

February 14, 1964

SUBJECT: INSURANCE

Circular Letter 64-5

TO ALL AUTHORIZED INSURERS:

The laws of New York State clearly enunciate a firm and fixed public policy against ethnic and religious discrimination. Section 40(10) of the Insurance Law implements this public policy by barring discrimination based on race, color, creed or national origin in the writing or rating of insurance policies or in any other manner whatever.

The Department has been gratified by the cooperation it has received from licensed insurers in the enforcement of this law and the public policy it represents.

The Department's attention, however, has been directed to certain forms and reports furnished to some licensed insurers in which there may be set forth information as to the race or nationality of an insurance applicant, policyholder or claimant, or of the occupants of insured premises, etc. Such forms, which are of the kind not required to be submitted to the Insurance Department for approval prior to use, include agents' confidential reports, medical reports, adjusters' reports and inspection or credit reports.

The inclusion of inquiries or information as to race, color, creed or national origin in any form used by a licensed insurer, or the making of such inquiries on its behalf, clearly suggest possible or likely violation of both Section 40(10) and the firmly established policy of New York State. Accordingly, such practices shall be discontinued. Nor should such insurers accept reports from an independent inspection or credit agency or other sources which contain such inquiries or information.

I am confident that you will continue to cooperate with this Department in effectuating the wholesome purposes of New York's public policy against discrimination.

Please acknowledge the receipt of this letter.

Very truly yours,

[SIGNATURE]

Superintendent of Insurance