

2022 -- S 2126

LC004037

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO INSURANCE -- CASUALTY INSURANCE RATING

Introduced By: Senators F Lombardi, Lombardo, Burke, Ciccone, and DiMario

Date Introduced: January 25, 2022

Referred To: Senate Judiciary

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); and

3 (D) The zip code of the insured or the zip code of any insured real property or the zip code
4 where any insured property is stored or garaged;

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

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

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

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

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

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

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

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

1 procedure provided in the Administrative Procedures Act, chapter 35 of title 42;

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

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

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

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

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

22 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would prohibit insurance companies from considering the zip code of the insured
- 2 or the zip code of any insured real property or the zip code where any insured property is stored or
- 3 garaged in determining casualty insurance rates.
- 4 This act would take effect upon passage.

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