

114TH CONGRESS  
1ST SESSION

# H. R. 2851

To require each insurer that considers marital status in the rating or underwriting of an insurance policy to consider the proposed insured to be married if the proposed insured is legally married under the laws of any State, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2015

Mr. ELLISON (for himself and Mr. POCAN) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To require each insurer that considers marital status in the rating or underwriting of an insurance policy to consider the proposed insured to be married if the proposed insured is legally married under the laws of any State, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Equality in Insurance  
5 Act of 2015”.

1 **SEC. 2. CONSIDERATION OF MARITAL STATUS IN INSUR-**  
2 **ANCE UNDERWRITING.**

3 (a) **IN GENERAL.**—In rating and underwriting any  
4 insurance policy offered by an insurer that takes into con-  
5 sideration the marital status of the proposed insured, the  
6 insurer shall consider the proposed insured to be married  
7 if the proposed insured is in a legal marriage, a civil union,  
8 or a domestic partnership with substantially the same  
9 legal obligations and consequences as a legal marriage  
10 under the laws of any jurisdiction (including any State of  
11 the United States, the District of Columbia, the Common-  
12 wealth of Puerto Rico, Guam, the Northern Mariana Is-  
13 lands, the Virgin Islands, American Samoa, or any foreign  
14 jurisdiction).

15 (b) **RIGHT OF ACTION.**—Any person aggrieved by a  
16 violation of the requirement under subsection (a) may  
17 bring a civil action in a court of competent jurisdiction  
18 for damages resulting from the violation, and may obtain  
19 other appropriate relief, including equitable relief. If the  
20 plaintiff prevails in any such action, the court shall award  
21 the plaintiff any litigation costs reasonably incurred, to-  
22 gether with reasonable attorneys' fees and reasonable ex-  
23 pert witness fees, as determined by the court.

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