

2019 -- S 0333 SUBSTITUTE A

LC001239/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO INSURANCE - CASUALTY INSURANCE RATING

Introduced By: Senator Roger Picard

Date Introduced: February 13, 2019

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
7 and 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
10 and 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,
17 in establishing or maintaining that driver's rate respecting the operation of a personal motor
18 vehicle 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 (10,000) pounds or a motor
7 vehicle used for public livery;

8 (2) The systems of expense provisions included in the rates for use by any insurer or
9 group of insurers may differ from those of other insurers or groups of insurers to reflect the
10 requirements of the operating methods of any insurer or group with respect to any kind of
11 insurance, or with respect to any subdivision or combination of insurance for which subdivision
12 or combination 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) In establishing or maintaining an insured's rate or classification respecting the
17 operation of a personal motor vehicle, any insured sixty-five (65) years of age or older, who
18 meets the criteria set forth in this section and has not had any chargeable accidents or moving
19 violations within three (3) years preceding the establishment of the rate of insurance or
20 classification, shall not be penalized solely by reason of his or her age.

21 (b) No insurance company shall fail to renew a private passenger automobile policy
22 because of a loss of occurrence only, unless a chargeable loss occurrence of ~~one thousand five~~
23 ~~hundred dollars (\$1,500)~~ three thousand dollars (\$3,000) or more than two (2) nonchargeable loss
24 occurrences, involving the insured, have taken place within the annual policy year.

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

27 (2) Whenever the commissioner of insurance shall have reason to believe that any
28 insurance company has refused to renew a private passenger automobile policy solely because the
29 applicant has reached the age of sixty-five (65) years or older, the commissioner shall notify the
30 company that it may be in violation of this section and in his or her discretion he or she may
31 require a hearing to determine whether or not the company has actually been engaged in the
32 practice stated in this subsection. Any hearing held under this section shall in all respects comply
33 with the hearing procedure provided in the Administrative Procedures Act, chapter 35 of title 42;

34 (3) If after the hearing the commissioner shall determine that the company has engaged in

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

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

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

13 (e) No insurance group, carrier, or company shall assess any premium surcharge against
14 any insured covered by a motor vehicle policy where a property damage claim payment is less
15 than ~~one thousand five hundred dollars (\$1,500)~~ three thousand dollars (\$3,000).

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

20 SECTION 2. This act shall take effect on January 1, 2020.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO INSURANCE - CASUALTY INSURANCE RATING

1 This act would raise the amount from one thousand five hundred dollars (\$1,500) to three
2 thousand dollars (\$3,000) at which an insurance company can fail to renew a private passenger
3 automobile policy or to assess a premium surcharge for a property damage claim payment.

4 This act would take effect on January 1, 2020.

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