

IC 27-2-17

Chapter 17. Discrimination in Insurance

IC 27-2-17-1

"Commissioner" defined

Sec. 1. As used in this chapter, "commissioner" means the insurance commissioner of Indiana.

As added by P.L.130-1994, SEC.37 and P.L.116-1994, SEC.48.

IC 27-2-17-2

"Department" defined

Sec. 2. As used in this chapter, "department" means the department of insurance of Indiana.

As added by P.L.130-1994, SEC.37 and P.L.116-1994, SEC.48.

IC 27-2-17-3

"Independent insurance producer" defined

Sec. 3. As used in this chapter, "independent insurance producer" means an insurance producer who:

- (1) represents an insurer in the sale of insurance as an independent contractor rather than as an employee; and
- (2) is not limited to representing:
 - (A) one (1) insurer; or
 - (B) several insurers that are under common management.

*As added by P.L.130-1994, SEC.37 and P.L.116-1994, SEC.48.
Amended by P.L.178-2003, SEC.32.*

IC 27-2-17-4

"Property or casualty insurance" defined

Sec. 4. As used in this chapter, "property or casualty insurance" means a type of insurance described in Class 2 and Class 3 of IC 27-1-5-1. However, the term does not mean insurance described in Class 2(a) of IC 27-1-5-1.

As added by P.L.130-1994, SEC.37 and P.L.116-1994, SEC.48.

IC 27-2-17-5

Discrimination based on geographical location prohibited

Sec. 5. (a) This chapter applies to an insurer that obtains a certificate of authority under IC 27-1-3-20 as:

- (1) a domestic insurer formed under IC 27-1-6;
- (2) a foreign insurer that has become a domestic insurer under IC 27-1-6.5; or
- (3) a foreign or an alien insurer under IC 27-1-17.

(b) An insurer that:

- (1) obtains a certificate of authority authorizing the insurer to provide property or casualty insurance in Indiana; and
- (2) provides property or casualty insurance covering risks in any location in Indiana;

may not cancel or refuse to issue or renew a policy of property or casualty insurance based solely on the geographical location of the

risk within Indiana. This subsection does not preclude an insurer from refusing to issue or renew or from canceling a policy based on sound underwriting or actuarial principles reasonably related to actual or anticipated loss experience or any other sound business purpose.

(c) If an insurer is found by the commissioner to have violated subsection (b), the commissioner may, after a hearing, suspend or revoke the certificate of authority of the insurer.

(d) Any determination made by the commissioner under this section is subject to IC 4-21.5.

(e) Except as provided in subsection (f), the department has exclusive jurisdiction to investigate any alleged violation of this section.

(f) Subsection (e) is not intended to restrict the jurisdiction, if any, the civil rights commission may have under IC 22-9-1-4.

As added by P.L.130-1994, SEC.37 and P.L.116-1994, SEC.48.

IC 27-2-17-6

Appointment of independent insurance producers; jurisdiction; hearing; violation; administrative orders and procedures; evidence

Sec. 6. (a) An insurance company that issues property or casualty insurance shall not discriminate in the appointment of an independent insurance producer on the basis of race, color, national origin, or gender.

(b) Except as provided in subsection (c), the department has exclusive jurisdiction to investigate any complaints of discrimination in the appointment of independent insurance producers in violation of subsection (a).

(c) If the commissioner of the department determines after a hearing that an insurance company has violated subsection (a), the commissioner may order one (1) of the following remedies:

(1) Payment of a civil penalty of not more than two thousand dollars (\$2,000) for each violation.

(2) Suspension or revocation of the insurance company's certificate of authority if the commissioner determines that the violation was willful or wanton and that similar violations have been committed by that company with a frequency that constitutes a general business practice.

(3) Any other remedy agreed to by the department and the insurance company.

(d) Any determination made by the commissioner under this section is subject to IC 4-21.5.

(e) Findings of the department under this section may not be considered as evidence in any civil action other than an appeal as provided under IC 4-21.5.

As added by P.L.116-1994, SEC.48 and P.L.130-1994, SEC.37. Amended by P.L.2-1995, SEC.103; P.L.178-2003, SEC.33.