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Rep. Baumbach & Rep. Griffith & Rep. Dorsey Walker
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Heffernan, K. Johnson, Lambert, Minor-Brown,
Morrison, Osienski, K. Williams, Wilson-Anton

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 231

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO USE OF GENDER OR SEX AS A
RATING FACTOR IN PERSONAL AUTOMOBILE INSURANCE POLICIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 2503, Title 18 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows and by redesignating accordingly:

3 § 2503. Making of rates. [For applicability of this section, see 81 Del. Laws, c. 108, § 3] [Effective until Jan. 1,
4 2027].

5 (a) Rates must be made in accordance with the following provisions:

6 (12) With respect to personal automobile insurance, an insurer authorized to do business in Delaware may
7 not use an insured's or other covered driver's gender, gender identity as such term is defined in §
8 2304(22) of this title, or sex as a rating factor, regardless of whether gender, gender identity, or sex is
9 used as a stand-alone rating factor or in combination with any other rating factor, in any rates, rating
10 schedules, or rating plans.

11 Section 2. Amend § 2503, Title 18 of the Delaware Code by making deletions as shown by making deletions as
12 shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

13 § 2503. Making of rates. [For applicability of this section, see 81 Del. Laws, c. 108, § 3] [Effective Jan. 1, 2027].

14 (a) Rates must be made in accordance with the following provisions:

15 (12) With respect to personal automobile insurance, an insurer authorized to do business in Delaware may
16 not use an insured's or other covered driver's gender, gender identity as such term is defined in §
17 2304(22) of this title, or sex as a rating factor, regardless of whether gender, gender identity, or sex is
18 used as a stand-alone rating factor or in combination with any other rating factor, in any rates, rating
19 schedules, or rating plans.

20 Section 3. The provisions of this Act shall apply to all policies issued or renewed 6 months following this Act's
21 enactment into law.

SYNOPSIS

This bill prohibits the use of gender, gender identity, or sex as a rating factor in personal automobile insurance policies. The Gender Disparities in Auto Insurance Pricing Report issued by the Delaware Department of Insurance and Consumer Federation of America shows that many insured Delaware women are charged more than men even when all other factors, including drivers' history, are the same. Six states have similar existing laws: California, Hawaii, Massachusetts, Michigan, North Carolina, and Pennsylvania.

Author: Senator Gay