



Ohio Legislative Service Commission

Bill Analysis

Nick Thomas

S.B. 293

129th General Assembly
(As Introduced)

Sens. Seitz, Tavares

BILL SUMMARY

- Prohibits the enforcement of an intrafamily exclusion for any type of automobile insurance coverage with regard to a person that dies as a result of an accident when the insured person in question is not considered to be at fault.

CONTENT AND OPERATION

The bill prohibits an insurance company from enforcing or applying an intrafamily exclusion included in an automobile insurance policy when certain conditions are met. An intrafamily exclusion is defined as any provision included in an automobile insurance policy that enables an insurer to preclude coverage of bodily injury or death for a spouse, a resident relative, or other relative of a covered individual (see **COMMENT**). This includes any such provision related to underinsured or uninsured motorist (UM/UIM) coverage included in a policy.¹

The prohibition on the enforcement of intrafamily exclusions only applies to the coverage of automobile accidents that meet both of the following conditions:

- The person insured under the automobile insurance policy is not considered to be at fault;
- The insured person, the spouse of the insured person, or a relative of the insured person has died as a proximate result of the accident.

Also, the bill limits the prohibition of the application of an intrafamily exclusion to only those individuals that die as a proximate result of the accident. In other words,

¹ R.C. 3937.46(C).

an insurance company can still enforce an intrafamily exclusion with regard to individuals that are injured in an accident. The prohibition applies to all types of insurance coverage that might be included under an automobile insurance policy, including UM/UIM and liability coverage.²

Illustrative example

To provide an illustrative example, consider a car accident involving an insured man, his wife, and the man's brother. The insured man's insurance policy contains an intrafamily exclusion. If the insured man is considered to be at fault in the accident, then the intrafamily exclusion can be applied for all types of coverage for everyone involved in the accident. Similarly, if no one dies as a result of the accident, then the intrafamily exclusion can be applied for all types of coverage for everyone involved in the accident. Consider, however, a situation where the brother dies and the wife is injured. Under the bill, an intrafamily exclusion cannot be enforced with regard to the brother for any type of coverage. The exclusion could still be enforced with regard to the injured wife, however. Finally, if the wife were also to die under this scenario, then the intrafamily exclusion could not be enforced with regard to either the brother or the wife.

COMMENT

The bill does not define "relative," which may be ambiguous regarding how many degrees of consanguinity are included.

HISTORY

ACTION	DATE
Introduced	02-07-12

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² R.C. 3937.46(A) and (B).