

DEPARTMENT OF INSURANCE

OFFICE OF THE COMMISSIONER

Statutory Authority: 18 Delaware Code, Sections 311 and 2501 (18 Del.C. §§311 & 2501)
18 DE Admin. Code 610

PROPOSED

PUBLIC NOTICE

610 Automobile Premium Consumer Comparison

A. Type of Regulatory Action Required

Repeal of Existing Regulation.

B. Synopsis of Subject Matter of the Regulation

Chapter 18 of the Delaware Administrative Code at Regulation 610 requires insurers who have a prescribed market share to, annually, by October 1, submit certain data to the Department of Insurance (Department) concerning automobile rates so that the Department may use those data as the basis of its on-line rate comparison tool. The purpose of the on-line rate comparison tool was to allow consumers to easily compare automobile insurance rates based on set driving scenarios, driver profiles and zip codes.

However, since the inception of the rate calculator in 2006, insurers have built their own calculators which can be precisely tailored to fit an exact consumer profile. Thus, the Department's calculator is obsolete and the regulation requiring the data call should be repealed.

The Department does not plan to hold a public hearing on the proposed repeal of Regulation 610. The regulation proposed for repeal appears below and can 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 repeal of the regulation. Any written submission in response to this notice and relevant to the proposed repeal must be received by the Department of Insurance no later than 4:30 p.m. EST, the 3rd day, December, 2018. Any such requests should be directed to:

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~~610 Automobile Premium Consumer Comparison~~

1.0 Authority

1.1 This regulation is ~~adopted by the Commissioner pursuant to the authority granted by 18 Del.C. §§311 and 2501 and promulgated in accordance with the Delaware Administrative Procedures Act, 29 Del.C. Chapter 401.~~

2.0 Definitions

~~“Insurer” shall mean every insurer licensed to offer and sell non-fleet private passenger automobile insurance coverage in the State of Delaware.~~

~~“Private passenger auto market share” shall be determined by data from the National Association of Insurance Commissioners for the prior calendar year for line numbers 19.1, 19.2 and 21.1 for the State of Delaware~~

~~“Rate estimates” shall mean the estimated annual insurance premiums produced for the Department’s rate survey.~~

~~“Rate survey” shall mean a request by the Department that insurers calculate estimated annual insurance premiums based on hypothetical consumer profiles, and to include variations in driving record, vehicle and other factors identified by the Department. The rate survey shall include estimated premiums for each zip code or other geographic area identified by the Department.~~

3.0 Scope

- 3.1 Insurers with 1 percent or more of the Delaware private passenger automobile insurance market share shall be required to complete the full rate survey required by this regulation.
- 3.2 Insurers with .01 to .99 percent of private passenger automobile insurance market share shall be required to complete a limited rate survey consisting of a lesser number of hypothetical consumer profiles identified by the Department.
- 3.3 Insurers with less than .01 percent of private passenger automobile insurance market share shall not be required to complete a rate survey pursuant to this regulation.

4.0 Insurer Information

- 4.1 Each insurer will be provided with an account on the Department's website to provide basic company information and to administer the submission of rate survey data.

5.0 Survey Completion Deadline

- 5.1 The Department of Insurance shall make available the rate survey request format with hypothetical consumer profiles, coverage levels, vehicle models and other information necessary for calculating rate estimates on the Department's website no later than September 15th of each year.
- 5.2 In 2006, all required rate survey data from insurers must be submitted to the Department on or before November 1st, 2006. In all subsequent years, all required rate survey data from insurers must be submitted to the Department on or before October 15th of each year.
- 5.3 Rate survey data that is incomplete or not reported according to the Department's instructions will be returned to the insurer for correction and must be resubmitted within 10 business days.

6.0 Survey Format

- 6.1 Insurers shall provide rate estimates based on rates in effect as of October 1st of the year when the rate survey is being completed.
- 6.2 All rate estimates shall be rounded to the nearest dollar.
- 6.3 Insurers shall submit rate data utilizing an electronic spreadsheet provided by the Department or by other means specified by the Department. Insurers shall be required to upload the data to the Department via the internet.

7.0 Responsibility for Information and Data

- 7.1 Insurers shall be responsible for the accuracy of company information and rate data submitted to the Department for publication. As part of the submission process, insurers will be subject to examination to verify the accuracy of the data being submitted.

8.0 Consumer Quote Requests

- 8.1 Insurers shall provide a single electronic mail address to the Department for the purpose of allowing consumers to request a personalized automobile insurance premium quote as part of the rate comparison process.
- 8.2 The insurer shall be required to provide a direct email response to the consumer, confirming receipt of the quote request.
- 8.3 The insurer shall be required to maintain an electronic log of all email responses to consumer requests for rate quotes for a period of one year after the request. The electronic log shall be capable of being transferred to the Department upon request.

9.0 Penalties

- 9.1 Insurers that do not comply with this regulation are subject to the provisions of 18 ~~Del.C.~~ §329.

10.0 Severability

- 10.1 If any provision of this Regulation or the application of any such provision to any person or circumstance shall be held invalid the remainder of such provisions, and the application of such provision to any person or circumstance other than those as to which it is held invalid, shall not be affected.

11.0 Effective Date

11.1 This Regulation shall become effective September 11, 2006.

10 DE Reg. 566 (09/01/06)

22 DE Reg. 364 (11/01/18) (Prop.)