

REPRINT

**SUBSTITUTE FOR  
SENATE BILL NO. 74**

(As Passed the Senate May 7, 1997)

A bill to amend 1956 PA 218, entitled  
"The insurance code of 1956,"  
(MCL 500.100 to 500.8302) by adding section 2246.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 2246. (1) A LIFE INSURER THAT DELIVERS, ISSUES FOR  
2 DELIVERY, OR RENEWS IN THIS STATE A LIFE INSURANCE POLICY SHALL  
3 NOT RATE, CANCEL COVERAGE ON, REFUSE TO PROVIDE COVERAGE FOR, OR  
4 REFUSE TO ISSUE OR RENEW A POLICY SOLELY BECAUSE AN INSURED OR  
5 APPLICANT FOR INSURANCE IS OR HAS BEEN A VICTIM OF DOMESTIC  
6 VIOLENCE.

7        (2) THIS SECTION DOES NOT PREVENT ANY OF THE FOLLOWING:

8        (A) AN INSURER FROM REFUSING TO ISSUE A LIFE INSURANCE  
9 POLICY INSURING AN INDIVIDUAL WHO HAS BEEN THE VICTIM OF DOMESTIC  
10 VIOLENCE IF THE INDIVIDUAL WHO COMMITS THE DOMESTIC VIOLENCE IS

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1 THE APPLICANT FOR, PROSPECTIVE OWNER OF, OR BENEFICIARY UNDER THE  
2 POLICY AND 1 OR MORE OF THE FOLLOWING APPLY:

3 (i) THE APPLICANT, PROSPECTIVE OWNER, OR BENEFICIARY UNDER  
4 THE POLICY IS KNOWN ON THE BASIS OF POLICE OR COURT RECORDS TO  
5 HAVE COMMITTED DOMESTIC VIOLENCE.

6 (ii) THE INSURER KNOWS OF AN ARREST OR CONVICTION FOR A  
7 DOMESTIC VIOLENCE RELATED OFFENSE BY THE APPLICANT FOR, PROSPEC-  
8 TIVE OWNER OF, OR BENEFICIARY UNDER THE POLICY.

9 (iii) THE INSURER HAS REASONABLE GROUNDS TO BELIEVE THAT THE  
10 APPLICANT FOR, PROSPECTIVE OWNER OF, OR BENEFICIARY UNDER THE  
11 POLICY IS COMMITTING DOMESTIC VIOLENCE.

12 (B) AN INSURER FROM INQUIRING ABOUT, UNDERWRITING, OR CHARG-  
13 ING A DIFFERENT PREMIUM ON THE BASIS OF THE INDIVIDUAL'S PHYSICAL  
14 OR MENTAL CONDITION, REGARDLESS OF THE CAUSE OF THE CONDITION.

15 (C) AN INSURER FROM REFUSING TO ISSUE A LIFE INSURANCE  
16 POLICY IF THE APPLICANT FOR, PROSPECTIVE OWNER OF, OR BENEFICIARY  
17 UNDER THE POLICY DOES NOT HAVE AN INSURABLE INTEREST IN THE LIFE  
18 OF THE PROSPECTIVE INSURED INDIVIDUAL.

19 (3) AN INSURER SHALL NOT BE HELD CIVILLY LIABLE FOR ANY  
20 CAUSE OF ACTION THAT MAY RESULT FROM COMPLIANCE WITH THIS  
21 SECTION.

22 (4) THIS SECTION APPLIES TO ALL LIFE INSURANCE POLICIES  
23 ISSUED OR RENEWED ON OR AFTER [JUNE 1, 1998.

24 ]

25 (5) AS USED IN THIS SECTION, "DOMESTIC VIOLENCE" MEANS  
26 INFLECTING BODILY INJURY, CAUSING SERIOUS EMOTIONAL INJURY OR  
27 PSYCHOLOGICAL TRAUMA, OR PLACING IN FEAR OF IMMINENT PHYSICAL

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1 HARM BY THREAT OR FORCE A PERSON WHO [IS A SPOUSE OR FORMER SPOUSE  
2 OF, HAS OR HAS HAD A DATING RELATIONSHIP WITH, RESIDES OR HAS  
RESIDED WITH, OR] HAS A CHILD IN COMMON WITH THE PERSON COMMITTING  
THE  
3 VIOLENCE.

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