689.

This committee substitute prohibits discrimination against: an insured or a prospective insured, the insured's or prospective insured's employer, or an employee of the insured or prospective insured on the basis that the insured or prospective insured or a person with whom the insured or prospective insured has a relationship is or may be a victim of domestic violence; or the staff of a domestic violence shelter that is operating pursuant to the standards set forth in N.J.S.A.30:14-1 et seq. and is providing services to the insured or prospective insured on the basis that the insured or prospective insured is or may be a victim of domestic violence. As defined in the substitute, "domestic violence" shall:

- ! have the same meaning as in N.J.S.A.2C:25-19; and
- ! also mean intentionally, knowingly or recklessly causing or attempting to cause damage to property so as to intimidate or attempt to control the behavior of a person in a relationship with a perpetrator of one or more acts of domestic violence.

Under the provisions of the substitute, an insurer shall not: deny, refuse to issue, renew or reissue, cancel or terminate an insurance policy; restrict, exclude or limit an insurance policy coverage for losses or deny a claim as a result of domestic violence; or add a premium differential to an insurance policy on the basis that the insured or prospective insured is or may be a victim of domestic violence. As defined in the substitute, "insurer" means:

- ! any corporation, association, partnership, reciprocal exchange, interinsurer, Lloyd's insurer, fraternal benefit society or other person engaged in the business of insurance pursuant to N.J.S.A.17:17-1 et seq., but shall not include health insurance, accident and health insurance, automobile medical payment insurance or personal injury protection insurance issued pursuant to N.J.S.A.39:6A-1 et seq.;

- ! any corporation, association, partnership, reciprocal exchange, interinsurer, Lloyd's insurer, fraternal benefit society or other person engaged in the business of insurance that provides policies or contracts of life insurance delivered, issued, executed or renewed in this State pursuant to N.J.S.A.17B:17-1 et seq., or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance; and
- ! the State disability benefits fund established by the "Temporary Disability Benefits Law," N.J.S.A.43:21-25 et seq.

The substitute also prohibits an insurer from using, disclosing or transferring the prospective insured's or insured's name, address, telephone number, information regarding the prospective insured's or insured's status as a victim of domestic violence or domestic violence-related condition, or the prospective insured's or insured's status as a family member, employer, associate or person in a relationship with a victim of domestic violence, for a purpose unrelated to a policy or claim, except when required by the Commissioner of Banking and Insurance or a court of competent jurisdiction.

Under the provisions of the substitute, a victim of domestic violence shall not be precluded from obtaining the victim's medical records from an insurer or providing evidence of or information regarding domestic violence for the purpose of facilitating treatment or demonstrating that a medical condition is related to domestic violence.

The committee substitute also requires an insurer, an insurance producer or any entity under contract with the insurer for the purpose of administering a policy or claim to develop written protocols to prevent the disclosure of any information regarding the insured's or prospective insured's status as a victim of domestic violence. The protocols shall be followed when taking an application, investigating a claim, pursuing subrogation or taking any other action relating to a policy or claim involving a victim of domestic violence.

Finally, the substitute allows a person aggrieved by a violation of a provision of the substitute to file a complaint with the Commissioner of Banking and Insurance. Upon receipt of the complaint, the commissioner is directed to investigate an insurer to determine whether the insurer has violated any provision of the substitute. The commissioner may:

- ! order an insurer to pay a monetary penalty of \$5,000 for each violation; or
- ! obtain equitable relief in a State or federal court of competent jurisdiction against an insurer, as well as the costs of suit, attorney's fees and expert witness fees.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 689

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 27, 2003

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments the Assembly Committee Substitute for Assembly Bill No. 689 (1R).

As amended by committee, this substitute provides that an insurer shall not discriminate, by engaging in the practices listed below, on the basis that the insured or prospective insured: is or may be a victim of domestic violence; employs a victim of domestic violence; or is a domestic violence shelter or is employed by a domestic violence shelter. The prohibited practices are:

(1) to deny, refuse to issue or renew, cancel or otherwise terminate an insurance policy;

(2) to restrict, exclude or limit benefits under an insurance policy, deny a covered claim as a result of domestic violence, or fail to pay claims arising out of abuse to an innocent claimant to the extent of that claimant's legal interest in the covered property if the loss is caused by the intentional act of an insured, or use other exclusions or limitations on coverage which the Commissioner of Banking and Insurance has determined unreasonably restrict the ability of a victim of domestic violence to be indemnified for the loss (although these provisions will not require payment in excess of the loss or policy limits or payment in the event that a claimant conspires with the insured to commit insurance fraud, and an insurer may apply reasonable standards of proof to claims); or

(3) to add a premium differential to an insurance policy.

The substitute defines "domestic violence" to have the same meaning as provided in N.J.S.A.2C:25-19, and to also mean intentionally, knowingly or recklessly causing or attempting to cause damage to property so as to intimidate or attempt to control the behavior of a person in a relationship with a perpetrator of one or

more acts of domestic violence.

"Insurer" is defined to include:

-- any corporation, association, partnership, reciprocal exchange, interinsurer, Lloyd's insurer, fraternal benefit society or other person engaged in the business of life insurance pursuant to N.J.S.A.17B:17-1 et seq., or insurance pursuant to N.J.S.A.17:17-1 et seq., but not including health insurance, accident and health insurance, automobile medical payment insurance or personal injury protection insurance issued pursuant to N.J.S.A.39:6A-1 et seq.; and

-- the State disability benefits fund established by the "Temporary Disability Benefits Law," N.J.S.A.43:21-25 et seq.

The substitute also prohibits an insurer or insurance producer from disclosing personal information by insurers. (This prohibition will supplement N.J.S.A.17:23A-13 concerning disclosure limitations under the insurance information practices act.) Specifically, the substitute provides that an insurer or insurance producer shall not disclose any personal or privileged information collected or received in connection with an insurance transaction regarding an individual's status as a victim of domestic violence or a domestic violence-related condition or an employer of a victim of domestic violence, unless the disclosure is:

- C to the individual or another person with the individual's written authorization;
- C to a licensed physician or health care provider for the direct provision of health care services with the written authorization of the individual;
- C ordered by a court of competent jurisdiction;
- C necessary to perform a valid business purpose (as specified in the substitute);
- C to an attorney for the purpose of representing the insurer or insurance producer in a judicial matter;
- C to a policyholder or assignee in the course of delivering a policy of insurance;
- C to any other entity as ordered by the commissioner; or
- C otherwise required by law.

The substitute provides that "individual," as used in section 3 of the substitute, has the same meaning as that term in N.J.S.A.17:23A-2 (the insurance information practices act). The definition generally provides that "individual" means a natural person who is a past, present or proposed named insured on a policy.

Finally, the substitute allows a person aggrieved by a violation of the substitute to file a complaint with the Commissioner of Banking and Insurance. Upon receipt of the complaint, the commissioner is directed to investigate an insurer to determine whether the insurer has engaged in any prohibited acts of discrimination. The commissioner may:

- C order an insurer to pay a monetary penalty of \$5,000 for each violation;
- C order the insurer to make restitution to the aggrieved person; or
- C obtain equitable relief in a State or federal court of competent jurisdiction against an insurer, as well as the costs of suit, attorney's fees and expert witness fees.

The committee amended the substitute to make it identical to Senate Bill No. 1789 (2R) (Vitale/Buono), which is pending before the Senate. The amendments:

- limit the nondiscrimination provisions of the substitute to a victim of domestic violence, an employer of a victim of domestic violence or a domestic violence shelter or employee of a domestic violence shelter, and delete language that included persons who have a relationship with a victim of domestic violence and volunteers at domestic violence shelters;

- add an additional prohibition against discrimination, as paragraph (3) of subsection b. of section 3 of the substitute, that prohibits an insurer from failing to pay claims arising out of abuse to an innocent claimant to the extent of that claimant's legal interest in the covered property if the loss is caused by the intentional act of an insured, or using other exclusions or limitations on coverage which the commissioner has determined unreasonably restrict the ability of a victim of domestic violence to be indemnified for the loss;

- limit the confidentiality provisions in section 3 of the substitute to a victim of domestic violence and an employer of a victim of domestic violence, and delete language that included a family member, associate or person in a relationship with a victim of domestic violence;

- provide that: the provisions of section 2.b.(2) and (3) of the substitute shall not require payment in excess of the loss or policy limits; the provisions of section 2.b.(3) shall not require an insurer to make payment in the event the claimant conspires to commit insurance fraud; and the provisions of section 2.b.(2) and (3) shall not be construed to prohibit an insurer from applying reasonable standards of proof to claims made under this section;

- change references to "insurance institution, agent or insurance-support organization" to "insurer or insurance producer";

- provide that the penalty enforcement provisions of section 4 of the substitute would apply to violations of any provision of the substitute, rather than only to the nondiscrimination requirements, as the substitute originally provided;

- in addition to other enforcement actions specified in section 4 of the substitute, provide that the commissioner may order an insurer who is in violation of the substitute to make restitution to the aggrieved person; and

- make various technical changes to conform the language in the substitute to insurance terminology used in State statutes and to the provisions of Senate Bill No. 1789 (2R).

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 689

with Assembly Floor Amendments
(Proposed By Assemblywoman WEINBERG)

ADOPTED: MAY 6, 2002

These amendments provide that the provisions of section 2 of the committee substitute (prohibiting discrimination by insurers concerning domestic violence):

- ! apply to a domestic violence shelter or any person employed by or who works as a volunteer for a domestic violence shelter instead of the staff of a domestic violence shelter, as originally provided;
- ! do not apply to an insured's or prospective insured's employer, as originally provided; and
- ! do not require an insurer to issue, renew or reissue a policy of insurance or insurance contract or provide benefits or coverage for losses solely on the basis that an insured or prospective insured: is or may be a victim of domestic violence; employs or has a relationship with a person who is or may be a victim of domestic violence; or is a domestic violence shelter or is employed by or works as a volunteer for a domestic violence shelter.

The amendments delete the provisions of the committee substitute regarding disclosure of personal identifying information about an insured or prospective insured and replace those sections with a new, more specific section 3, that will supplement N.J.S.A.17:23A-13 concerning disclosure of personal information by insurers. The new section provides that an insurance institution, agent or insurance-support organization shall not disclose any personal or privileged information collected or received in connection with an insurance transaction regarding an individual's status as a victim of domestic violence or domestic violence-related condition or family member, employer, associate or person in a relationship with a victim of domestic violence, unless the disclosure is:

- ! to the individual;
- ! to another individual, a licensed physician or health care provider for the direct provision of health care services with the written authorization of the individual;
- ! ordered by a court of competent jurisdiction;
- ! necessary to perform a valid business purpose, including the transfer of privileged information that cannot be reasonably segregated without due hardship, provided that the recipient of the information has executed a written agreement with the

insurance institution, agent or insurance-support organization and the disclosure benefits the individual. (The amendments specify to whom the disclosure may be made.)

- ! to an attorney for the purpose of representing the insurance institution, agent or insurance-support organization in a judicial matter, provided that the attorney is informed of the insurance institution's, agent's or insurance-support organization's obligation not to disclose the information and requests the attorney to exercise due diligence in preventing the disclosure of the information, unless the disclosure is reasonably necessary to enable the attorney to effectively represent the insurance institution, agent or insurance-support organization;
- ! to a policyholder or assignee in the course of delivering a policy of insurance, if the policy contains information about the individual's status as a victim of domestic violence or a domestic violence-related condition, or family member, employer, associate or person in a relationship with a victim of domestic violence;
- ! to any other entity as ordered by the commissioner; or
- ! otherwise required by law.

The amendments also clarify that the penalties provided for in the committee substitute apply to acts of discrimination prohibited in section 2 of the substitute.

Finally, the amendments replace the term "Commissioners" with "Commissioner" in section 6 of the committee substitute.

SENATE, No. 1789

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED SEPTEMBER 12, 2002

Sponsored by:
Senator JOSEPH F. VITALE
District 19 (Middlesex)

SYNOPSIS

Prohibits insurers from discriminating against insureds on the basis of domestic violence.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT to prevent discrimination against victims of domestic violence
2 in certain insurance contracts, and supplementing chapter 29B of
3 Title 17 of the Revised Statutes and P.L.1985, c.179 (C.17:23A-1
4 et seq.).

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. As used in this act:

10 "Domestic violence" and "victim of domestic violence" shall have
11 the same meaning as in section 3 of P.L.1991, c.261 (C.2C:25-19).
12 "Domestic violence" shall also mean intentionally, knowingly or
13 recklessly causing or attempting to cause damage to property so as to
14 intimidate or attempt to control the behavior of a person in a
15 relationship with a perpetrator of one or more acts of domestic
16 violence.

17 "Domestic violence-related condition" means a medical condition
18 which arises in whole or in part from one or more acts of domestic
19 violence.

20 "Insurer" means:

21 a. any corporation, association, partnership, reciprocal exchange,
22 interinsurer, Lloyd's insurer, fraternal benefit society or other person
23 engaged in the business of insurance pursuant to Subtitle 3 of Title 17
24 of the Revised Statutes (R.S.17:17-1 et seq.), but shall not include
25 health insurance, accident and health insurance, automobile medical
26 payment insurance or personal injury protection insurance issued
27 pursuant to P.L.1972, c.70 (C.39:6A-1 et seq.);

28 b. any corporation, association, partnership, reciprocal exchange,
29 interinsurer, Lloyd's insurer, fraternal benefit society or other person
30 engaged in the business of insurance that provides policies or contracts
31 of life insurance delivered, issued, executed or renewed in this State
32 pursuant to Subtitle 3 of Title 17B of the New Jersey Statutes
33 (N.J.S.17B:17-1 et seq.), or approved for issuance or renewal in this
34 State by the Commissioner of Banking and Insurance; and

35 c. the State disability benefits fund established by the "Temporary
36 Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.).

37
38 2. An insurer, on the basis that the insured or prospective insured:
39 is or may be a victim of domestic violence; employs or has a
40 relationship with a person who is or may be a victim of domestic
41 violence; or is a domestic violence shelter that is operating pursuant
42 to the standards set forth in P.L.1979, c.337 (C.30:14-1 et seq.) or is
43 employed by or works as a volunteer for a domestic violence shelter,
44 shall not discriminate by engaging in the practices set forth in
45 subsections a., b. and c. of this section.

1 a. denying, refusing to issue, renew or reissue, canceling or
2 otherwise terminating an insurance policy;

3 b. (1) restricting, excluding or limiting an insurance policy
4 coverage for losses, (2) denying a claim incurred by an insured as a
5 result of domestic violence, or (3) failing to pay losses arising out of
6 abuse to an innocent first party claimant to the extent of that claimant's
7 legal interest in the covered property if the loss is caused by the
8 intentional act of an insured, or using other exclusions or limitations
9 on coverage which the commissioner has determined unreasonably
10 restrict the ability of a victim of domestic violence to be indemnified
11 for the loss; or

12 c. adding a premium differential to any insurance policy.

13 Nothing contained in this section shall be construed to require an
14 insurer to issue, renew or reissue an insurance policy or contract or
15 provide benefits or coverage for losses solely on the basis that an
16 insured or prospective insured: is or may be a victim of domestic
17 violence; employs or has a relationship with a person who is or may be
18 a victim of domestic violence; or is a domestic violence shelter or is
19 employed by or works as a volunteer for a domestic violence shelter.
20

21 3. An insurance institution, agent or insurance-support organization
22 shall not disclose any personal or privileged information collected or
23 received in connection with an insurance transaction regarding an
24 individual's status as a victim of domestic violence or a domestic
25 violence-related condition as defined in section 1 of P.L. , c. (C.)
26 (pending before the Legislature as this bill), or the individual's status
27 as a family member, employer, associate or person in a relationship
28 with a victim of domestic violence, unless the disclosure is:

29 a. To the individual or another individual with the written
30 authorization of the individual;

31 b. To a licensed physician or health care provider for the direct
32 provision of health care services with the written authorization of the
33 individual;

34 c. Ordered by a court of competent jurisdiction;

35 d. Necessary to perform a valid business purpose, including the
36 transfer of personal or privileged information that cannot be
37 reasonably segregated without undue hardship, provided that the
38 recipient of the information has executed a written agreement with the
39 insurance institution, agent or insurance-support organization and the
40 disclosure is for the benefit of the individual. The disclosure shall only
41 be made to the following:

42 (1) a reinsurer who seeks to indemnify or indemnifies all or any
43 part of a policy covering the individual and cannot write or satisfy the
44 reinsurer's obligations under a reinsurance agreement without the
45 disclosure;

46 (2) a party to a proposed or consummated sale, transfer, merger or

- 1 consolidation of all or part of the business of an insurance institution,
2 agent or insurance-support organization;
- 3 (3) a medical or claims professional contracting with the insurance
4 institution, agent or insurance-support organization, when necessary,
5 to process an application, perform the insurance institution, agent or
6 insurance-support organization's duties under a policy, or protect the
7 safety or privacy of the individual; or
- 8 (4) a person, other than the insurance institution, agent or
9 insurance-support organization, to enable the person to transact
10 business with the disclosing insurance institution, agent or insurance-
11 support organization, if the business cannot be transacted without the
12 individual's address and telephone number, and the person agrees not
13 to disclose the information further without the individual's written
14 authorization;
- 15 e. To an attorney for the purpose of representing the insurance
16 institution, agent or insurance-support organization in a judicial
17 matter, provided that the insurance institution, agent or insurance-
18 support organization informs the attorney of its obligations under this
19 section and requests the attorney to exercise due diligence in
20 preventing the disclosure of the information, unless disclosure is
21 reasonably necessary to enable the attorney to effectively represent the
22 insurance institution, agent or insurance-support organization;
- 23 f. To a policyholder or assignee, in the course of delivering an
24 insurance policy, if the policy contains information about the
25 individual's status as a victim of domestic violence or a domestic
26 violence-related condition or family member, employer, associate or
27 person in a relationship with a victim of domestic violence;
- 28 g. To any other entity as ordered by the commissioner; or
- 29 h. Otherwise required by law.
- 30
- 31 4. a. A person aggrieved by a violation of section 2 of P.L. , c.
32 (C.) (pending before the Legislature as this bill) may file a
33 complaint with the Commissioner of Banking and Insurance. Upon
34 receipt of the complaint, the commissioner shall investigate an insurer
35 to determine whether the insurer has violated any provision of section
36 2 of P.L. , c. (C.)(pending before the Legislature as this bill).
- 37 b. The commissioner may:
- 38 (1) order an insurer that is in violation to pay a monetary penalty
39 of \$5,000 for each violation;
- 40 (2) order the insurer to make restitution to the aggrieved person; or
- 41 (3) obtain equitable relief in a State or federal court of competent
42 jurisdiction against an insurer, as well as the costs of suit, attorney's
43 fees and expert witness fees.

1 5. The Commissioner of Banking and Insurance shall adopt rules
2 and regulations pursuant to the "Administrative Procedure Act,"
3 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
4 purposes of this act.

5
6 6. This act shall take effect immediately.
7

8
9 STATEMENT
10

11 This bill provides that an insurer shall not discriminate, by engaging
12 in the practices listed below, on the basis that the insured or
13 prospective insured: is or may be a victim of domestic violence;
14 employs or has a relationship with a person who is or may be a victim
15 of domestic violence; or is a domestic violence shelter or is employed
16 by or works as a volunteer for a domestic violence shelter. The
17 prohibited practices are:

18 (1) to deny, refuse to issue, renew or reissue, cancel or otherwise
19 terminate an insurance policy;

20 (2) to restrict, exclude or limit an insurance policy coverage for
21 losses, deny a claim as a result of domestic violence, or fail to pay
22 losses arising out of abuse to an innocent first party claimant to the
23 extent of that claimant's legal interest in the covered property if the
24 loss is caused by the intentional act of an insured, or use other
25 exclusions or limitations on coverage which the commissioner has
26 determined unreasonably restrict the ability of a victim of domestic
27 violence to be indemnified for the loss; or

28 (3) to add a premium differential to an insurance policy.

29 The bill defines "domestic violence" to have the same meaning as
30 provided in N.J.S.A.2C:25-19, and to also mean intentionally,
31 knowingly or recklessly causing or attempting to cause damage to
32 property so as to intimidate or attempt to control the behavior of a
33 person in a relationship with a perpetrator of one or more acts of
34 domestic violence.

35 "Insurer" is defined to include:

36 -- any corporation, association, partnership, reciprocal exchange,
37 interinsurer, Lloyd's insurer, fraternal benefit society or other person
38 engaged in the business of life insurance pursuant to N.J.S.A.17B:17-1
39 et seq., and insurance pursuant to N.J.S.A.17:17-1 et seq., but not
40 including health insurance, accident and health insurance, automobile
41 medical payment insurance or personal injury protection insurance
42 issued pursuant to N.J.S.A.39:6A-1 et seq.; and

43 -- the State disability benefits fund established by the "Temporary
44 Disability Benefits Law," N.J.S.A.43:21-25 et seq.

45 The bill also prohibits an insurance institution, agent or insurance-
46 support organization from disclosing personal information by insurers.

1 (This prohibition will supplement N.J.S.A.17:23A-13 concerning
2 disclosure limitations under the insurance information practices act.)
3 Specifically, the bill provides that an insurance institution, agent or
4 insurance-support organization shall not disclose any personal or
5 privileged information collected or received in connection with an
6 insurance transaction regarding an individual's status as a victim of
7 domestic violence or a domestic violence-related condition or family
8 member, employer, associate or person in a relationship with a victim
9 of domestic violence, unless the disclosure is:
10 C to the individual;
11 C to another individual, a licensed physician or health care provider
12 for the direct provision of health care services with the written
13 authorization of the individual;
14 C ordered by a court of competent jurisdiction;
15 C necessary to perform a valid business purpose (as specified in the
16 bill);
17 C to an attorney for the purpose of representing the insurance
18 institution, agent or insurance-support organization in a judicial
19 matter;
20 C to a policyholder or assignee in the course of delivering a policy of
21 insurance;
22 C to any other entity as ordered by the commissioner; or
23 C otherwise required by law.
24 Finally, the bill allows a person aggrieved by a violation of the anti-
25 discrimination provisions of the bill to file a complaint with the
26 Commissioner of Banking and Insurance. Upon receipt of the
27 complaint, the commissioner is directed to investigate an insurer to
28 determine whether the insurer has engaged in any prohibited acts of
29 discrimination. The commissioner may:
30 C order an insurer to pay a monetary penalty of \$5,000 for each
31 violation;
32 C order the insurer to make restitution to the aggrieved person; or
33 C obtain equitable relief in a State or federal court of competent
34 jurisdiction against an insurer, as well as the costs of suit, attorney's
35 fees and expert witness fees.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 1789

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 17, 2002

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 1789.

As amended by committee, this bill provides that an insurer shall not discriminate, by engaging in the practices listed below, on the basis that the insured or prospective insured: is or may be a victim of domestic violence; employs a victim of domestic violence; or is a domestic violence shelter or is employed by a domestic violence shelter. The prohibited practices are:

(1) to deny, refuse to issue or renew, cancel or otherwise terminate an insurance policy;

(2) to restrict, exclude or limit benefits under an insurance policy, deny a covered claim as a result of domestic violence, or fail to pay claims arising out of abuse to an innocent claimant to the extent of that claimant's legal interest in the covered property if the loss is caused by the intentional act of an insured, or use other exclusions or limitations on coverage which the Commissioner of Banking and Insurance has determined unreasonably restrict the ability of a victim of domestic violence to be indemnified for the loss (although these provisions will not require payment in excess of the loss or policy limits, and an insurer may apply reasonable standards of proof to claims); or

(3) to add a premium differential to an insurance policy.

The bill defines "domestic violence" to have the same meaning as provided in N.J.S.A.2C:25-19, and to also mean intentionally, knowingly or recklessly causing or attempting to cause damage to property so as to intimidate or attempt to control the behavior of a person in a relationship with a perpetrator of one or more acts of domestic violence.

"Insurer" is defined to include:

-- any corporation, association, partnership, reciprocal exchange, interinsurer, Lloyd's insurer, fraternal benefit society or other person engaged in the business of life insurance pursuant to N.J.S.A.17B:17-1 et seq., or insurance pursuant to N.J.S.A.17:17-1 et seq., but not

including health insurance, accident and health insurance, automobile medical payment insurance or personal injury protection insurance issued pursuant to N.J.S.A.39:6A-1 et seq.; and

-- the State disability benefits fund established by the "Temporary Disability Benefits Law," N.J.S.A.43:21-25 et seq.

The bill also prohibits an insurer or insurance producer from disclosing personal information by insurers. (This prohibition will supplement N.J.S.A.17:23A-13 concerning disclosure limitations under the insurance information practices act.) Specifically, the bill provides that an insurer or insurance producer shall not disclose any personal or privileged information collected or received in connection with an insurance transaction regarding an individual's status as a victim of domestic violence or a domestic violence-related condition or employer of a victim of domestic violence, unless the disclosure is:

- C to the individual or another person with the individual's written authorization;
- C to a licensed physician or health care provider for the direct provision of health care services with the written authorization of the individual;
- C ordered by a court of competent jurisdiction;
- C necessary to perform a valid business purpose (as specified in the bill);
- C to an attorney for the purpose of representing the insurer or insurance producer in a judicial matter;
- C to a policyholder or assignee in the course of delivering a policy of insurance;
- C to any other entity as ordered by the commissioner; or
- C otherwise required by law.

The bill provides that "individual," as used in section 3 of the bill, has the same meaning as that term in N.J.S.A.17:23A-2 (the insurance information practices act). The definition generally provides that "individual" means a natural person who is a past, present or proposed named insured on a policy.

Finally, the bill allows a person aggrieved by a violation of the bill to file a complaint with the Commissioner of Banking and Insurance. Upon receipt of the complaint, the commissioner is directed to investigate an insurer to determine whether the insurer has engaged in any prohibited acts of discrimination. The commissioner may:

- C order an insurer to pay a monetary penalty of \$5,000 for each violation;
- C order the insurer to make restitution to the aggrieved person; or
- C obtain equitable relief in a State or federal court of competent jurisdiction against an insurer, as well as the costs of suit, attorney's fees and expert witness fees.

The committee amended the bill to:

-- limit the nondiscrimination provisions of the bill to a victim of domestic violence, an employer of a victim of domestic violence or a domestic violence shelter or employee of a domestic violence shelter,

and delete language that included persons who have a relationship with a victim of domestic violence and volunteers at domestic violence shelters;

-- limit the confidentiality provisions of the bill to a victim of domestic violence and an employer of a victim of domestic violence, and delete language that included a family member, associate or person in a relationship with a victim of domestic violence;

-- provide that the provisions of section 2.b.(2) and (3) shall not require payment in excess of the loss or policy limits and that the provisions of this section shall not prohibit an insurer from applying reasonable standards of proof to claims under this section;

-- change references to "insurance institution, agent or insurance-support organization" to "insurer or insurance producer";

-- provide that the penalty enforcement provisions of section 4 of the bill would apply to violations of any provision of the bill, rather than only to the nondiscrimination requirements, as the bill originally provided; and

-- make various technical changes to conform the language in the bill to insurance terminology used in State statutes.

STATEMENT TO

[First Reprint]

SENATE, No. 1789

with Senate Floor Amendments
(Proposed By Senator VITALE)

ADOPTED: JANUARY 23, 2003

This amendment clarifies that the provisions of the bill concerning payment of claims arising out of abuse to an innocent claimant shall not be required in the event that the claimant conspires with the insured to commit insurance fraud.

?		?		
?	?	?	?	?

Press Releases

PO BOX 004
TRENTON, NJ 08625

Contact: Micah Rasmussen
609-777-2600

RELEASE: April 14, 2003

[Previous Screen](#)

McGreevey Signs Bill Prohibiting Discrimination Against Victims of Domestic Violence

(TRENTON)- Governor James E. McGreevey today signed into law legislation protecting victims of domestic violence from insurance discrimination.

"Domestic violence is an especially destructive form of abuse because it wears a familiar face," said McGreevey. "It is a terror that has turned far too many homes into places where women - as well as men, children and seniors - silently suffer from both physical and emotional abuse. Victims of domestic violence should not have to suffer anymore once they are free from their abusers."

The legislation prohibits property or life insurance companies from engaging in discriminatory practices against victims of domestic violence. Such practices include coverage denials, restricting or limiting policy benefits or adding premium differentials to policies.

State insurance regulators will be empowered to pursue fines and penalties against offending insurers. Regulators can order violators to pay up to \$5,000 in penalties for each violation. They can also initiate state or federal court action to gain equitable relief from insurers that discriminate against victims of domestic violence.

"Insurers who discriminate against victims of domestic violence contribute to the misguided and unfortunate tradition of 'blaming the victim'," said Senator Barbara Buono. "It is high time we adopt insurance policy in New Jersey that will protect domestic violence victims, not punish them."

"This law will ensure that domestic violence victims are not also victims of insurance discrimination," said Senator Joseph F. Vitale. "Victims of domestic violence, like those who employ or shelter victims of domestic violence, do not deserve to be treated by insurance companies as if they have committed a wrong."

"Domestic violence victims who lived under the thumb of their abusers should not be further tormented and afraid of neglect by the insurance industry," said Assemblywoman Loretta Weinberg "Victims need to be able to get out from under the cloud of fear so they can live healthy, normal lives. An act of domestic violence occurs every eight minutes in New

Jersey," said Weinberg. "Insurance companies do not have the right to rub salt in the wounds of these victims by denying coverage on the basis of domestic violence."

"Victims of domestic violence should not have to fighting discriminatory insurance practices," said Assemblyman Joseph V. Doria (D-Hudson). "The cycle of abuse should not be repeated by insurance practices that lack an ethical and a moral compass and compound the suffering of domestic violence victims."

Last year, Governor McGreevey signed an Executive Order creating the Domestic Violence Fatality Review Board to study domestic violence homicides in order to address systemic changes. Also last year, Department of Human Services Commissioner Gwendolyn Harris convened a Domestic Violence Working Group to address the relationship between domestic violence and child abuse.

As Mayor of Woodbridge, McGreevey established the township's Domestic Violence Response Team. In 1996, the State selected Woodbridge's Team to serve as a model of other towns in New Jersey which were planning on establishing similar units.



State of New Jersey Governor's Office

statewide: [njhome](#) | [my new jersey](#) | [people](#) | [business](#) | [government](#) | [departments](#) | [search](#)
Copyright © State of New Jersey, 2002