

REFERENCE TITLE: homeowner's insurance; dogs; nondiscrimination

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2323

Introduced by
Representative Kavanagh

AN ACT

AMENDING TITLE 20, CHAPTER 6, ARTICLE 7, ARIZONA REVISED STATUTES, BY
ADDING SECTION 20-1510; RELATING TO PROPERTY INSURANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 20, chapter 6, article 7, Arizona Revised
3 Statutes, is amended by adding section 20-1510, to read:
4 20-1510. Homeowner's or renter's insurance; dog breeds;
5 prohibitions; definitions
6 A. THE BREED OF A DOG MAY NOT BE CONSIDERED OR USED FOR ANY OF THE
7 FOLLOWING PURPOSES:
8 1. UNDERWRITING OR ACTUARIAL PROCESSES FOR DETERMINING RISK,
9 LIABILITY, ACTUAL OR POTENTIAL LOSSES OR ANY OTHER MATTER RELATED TO
10 CLAIMS INVOLVING DOGS UNDER A POLICY OF INSURANCE.
11 2. QUESTIONNAIRES, SURVEYS OR OTHER MEANS OF GATHERING INFORMATION
12 REGARDING OWNERSHIP OR POSSESSION OF A DOG OR THE PRESENCE OF A DOG ON
13 PREMISES INSURED OR TO BE INSURED UNDER A POLICY OF INSURANCE.
14 3. FINDINGS OF FACT OR CONCLUSIONS OF LAW ENTERED BY A COURT,
15 ADMINISTRATIVE LAW JUDGE, HEARING OFFICER, ARBITRATOR OR OTHER LEGAL
16 DECISION MAKER REGARDING WHETHER A DOG IS AGGRESSIVE OR VICIOUS OR HAS
17 CAUSED LIABILITY TO OCCUR, AS PART OF DETERMINING COVERAGE, LIABILITY OR
18 DAMAGES RELATED TO A POLICY OF INSURANCE.
19 B. FOR THE PURPOSES OF THIS SECTION:
20 1. "AGGRESSIVE" MEANS THAT A DOG HAS BITTEN A PERSON OR DOMESTIC
21 ANIMAL WITHOUT PROVOCATION OR HAS A KNOWN HISTORY OF ATTACKING PERSONS OR
22 DOMESTIC ANIMALS WITHOUT PROVOCATION.
23 2. "BREED" MEANS THE ACTUAL OR PERCEIVED BREED OR MIXTURE OF BREEDS
24 OF A DOG.
25 3. "POLICY OF INSURANCE" MEANS A HOMEOWNER'S OR RENTER'S POLICY OF
26 INSURANCE.
27 4. "PROVOCATION" MEANS TORMENTING, ATTACKING OR INCITING A DOG AND
28 INCLUDES THE STANDARD FOR DETERMINING PROVOCATION PRESCRIBED IN SECTION
29 11-1027.
30 5. "VICIOUS" MEANS THAT A DOG HAS A PROPENSITY TO ATTACK, TO CAUSE
31 INJURY TO OR TO OTHERWISE ENDANGER THE SAFETY OF PERSONS WITHOUT
32 PROVOCATION OR HAS BEEN FOUND TO HAVE ANY OF THESE TRAITS AFTER A HEARING
33 BEFORE A COURT OF COMPETENT JURISDICTION OR BEFORE A HEARING OFFICER
34 PURSUANT TO SECTION 11-1006.