

107TH CONGRESS
1ST SESSION

H. R. 406

To prohibit an insurer from treating a veteran differently in the terms or conditions of motor vehicle insurance because a motor vehicle operated by the veteran, during a period of military service by the veteran, was insured or owned by the United States.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2001

Mr. ANDREWS introduced the following bill; which was referred to the
Committee on Financial Services

A BILL

To prohibit an insurer from treating a veteran differently in the terms or conditions of motor vehicle insurance because a motor vehicle operated by the veteran, during a period of military service by the veteran, was insured or owned by the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FAIR TREATMENT OF VETERANS IN THE TERMS**
4 **AND CONDITIONS OF MOTOR VEHICLE IN-**
5 **SURANCE.**

6 (a) PROHIBITION.—An insurer shall not deny a vet-
7 eran a policy of motor vehicle insurance, or issue a policy

1 of motor vehicle insurance that treats a veteran differently
2 in its terms or conditions, because a motor vehicle oper-
3 ated by the veteran, during a period of active military,
4 naval, or air service by the veteran, was insured or owned
5 by the United States.

6 (b) CIVIL ACTION.—

7 (1) IN GENERAL.—Subject to paragraph (2), a
8 veteran or a dependent of a veteran may bring a
9 civil action for a violation of subsection (a) com-
10 mitted with respect to the veteran, in an appropriate
11 court of the United States or a State for damages
12 described in paragraph (5), costs of the action, and
13 reasonable attorney’s fees.

14 (2) LIMITATION.—A veteran or a dependent
15 may commence a civil action under this subsection
16 only if—

17 (A) the veteran or dependent files a com-
18 plaint alleging a violation of subsection (a) with
19 the Secretary of Veterans Affairs; and

20 (B) the Secretary—

21 (i) finds in accordance with paragraph
22 (3) that reasonable evidence of such viola-
23 tion exists; or

24 (ii) fails to make a finding in accord-
25 ance with paragraph (3).

1 (3) FINDING BY SECRETARY.—Not later than
2 90 days after receiving a complaint filed under para-
3 graph (2)(A), the Secretary shall find whether or not
4 reasonable evidence exists of a violation of sub-
5 section (a).

6 (4) STATUTE OF LIMITATIONS.—A complaint
7 may only be filed under paragraph (2) not later than
8 180 days after the veteran or dependent receives no-
9 tice of the denial or issuance that allegedly violates
10 subsection (a).

11 (5) DAMAGES.—Damages referred to in para-
12 graph (1) are the sum of the following:

13 (A) 3 times the amount of any economic
14 loss suffered by the veteran or dependent, re-
15 spectively, as a result of the violation of sub-
16 section (a).

17 (B) Such damages as are appropriate due
18 to emotional distress suffered by the veteran or
19 dependent, respectively, as a result of the viola-
20 tion of subsection (a).

21 (c) DEFINITIONS.—For purposes of this section:

22 (1) DEPENDENT.—The term “dependent”
23 means a spouse, parent, or child.

1 (2) INSURER.—The term “insurer” means any
2 person engaged in interstate commerce in the busi-
3 ness of issuing policies of insurance.

4 (3) SECRETARY.—The term “Secretary” means
5 the Secretary of Veterans Affairs.

6 (4) VETERAN.—The term “veteran” has the
7 meaning given that term in section 101(2) of title
8 38, United States Code.

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