



## Deem & López Law Offices

Dedicated to justice – Responsive to you

590 Centerville Road

Lancaster, PA 17601

(717) 892-3900 (tel.)

(717) 892-3901 (fax)

[www.dflworkforjustice.com](http://www.dflworkforjustice.com)

### New Pennsylvania Law Protects Victims of Domestic Violence from Insurance Discrimination

By Sharon R. López, Esquire ©

Beginning September 5, 2006, Pennsylvania law will protect victims of domestic violence from losing insurance coverage when their intimate partner commits intentional acts that result in insurance liability. The new law is known as Pennsylvania Act 78 of 2006, a law that amends the Unfair Insurance Practices Act. 40 P.S. § 1171.1 *et seq.*

The law prevents insurance companies from denying claims where the need for coverage arose from acts of domestic violence. This is a huge change for the insurance industry, as intentional acts of policy holders normally are excluded from coverage. In addition to the new protection against denial of coverage, the law requires the insurance company to notify the victim of any contact they may have with the violent intimate partner. The insurance company is also prohibited from disclosing the location of the insured victim to the offending party.

This new law does not create a new private cause of action. There is no right to a private cause of action under the Unfair Insurance Practices Act. The Pennsylvania Insurance Commission and the appointed Commissioner have the sole responsibility for enforcing the Unfair Insurance Practices Act. The Commissioner may investigate a charge, hold an administrative hearing, issue an injunction directing the insurer to stop the discriminatory action, and issue fines when violations occur. The civil penalties may range from \$5,000 to \$50,000.

Pennsylvania Act 78 of 2006 amends already existing language that provides some protections for victims of domestic violence. The new law expands the term “abuse” to encompass an intimate partner’s action of intentionally or recklessly **damaging property**. The Act also removes the “intentional act” exclusion from indemnification and allows victims to recover for losses arising from the intentional acts of their intimate partners. This means victims of domestic violence may receive insurance coverage when the violent intimate partner damages the victim’s car or property.

The attorneys at Deem & López Law Offices applaud this greater protection for victims of domestic violence, and congratulate the Pennsylvania Coalition Against Domestic Violence (PCADV) and the Women’s Law Project of Philadelphia on their legislative accomplishment that removes domestic violence insurance discrimination from the list of challenges victims of domestic violence face.

For more information about this new law or to receive training or technical assistance contact Nancy Durburow, Health Projects Manager at PCADV by calling 1(800) 932-4632.



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