

# DEPARTMENT OF INSURANCE

## OFFICE OF THE COMMISSIONER

Statutory Authority: 18 Delaware Code, Sections 314, 2304(26) and 2741 and 21 Delaware Code, Section 2118 (18 **Del.C.** §§314, 2304(26) and 2741; 21 **Del.C.** §2118)  
18 **DE Admin. Code** 606

### PROPOSED

### PUBLIC NOTICE

#### 606 Proof of Automobile Insurance

#### A. Type of Regulatory Action Required

Proposal of amendments to Regulation 606 - Proof of Automobile Insurance.

#### B. Synopsis of Subject Matter of the Regulation

Pursuant to the authority conferred by 18 Delaware Code, Sections 314, 2304(26) and 2741 and 21 Delaware Code, Section 2118, the Delaware Department of Insurance (the Department), in coordination with the Delaware Division of Motor Vehicles, is proposing to amend Regulation 606 to update and clarify requirements concerning insurer submission of notices of automobile insurance cancellation and termination.

The Department is also taking the opportunity of this proposal to make grammatical and formatting edits throughout the regulation.

#### C. Notice and Public Comment

The Department does not plan to hold a public hearing on the proposed amendments to Regulation 606. The proposed amendments appear below and may also be viewed at the Department of Insurance website at <http://insurance.delaware.gov/information/proposedregs/>.

Any person may file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendments to the regulation. Any written submission in response to this notice and relevant to the proposed amendments must be received by the Department of Insurance no later than 4:30 p.m. EST, the 2<sup>nd</sup> day, March 2020. Any such requests should be directed to:

Leslie W. Ledogar, Regulatory Specialist  
Delaware Department of Insurance  
ATTN: Docket 4232-2019  
1351 West North St., Ste. 101  
Dover, DE 19904  
(302) 674-7379  
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#### 606 Proof of Automobile Insurance

#### 1.0 Authority

This regulation is adopted under the authority of 18 **Del.C.** §§314, 2304(26) and 2741; 21 **Del.C.** §2118(~~e~~), and adopted in cooperation with the Division of Motor Vehicles. This regulation is promulgated under the provisions of the Administrative Procedures Act, 29 **Del.C.** Ch.101.

11 **DE Reg. 800 (12/01/07)**

19 **DE Reg. 414 (11/01/15)**

#### 2.0 Purpose

2.1 The purpose of this regulation is to:

- 2.1.1 ~~establish~~ **Establish** requirements to govern the form of the standardized insurance identification (ID) card for each insured vehicle pursuant to Delaware law;
- 2.1.2 ~~establish~~ **Establish** the procedure by which automobile insurers shall notify the Division of Motor Vehicles when automobile insurance coverage is terminated or when insurers pay claims for uninsured motorists; and

- 2.1.3 ~~provide~~ Provide procedures for the submission of insurance company data to the Division of Motor Vehicles for administrative efficiency.

**11 DE Reg. 800 (12/01/07)**

### 3.0 Definitions

To the extent necessary, the definitions contained in 21 Del.C. §101 shall apply to all terms not otherwise defined in Section 3.0 of this regulation. The following words and terms, when used in this regulation, shall have the following meaning unless the context in which they are used clearly indicates otherwise:

**"Commercial auto coverage", "commercial vehicle coverage" or "commercial lines policy"** ~~is~~ means any coverage provided to an insured, regardless of the number of vehicles or entities covered, under a commercial auto, garage, or truckers coverage form and/or rated from either a commercial manual or rating rule as filed and approved by the Delaware Department of Insurance. Vehicle type and ownership are not necessarily the primary factors in either underwriting the coverage or rating the coverage. The rating may be subject to individual risk characteristics including but not limited to experience rating, schedule rating, loss rating or deductible rating.

**"Fleet"** ~~shall mean~~ means five or more vehicles under single ownership or lease used for commercial purposes.

**"Personal lines auto coverage,"** ~~personal lines vehicle coverage" or "personal lines policy"~~ shall apply to "personal lines vehicle coverage" or "personal lines policy" means any insured or insurance policy that does not fall within commercial lines.

~~To the extent necessary, the definitions contained in 21 Del.C. §101 shall apply to all terms not otherwise defined herein.~~

**11 DE Reg. 800 (12/01/07)**

### 4.0 Insurance Identification Card

- 4.1 All companies licensed to write automobile insurance in the State of Delaware must furnish Insurance Identification Cards. ~~Cards to their insureds in accordance with the following:~~

4.1.1 If the insured and insurance company both consent, the insurance identification card may be produced in electronic ~~format.~~ format;

4.1.2 Acceptable electronic formats include display of electronic images on a cellular phone or any other type of portable electronic ~~device.~~ device;

4.1.3 At least one written card or card in electronic format must be issued for each vehicle for which liability insurance is in ~~effect.~~ effect; and

4.1.4 Delaware policyholders who are members of the military and are stationed outside of Delaware may be issued a card of that state provided their coverage meets Delaware requirements.

- 4.2 If an insurance identification card is produced in written format, insurers may use uniform ACORD format or may prepare the ACORD format as described below:

4.2.1 The size, weight, and color of the card shall be as below:

4.2.1.1 Size: Not smaller than 3-1/2" x 2-1/4" or larger than 3" x 5"

4.2.1.2 Weight: Optional

4.2.1.3 Color: White

**19 DE Reg. 414 (11/01/15)**

### 5.0 Insurance Identification Cards for Personal Lines Coverage

- 5.1 The Insurance Identification Card for privately owned or leased motor ~~vehicles and/or vehicles,~~ for vehicles that are used non-commercially but covered under commercial lines policies, or both shall contain the following information, whether the card is provided in written or electronic format:

5.1.1 The statement "The ID card must be carried in the vehicle at all times" shall be shown on the face of the card if space is available; otherwise this statement may appear on the back of the ~~card.~~ card;

5.1.2 Card shall be identified as "Identification Card." Card";

5.1.3 The insurance company name shall be printed on the face of the card. If the insurer is part of a group, the group name may be printed on the card so long as the card clearly identifies the name of the insurer issuing the ~~insurance.~~ insurance;

5.1.4 Insurer's ~~five-digit~~ five-digit National Association of Insurance Commissioners ("NAIC") company identification ~~number.~~ number;

- 5.1.5 ~~Named Insured. This name~~ The name of the named insured, which must be match the name of the named insured as carried in the insurer's ~~records.~~ records;
- 5.1.6 ~~The insurer may, at its option, include the address of the insured.~~ insured, to be included at the insurer's option;
- 5.1.7 ~~Policy Number.~~ Number;
- 5.1.8 ~~Effective date of~~ and the time period during which the policy shall be in ~~effect.~~ effect;
- 5.1.9 Expiration Date. The insurance identification card shall be valid for no more than the term stated in the policy but not to exceed 6 months. Notwithstanding the foregoing limitation, an insurance identification card may be issued for a period of 12 months if the premium has been written on an annual basis and the premium is being paid in installments of no more than for a ~~12-month~~ 12-month period. The expiration date shall be stated in such manner that the exact date of expiration can be clearly identified. For purposes of ~~this section~~ subsection 5.1.9 of this regulation, a policy renewed in the same company with a lapse in coverage of 30 days or less shall be considered to have been continuously insured by a licensed insurance company during the preceding six ~~months.~~ months; and
- 5.1.10 ~~Vehicle(s)~~ Vehicle or Vehicles Insured. Information shall be completed by indicating any of the following, depending on the type of policy or vehicle involved:
- 5.1.10.1 Year, Make, and Vehicle Identification Number ("VIN") of the ~~vehicle(s)~~ vehicle or vehicles insured. Model of the vehicle may be shown as the Make. The ~~Year,~~ Year and Make of the vehicle may be abbreviated, but the complete VIN must be shown.
- 5.1.11 Items which are not obvious as to meaning shall be appropriately captioned.
- 5.2 The order of the information to be contained on the ID card may be rearranged at the option of the company, provided there is no drastic change and the rearrangement is necessary to accommodate a fixed printout system already established by a company.
- 5.3 At least one ID card shall be issued for each vehicle insured under the policy for which liability insurance is in effect.
- 5.4 If a vehicle is specifically described on the ID card, the company must issue a new card upon either a change of vehicle or the acquisition of any additional one. If a different policy number is assigned upon renewal, a new ID Card must also be issued. The expiration date requirement of ~~section~~ subsection 5.1.9 above of this regulation shall apply to an insured's replacement or additional insured vehicle in a manner similar to the previously owned or insured vehicle. The owner of the vehicle shall so inform the insurer of the additional or replacement vehicle. Only after the insurer is so informed, shall the insurer be obligated to issue an ID card to the insured for the additional or replacement vehicle.
- 5.5 A letter or notification should accompany every ID card advising the insured that the card is required to register the vehicle, to obtain new tags, and to serve as evidence of insurance for the law enforcement authorities, e.g., in cases involving accidents, moving traffic violations or road spot checks. This notification may be printed on the back of the ID card. Delaware law requires the ID card to be in the vehicle when it is being operated.
- 5.6 The Division of Motor Vehicles will accept for registration purposes a copy of the application for insurance or the assignment notice or binder pending issuance of insurance or the assignment notice pending issuance of the ID card. However, such evidence of insurance will be accepted for registration purposes only if it has been dated prior to the date and no later than the day preceding the date of application for registration. For Assigned Risk coverage, insurers shall instruct their agents to place an insurer identification code of "99999" on applications to indicate placement with the Assigned Risk Plan.
- 5.7 Insurance ID cards shall be issued in conformance with ~~section~~ subsection 5.1 above of this regulation. The Insurance Commissioner may exercise his statutory authority to investigate and examine the compliance of insurance carriers with this regulation. The Insurance Commissioner may, after notice and hearing, impose and enter an order as follows:
- 5.7.1 For each occasion where the Insurance Commissioner determines that an ID card was issued inadvertently in non-compliance with ~~section~~ subsection 5.1.9 above of this regulation, the insurer shall be fined \$100. No fine, however, shall be imposed if the ID card was validly issued.
- 5.7.2 For each occasion where the Insurance Commissioner determines an ID card was issued with disregard of the requirements of ~~Section~~ subsection 5.1.9 above of this regulation, but with no pattern of conscious disregard, the insurer shall be fined \$1,000.
- 5.7.3 For each occasion where the Insurance Commissioner determines an ID card was issued as part of a pattern of conscious disregard of the requirements of ~~section~~ subsection 5.1.9 above of this regulation, the insurer shall be fined \$2,000.
- 5.8 "Date of issuance" of an insurance card shall be the effective date of that card.

## 6.0 Insurance Identification Cards for Commercial Lines Coverage

- 6.1 Unless otherwise covered in Section 5.0 of this regulation, the ID card for each vehicle insured under each commercial lines policy, which shall include any insurance issued for fleet vehicles, shall contain the following information, whether the card is provided in written or electronic format:
- 6.1.1 ~~the~~ The information set forth in ~~sections~~ subsections 5.1.1 through 5.1.4, ~~section~~ subsection 5.1.6 and ~~section~~ subsection 5.1.11 of this regulation;
  - 6.1.2 ~~the~~ The name of the commercial entity or registrant that owns or leases the fleet as carried in the insurer's records. The insurer, at its option, may include the name of any parent company involved or, in the case of vehicles not operated by the registrant, an indication that the vehicle is "owned or operated by \_\_\_\_\_";
  - 6.1.3 ~~the~~ The policy number with any appropriate designations required by the insurer for commercial or fleet vehicles; and
  - 6.1.4 ~~the~~ The effective and expiration dates of the policy.
- 6.2 The expiration date for ID cards shall be no more than twelve months from the effective date of the policy and the expiration date shall be stated by day, month and year or month, day and year, so long as the exact date of expiration can be clearly identified.
- 6.3 ID cards subject to the requirements of this ~~section~~ Section 6.0 of this regulation shall also be subject to the requirements set forth in ~~sections~~ subsections 5.2 through 5.6 of this regulation.
- 6.4 Insurance ID cards shall be issued in conformance with ~~section~~ subsection 6.1 ~~above~~ of this regulation. The Insurance Commissioner may exercise ~~his~~ the Commissioner's statutory authority to investigate and examine the compliance of insurance carriers with this regulation. The Insurance Commissioner may, after notice and hearing, impose and enter an order as follows:
- 6.4.1 For each occasion where the Insurance Commissioner determines that an ID card was issued inadvertently in non-compliance with ~~section~~ subsection 6.2 ~~above~~ of this regulation, the insurer shall be fined \$100. No fine, however, shall be imposed if the ID card was validly issued.
  - 6.4.2 For each occasion where the Insurance Commissioner determines an ID card was issued with disregard of the requirements of ~~section~~ subsection 6.2 ~~above~~ of this regulation, but with no pattern of conscious disregard, the insurer shall be fined \$1,000.
  - 6.4.3 For each occasion where the Insurance Commissioner determines an ID card was issued as part of a pattern of conscious disregard of the requirements of ~~section~~ subsection 6.2 ~~above~~ of this regulation, the insurer shall be fined \$2,000.
- 6.5 "Date of issuance" of an insurance card shall be the effective date of that card.

## 7.0 Violations and Penalties

- 7.1 If an insurer ~~shall violate~~ violates any of the provisions of this regulation, the Commissioner shall give written notice to the insurer of the violation and ~~said the~~ notice shall inform the insurer of the right to request a hearing pursuant to 18 **Del.C.** §323.
- 7.2 If ~~the Commissioner determines that~~ an insurer ~~shall be determined to be~~ is in violation by consent or after a hearing, the Commissioner may impose ~~such~~ penalties as permitted pursuant to the Insurance Code.

## 8.0 Notice of Cancellation or Termination

- 8.1 When ~~an insurer determines to cancel or terminate~~ a personal lines insurance policy ~~is cancelled or terminated~~ and that cancellation or termination is final under 18 **Del.C.** ~~§3904 (a) (1)~~ §3904(a), then, within 6 months of the original date of issuance, the insurer ~~must~~ shall file a Notice of Cancellation with the Division of Motor Vehicles.
- 8.2 The insurer shall file the notice ~~shall be filed~~ of cancellation or termination with the Division of Motor Vehicles within 30 days following the effective date on which cancellation has become ~~final~~ final, and in accordance with the following:
- 8.2.1 For purposes of subsection 8.2 of this regulation, "Final" means the date after which coverage cannot be reinstated except by the issuance of a new ~~policy~~ policy; and

8.2.2 The insurer shall file the notice of cancellation or termination in accordance with instructions posted by the Division of Motor Vehicles on the Division's website.

8.3 The notice shall be a form with the size, content, and format ~~consistent with the attached forms or as otherwise~~ approved by the Division of Motor Vehicles.

**11 DE Reg. 800 (12/01/07)**

**12 DE Reg. 346 (09/01/08)**

## **9.0 Furnishing Motor Vehicle Liability Insurance Information to the Division of Motor Vehicles**

9.1 An insurer shall furnish within ~~30~~ 21 days of a request by the Division of Motor Vehicles prescribed information on each motor vehicle insured in the State of ~~Delaware~~. Delaware in accordance with the following:

9.1.1 The information shall be provided in the form and manner approved by the Division of Motor ~~Vehicles~~. Vehicles, as more fully set out in instructions posted by the Department of Motor Vehicles on the Department's website.

9.2.2 All information submitted by the insurer shall include the insurer's most current Delaware consumer complaint contact designee as submitted by the insurer to the National Association of Insurance Commissioners State Based Systems data base.

**11 DE Reg. 800 (12/01/07)**

**12 DE Reg. 346 (09/01/08)**

**19 DE Reg. 414 (11/01/15)**

## **10.0 Random Selection/Verification**

10.1 Pursuant to 21 **Del.C.** §2118 the Division of Motor vehicles shall periodically randomly select on an annual basis at least 10 percent of the vehicle registrations and send them to the insurers of record for verification of liability insurance.

10.2 All responses from the insurers shall be delivered to the Delaware Division of Motor Vehicles within 30 days of the mailing date of the verification request.

10.3 The random selection/verification process shall be done no more than twelve times and no less than four times annually.

**11 DE Reg. 800 (12/01/07)**

**12 DE Reg. 346 (09/01/08)**

## **11.0 Notification of Uninsured Drivers**

Each insurer licensed to write automobile liability insurance in Delaware shall notify the Division of Motor Vehicles on a form approved by the Division of Motor Vehicles the name of any person or persons involved in an accident or filing a claim who is alleged to have been operating a Delaware registered motor vehicle without the insurance required under Delaware law. The insurer shall provide the name, address, and description of the vehicle alleged to be uninsured.

**11 DE Reg. 800 (12/01/07)**

**12 DE Reg. 346 (09/01/08)**

**19 DE Reg. 414 (11/01/15)**

## **12.0 Additional Required Proofs of Insurance**

~~Each~~ When the Department of Motor Vehicles requests that an insured provide verification of insurance coverage, an insurer licensed to write automobile liability insurance in this State shall furnish to their insureds verification of the insurance in force at the request of to the Division of Motor Vehicles by use of using a form and filing methods that are approved by the Division of Motor Vehicles. Each insurer is to utilize such measures as may be necessary to assure delivery of these forms to qualified insured drivers only.

**11 DE Reg. 800 (12/01/07)**

**12 DE Reg. 346 (09/01/08)**

**19 DE Reg. 414 (11/01/15)**

## **13.0 Severability**

If any provision of this regulation or the application thereof to any person or situation is held invalid, such invalidity shall not affect any other provision or application of the regulation which can be given effect without the invalid provision or application and to this end the provisions of this regulation are declared to be severable.

**11 DE Reg. 800 (12/01/07)**

**12 DE Reg. 346 (09/01/08)**

**19 DE Reg. 414 (11/01/15)**

**14.0 Effective Date**

This Regulation shall become effective 10 days after being published as a final regulation.

\*Regulation No. 31 was entitled "Insurance Identification Card" under an effective date of July 1, 1979; amended July 1, 1982; amended effective January 1, 1991 and again on May 12, 1993 under present title except for the conditions specified under § 6 and § 4 of the regulation and April 12, 1993.

**11 DE Reg. 800 (12/01/07)**

**12 DE Reg. 346 (09/01/08)**

**19 DE Reg. 414 (11/01/15)**

**23 DE Reg. 628 (02/01/20) (Prop.)**