



SENATE BILL 133: Rate-Making Amendments.

2019-2020 General Assembly

Committee:	Senate Commerce and Insurance. If favorable, re-refer to Rules and Operations of the Senate	Date:	May 1, 2019
Introduced by:	Sens. Johnson, Burgin, Sawyer	Prepared by:	Kristen L. Harris
Analysis of:	PCS to First Edition S133-CSTU-14		Committee Co-Counsel

OVERVIEW: *House Bill 221 would amend North Carolina's insurance rate-making laws. Specifically, it would 1) create a five-year surcharge for convictions assigned 4 or more points under the State's Safe Driver Incentive Plan (SDIP), 2) extend the existing three-year inexperienced driver surcharge to eight years, and 3) create an inexperienced safe driver discount which would be available after three full years of driving experience under certain conditions.*

CURRENT LAW AND BACKGROUND:

Safe Driver Incentive Plan (SDIP)

Currently, subclassification plan surcharges cannot be applied to an insurance policy for not less nor more than three years.

The following convictions and at-fault accidents are charged four or more points under SDIP:

- Four points: reckless driving, hit and run resulting in property damage only, passing a stopped school bus, speeding in excess of 75 mph when the speed limit is less than 70 mph, speeding in excess of 80 mph when the speed limit is 70 mph or higher, or driving by a person less than 21 after consuming alcohol or drugs.
- Eight points: driving during revocation or suspension of license or registration or aggressive driving.
- Ten points: highway racing or knowingly lending a motor vehicle for highway racing, or speeding to elude arrest.
- Twelve points: manslaughter or negligent homicide, prearranged highway racing or knowingly lending a motor vehicle for prearranged highway racing, hit and run resulting in bodily injury or death, driving with a blood-alcohol level of 0.08 or more, driving commercial vehicle with a blood-alcohol level of 0.04 or more, DWI, or transporting illegal intoxicating liquor for sale.

BILL ANALYSIS:

Section 1 would require investment income from capital and surplus to be considered in insurance ratemaking.

Section 2(a) would rewrite existing language that prohibits an insurance company from conditioning the acceptance or renewal of a policy, or underwriting and rating criteria, on the acceptance by a policyholder of any optional enhancement.

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Section 2(b) would repeal the requirement that an insurer report its optional enhancement premiums and losses.

Section 3(a) would make a technical correction.

Section 3(b) would authorize a five-year surcharge for convictions assigned 4 or more SDIP points, not including convictions for speeding over the posted limit.

Section 3(c) would create an eight-year inexperienced driver surcharge for drivers receiving a license for the first time on or after October 1, 2019. For drivers receiving a first license on or before September 30, 2019, the surcharge would be limited to three years' driving experience.

Section 3(d) would create an inexperienced safe driver discount that would be available after three full years of driving without any at-fault accidents or convictions, including convictions for which a prayer for judgment continued was granted.

Section 4 would require the Department of Insurance to conduct public outreach about how the provisions of this act may impact insurance premiums for policyholders and experienced and inexperienced drivers, including publishing information on its website.

EFFECTIVE DATE: Subsection (b) of Section 3 becomes effective October 1, 2020, and applies to drivers convicted of moving violations on or after that date. Subsection (d) of Section 3 becomes effective October 1, 2019. The remainder of this act is effective when it becomes law.