

DEPARTMENT OF INSURANCE

OFFICE OF THE COMMISSIONER

Statutory Authority: 18 Delaware Code, Section 311, and 21 Delaware Code, Section 2118, and 29 Delaware Code, Chapter 101 (18 **Del.C.** §311, and 21 **Del.C.** §2118 and 29 **Del.C.** Ch. 101)
18 **DE Admin. Code** 606

FINAL

EXEMPT FINAL ORDER

606 Proof of Automobile Insurance

Regulation 606 implements 21 **Del.C.** §2118, which establishes requirements to govern the form of the standardized insurance identification (ID) card for each insured vehicle pursuant to Delaware law; establishes 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 provides procedures for the submission of insurance company data to the Division of Motor Vehicles for administrative efficiency.

With this order, the Department is revising subsection 8.1 of Regulation 606 to correct a technical error made during a prior amendment to Regulation 606 that inadvertently expanded the notice required to be given to the Division of Motor Vehicle beyond the requirements of 21 **Del.C.** §2118(f). The Department is also taking the opportunity to make stylistic updates to the regulation.

This order is exempt from the requirement of public notice and comment because it includes "nonsubstantive changes in existing regulations to alter style or form or to correct technical errors," pursuant to 29 **Del.C.** §10113(b)(4).

This order shall be effective 10 days after publication in the *Register of Regulations*.

IT IS SO ORDERED.

The 15th day of March, 2023.

Trinidad Navarro
Commissioner
Delaware Department of Insurance

606 Proof of Automobile Insurance

1.0 Authority

This regulation is adopted under the authority of 18 **Del.C.** ~~§§311, 2304(26) and 2744~~; §311 and 21 **Del.C.** §2118, 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)

23 DE Reg. 929 (05/01/20)

2.0 Purpose

2.1 The purpose of this regulation is to:

2.1.1 Establish requirements to govern the form of the standardized Insurance Identification Card for each insured vehicle pursuant to Delaware law;

2.1.2 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 procedures for the submission of insurance company data to the Division of Motor Vehicles for administrative efficiency.

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

23 DE Reg. 929 (05/01/20)

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" 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 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" 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" means any automobile insurance or insurance policy that does not fall within commercial lines.

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

23 DE Reg. 929 (05/01/20)

4.0 Insurance Identification Card

- 4.1 All companies licensed to write automobile insurance in the State of Delaware must furnish Insurance Identification 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;
 - 4.1.2 Acceptable electronic formats include display of electronic images on a cellular phone or any other type of portable electronic device;
 - 4.1.3 At least one written Insurance Identification Card or Insurance Identification Card in electronic format must be issued for each vehicle for which liability insurance is in effect; and
 - 4.1.4 Delaware policyholders who are members of the military and are stationed outside of Delaware may be issued an Insurance Identification 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 Insurance Identification 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)

23 DE Reg. 929 (05/01/20)

5.0 Insurance Identification Cards for Personal Lines Coverage

- 5.1 The Insurance Identification Card for privately owned or leased motor vehicles, for vehicles that are used non-commercially but covered under commercial lines policies, or both shall contain the following information, whether the Insurance Identification Card is provided in written or electronic format:
- 5.1.1 The statement "The Insurance Identification Card must be carried in the vehicle at all times" shall be shown on the face of the Insurance Identification Card if space is available; otherwise this statement may appear on the back of the Insurance Identification Card;
 - 5.1.2 The Insurance Identification Card shall be identified as "Insurance Identification Card";
 - 5.1.3 The insurance company name shall be printed on the face of the Insurance Identification Card. If the insurer is part of a group, the group name may be printed on the Insurance Identification Card so long as the card clearly identifies the name of the insurer issuing the insurance;
 - 5.1.4 Insurer's ~~five-digit~~ 5 digit National Association of Insurance Commissioners ("NAIC") company identification number;
 - 5.1.5 The name of the named insured, which must match the name of the named insured as carried in the insurer's records;
 - 5.1.6 The address of the insured, to be included at the insurer's option;
 - 5.1.7 Policy Number;
 - 5.1.8 Effective date and the time period during which the policy shall be in 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 period. The expiration date shall be stated in such manner that the exact date of expiration can be clearly identified. For purposes of 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; and

- 5.1.10 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 or vehicles insured. Model of the vehicle may be shown as the Make. The 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 Insurance Identification 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~~ 1 Insurance Identification 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 Insurance Identification Card, the company must issue a new Insurance Identification 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 Insurance Identification Card must also be issued. The expiration date requirement of subsection 5.1.9 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 Insurance Identification Card to the insured for the additional or replacement vehicle.
- 5.5 A letter or notification should accompany every Insurance Identification Card advising the insured that the Insurance Identification 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 Insurance Identification Card. Delaware law requires the Insurance Identification 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 Insurance Identification 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 Identification Cards shall be issued in conformance with subsection 5.1 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 Insurance Identification Card was issued inadvertently in non-compliance with subsection 5.1.9 of this regulation, the insurer shall be fined \$100. No fine, however, shall be imposed if the Insurance Identification Card was validly issued.
 - 5.7.2 For each occasion where the Insurance Commissioner determines an Insurance Identification Card was issued with disregard of the requirements of subsection 5.1.9 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 Insurance Identification Card was issued as part of a pattern of conscious disregard of the requirements of subsection 5.1.9 of this regulation, the insurer shall be fined \$2,000.
- 5.8 "Date of issuance" of an Insurance Identification Card shall be the effective date of that Insurance Identification Card.

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

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

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

23 DE Reg. 929 (05/01/20)

6.0 Insurance Identification Cards for Commercial Lines Coverage

- 6.1 Unless otherwise covered in Section 5.0 of this regulation, the Insurance Identification 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 Insurance Identification Card is provided in written or electronic format:
- 6.1.1 The information set forth in subsections 5.1.1 through 5.1.4, subsection 5.1.6 and subsection 5.1.11 of this regulation;
 - 6.1.2 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 policy number with any appropriate designations required by the insurer for commercial or fleet vehicles; and
 - 6.1.4 The effective and expiration dates of the policy.
- 6.2 The expiration date for Insurance Identification Cards shall be no more than ~~twelve~~ 12 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 Insurance Identification Cards subject to the requirements of this Section 6.0 of this regulation shall also be subject to the requirements set forth in subsections 5.2 through 5.6 of this regulation.
- 6.4 Insurance Identification Cards shall be issued in conformance with subsection 6.1 of this regulation. The Insurance Commissioner may exercise 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 Insurance Identification Card was issued inadvertently in non-compliance with subsection 6.2 of this regulation, the insurer shall be fined \$100. No fine, however, shall be imposed if the Insurance Identification Card was validly issued.
 - 6.4.2 For each occasion where the Insurance Commissioner determines an Insurance Identification Card was issued with disregard of the requirements of subsection 6.2 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 Insurance Identification Card was issued as part of a pattern of conscious disregard of the requirements of subsection 6.2 of this regulation, the insurer shall be fined \$2,000.
- 6.5 "Date of issuance" of an Insurance Identification Card shall be the effective date of that Insurance Identification Card.
- 12 DE Reg. 346 (09/01/08)**
19 DE Reg. 414 (11/01/15)
23 DE Reg. 929 (05/01/20)

7.0 Violations and Penalties

- 7.1 If an insurer violates any of the provisions of this regulation, the Commissioner shall give written notice to the insurer of the violation and 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 is in violation by consent or after a hearing, the Commissioner may impose penalties as permitted pursuant to the Insurance Code.
- 11 DE Reg. 800 (12/01/07)**
12 DE Reg. 346 (09/01/08)
23 DE Reg. 929 (05/01/20)

8.0 Notice of Cancellation or Termination

- 8.1 When an insurer determines to cancel or terminate a personal lines insurance policy and that cancellation or termination is final under 18 Del.C. ~~§3904(a)~~ §3904(a)(1) within 6 months of the original date of issuance, the insurer shall file a Notice of Cancellation with the Division of Motor Vehicles.
- 8.2 The insurer shall file the notice of cancellation or termination with the Division of Motor Vehicles within 30 days following the effective date on which cancellation has become 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; 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 approved by the Division of Motor Vehicles.

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

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

23 DE Reg. 929 (05/01/20)

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

9.1 An insurer shall furnish within 21 days of a request by the Division of Motor Vehicles prescribed information on each motor vehicle insured in the State of 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, as more fully set out in instructions posted by the Division of Motor Vehicles on the Division's website.

9.1.2 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)

23 DE Reg. 929 (05/01/20)

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 21 days of the mailing date of the verification request.

10.3 The random selection/verification process shall be done no more than ~~twelve~~ 12 times and no less than ~~four~~ 4 times annually.

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

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

23 DE Reg. 929 (05/01/20)

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

When the Division of Motor Vehicles requests that an insurer provide verification of insurance coverage, an insurer licensed to write automobile liability insurance in this State shall furnish verification of the insurance in force to the Division of Motor Vehicles by using a form and filing methods that are approved by the Division of Motor Vehicles.

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

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

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

23 DE Reg. 929 (05/01/20)

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 May 11, 2020.~~ This regulation became effective December 11, 2007, 10 days after being published as a final regulation. The amendments to this regulation updating and clarifying requirements for insurer notice of automobile insurance cancellations and terminations became effective May 11, 2020. The current amendments to this regulation shall become effective 10 days after being published in the *Register of Regulations*.

*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. 929 (05/01/20)

26 DE Reg. 867 (04/01/23) (Final)