

2023 -- H 5659

LC001024

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 Morales, Henries, Giraldo, Biah, Sanchez, DeSimone,  
Cruz, Felix, Alzate, and Stewart

Date Introduced: February 17, 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) In establishing or maintaining an insured's rate or classification respecting the operation  
17 of a personal motor vehicle, any insured sixty-five (65) years of age or older, who meets the criteria  
18 set forth in this section and has not had any chargeable accidents or moving violations within three  
19 (3) years preceding the establishment of the rate of insurance or classification, shall not be penalized  
20 solely by reason of his or her age.

21 (b)(1) No insurance company organized to do business within this state shall make any  
22 distinction or discrimination as to the premiums or rates charged for automobile insurance policies,  
23 and determination of the rate class of the individual, on the basis of education level, race, ethnicity,  
24 disability, occupation, income, gender, zip code or adjacent zip code, census tract, nor insert in the  
25 policy any condition nor make any stipulation where the person insured shall bind himself or  
26 herself, his or her heirs, executors, administrators and assigners, to accept any less sum than the  
27 full value or amount of the policy in case of a claim accruing on the policy by reason of the claim  
28 of the person insured, other than those stipulations or conditions as are imposed upon all persons  
29 in similar cases, and any stipulation or condition made in this manner shall be void.

30 (2) The insurance company shall solely rely on the driving record of the individual with  
31 regard to the premiums or rates charged for automobile insurance policies and the acceptance or  
32 rejection of the application of the individual for insurance coverage.

33 ~~(b)~~(c) No insurance company shall fail to renew a private passenger automobile policy  
34 because of a loss of occurrence only, unless a chargeable loss occurrence of three thousand dollars

1 (\$3,000) or more than two (2) nonchargeable loss occurrences, involving the insured, have taken  
2 place within the annual policy year.

3 ~~(e)~~(d)(1) No insurance company shall fail to renew a private passenger automobile policy  
4 solely because the insured has attained the age of sixty-five (65) years or older;

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

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

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

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

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

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

1           SECTION 2. This act shall take effect on January 1, 2024 and apply prospectively to any  
2 policy for automobile insurance coverage issued or renewed on or after January 1, 2024.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would prohibit automobile insurance companies from utilizing education level,  
2 race, ethnicity, disability, occupation, income, gender, zip code or adjacent zip code, or census tract  
3 to determine automobile insurance rates, premiums, and/or eligibility for coverage. This act would  
4 also restrict the insurance companies to rely solely on the driving record of the individual with  
5 regard to premiums or rates changed for insurance policies or rejection of the individual's  
6 application for coverage. The department of business regulation would enforce the provisions of  
7 this act.

8           This act would take effect on January 1, 2024 and apply prospectively to any policy for  
9 automobile insurance coverage issued or renewed on or after January 1, 2024.

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