

**2023 -- H 5337 SUBSTITUTE A**

LC000836/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2023**

**A N A C T**

**RELATING TO INSURANCE -- CASUALTY INSURANCE RATING**

Introduced By: Representatives Handy, Serpa, Cortvriend, Messier, Fenton-Fung,  
Solomon, Fogarty, Caldwell, and Chippendale

Date Introduced: February 03, 2023

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 27-9-4 of the General Laws in Chapter 27-9 entitled "Casualty  
2 Insurance Rating" is hereby amended to read as follows:

3 **27-9-4. Considerations in making of rates — Cancellation of policy.**

4 (a) All rates shall be made in accordance with the following provisions:

5 (1)(i) Due consideration shall be given to past and prospective loss experience within and  
6 outside this state, to catastrophe hazards, if any, to a reasonable margin for underwriting profit and  
7 contingencies, to dividends, savings, or unabsorbed premium deposits allowed or returned by  
8 insurers to their policyholders, members, or subscribers, to past and prospective expenses both  
9 countrywide and those specially applicable to this state, and to all other relevant factors within and  
10 outside this state; provided, that no consideration shall be given to:

11 (A) Any loss or incident involving a bus driver, while in the course of his or her  
12 employment for the Rhode Island public transit authority or private or municipal school bus  
13 companies, in establishing or maintaining that driver's rate respecting the operation of a personal  
14 motor vehicle or vehicles;

15 (B) Any loss or incident involving a law enforcement officer, while in the course of his or  
16 her employment for the state, city, town police departments, or federal law enforcement agency, in  
17 establishing or maintaining that driver's rate respecting the operation of a personal motor vehicle  
18 or vehicles; and

19 (C) Any loss or incident involving a commercial vehicle driver, while in the course of his

1 or her employment, in establishing or maintaining that driver's rate respecting the operation of a  
2 personal motor vehicle(s);

3 (ii) It shall be the responsibility of a commercial vehicle driver to provide his or her  
4 insurance company with proof that the loss or incident took place in the course of employment  
5 while operating a commercial vehicle. For the purposes of this section, a "commercial vehicle"  
6 shall be a motor vehicle with a gross weight in excess of ten thousand pounds (10,000 lbs.) or a  
7 motor vehicle used for public livery;

8 (2) The systems of expense provisions included in the rates for use by any insurer or group  
9 of insurers may differ from those of other insurers or groups of insurers to reflect the requirements  
10 of the operating methods of any insurer or group with respect to any kind of insurance, or with  
11 respect to any subdivision or combination of insurance for which subdivision or combination  
12 separate expense provisions are applicable;

13 (3) Risks may be grouped by classifications for the establishment of rates and minimum  
14 premiums;

15 (4) Rates shall not be excessive, inadequate, or unfairly discriminatory; ~~and~~

16 (5) For any policy written, delivered or renewed on or after January 1, 2024, in establishing  
17 or maintaining an insured's rate or classification respecting the operation of a personal motor  
18 vehicle, widowed persons shall not be treated differently than persons in a marriage; and

19 ~~(5)~~(6) In establishing or maintaining an insured's rate or classification respecting the  
20 operation of a personal motor vehicle, any insured sixty-five (65) years of age or older, who meets  
21 the criteria set forth in this section and has not had any chargeable accidents or moving violations  
22 within three (3) years preceding the establishment of the rate of insurance or classification, shall  
23 not be penalized solely by reason of his or her age.

24 (b) No insurance company shall fail to renew a private passenger automobile policy  
25 because of a loss of occurrence only, unless a chargeable loss occurrence of three thousand dollars  
26 (\$3,000) or more than two (2) nonchargeable loss occurrences, involving the insured, have taken  
27 place within the annual policy year.

28 (c)(1) No insurance company shall fail to renew a private passenger automobile policy  
29 solely because the insured has attained the age of sixty-five (65) years or older;

30 (2) Whenever the commissioner of insurance shall have reason to believe that any  
31 insurance company has refused to renew a private passenger automobile policy solely because the  
32 applicant has reached the age of sixty-five (65) years or older, the commissioner shall notify the  
33 company that it may be in violation of this section and in his or her discretion he or she may require  
34 a hearing to determine whether or not the company has actually been engaged in the practice stated

1 in this subsection. Any hearing held under this section shall in all respects comply with the hearing  
2 procedure provided in the Administrative Procedures Act, chapter 35 of title 42;

3 (3) If after the hearing the commissioner shall determine that the company has engaged in  
4 the practice of systematically failing to renew private passenger automobile policies because of the  
5 advanced age of the insured, he or she shall reduce his or her findings to writing and shall issue and  
6 cause to be served upon the company an order to cease and desist from engaging in those practices.  
7 After the issuance of the cease and desist order, if the commissioner finds that the company has  
8 continued to engage in those practices, he or she shall impose upon the company a fine not to  
9 exceed the amount of one thousand dollars (\$1,000) for each separate violation.

10 (4) Any company aggrieved by any order or decision of the commissioner of insurance  
11 may appeal the order and decision to the superior court of Providence in accordance with the  
12 Administrative Procedures Act, chapter 35 of title 42.

13 (d) No insurance group, carrier, or company in establishing any premium surcharge or  
14 penalty relative to a specific motor vehicle policy, shall consider any accident or any claim where  
15 any insured covered by that policy is fifty percent (50%) or less at fault.

16 (e) No insurance group, carrier, or company shall assess any premium surcharge against  
17 any insured covered by a motor vehicle policy where a property damage claim payment is less than  
18 three thousand dollars (\$3,000).

19 (f) No insurance group, carrier, or company shall refuse to issue motor vehicle liability  
20 insurance, impose a surcharge, or otherwise increase the rate for a motor vehicle policy solely  
21 because the applicant is a volunteer driver. Volunteer driver is defined as a person who provides  
22 services without compensation to a nonprofit agency or charitable organization.

23 SECTION 2. This act shall take effect on January 1, 2024.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO INSURANCE -- CASUALTY INSURANCE RATING

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1           This act would prevent insurance companies from treating widowed persons differently  
2 than married persons when establishing or maintaining an insured's rate or classification respecting  
3 the operation of a personal motor vehicle.

4           This act would take effect on January 1, 2024.

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