

S T A T E O F N E W Y O R K

1538--A

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PERALTA, PERRY, FIELDS, HYER-SPENCER, STIRPE, CLARK, DenDEKKER, ESPAILLAT -- Multi-Sponsored by -- M. of A. ALFANO, CAMARA, PHEFFER, RAIA, WEISENBERG -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to direct the superintendent of insurance to promulgate rules and regulations relating to excluding the use of "credit scores" in determining auto insurance premiums

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative intent. The legislature finds that the practice
2 of using "credit scores" to determine auto insurance premiums can result
3 in premium fluctuations that are difficult for consumers to manage. In
4 addition, consumers may not be aware of changes in their credit rating
5 and therefore would not have the information they needed to exercise
6 responsible control over a factor which could affect their insurance
7 rates.
8 The legislature further finds that a "credit score" comes from infor-
9 mation contained in consumer credit reports and is considered along with
10 other motor vehicle and driving records to compute insurance risk at a
11 particular point in time. Insurance scoring is predicated on a statis-
12 tical correlation between personal money management and insurance risk.
13 Insurance scoring is one of many factors which can be used to evaluate
14 risks and assign rates.
15 Accordingly, the legislature finds that, since it is a calculation
16 that is one of many used actuarial calculations it need not be a deci-
17 sive factor. It is the purpose of this act to direct the superintendent
18 of insurance to promulgate any rules and regulations necessary to
19 prohibit the use of this method of calculating risk in the formulation
20 of auto insurance premiums on policies held by residents of New York.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD00655-02-9

1 S 2. The superintendent of insurance shall review the actuarial meth-
2 ods and formulas currently utilized to determine auto insurance premiums
3 for New York consumers. Such review shall include a determination of
4 whether or not the manner in which insurance premiums are determined
5 includes the use of "credit scores" or similar means of utilizing
6 consumer credit reports to determine a statistical correlation between
7 personal money management and insurance risk. If the superintendent
8 determines that such methods are utilized he or she shall promulgate
9 amended rules and regulations which do not include the use of credit
10 scoring methods. If the superintendent determines that such methods are
11 not utilized, he or she shall promulgate rules and regulations which
12 prohibit the future use of credit scoring methods.

13 S 3. This act shall take effect on the one hundred twentieth day after
14 it shall have become a law, provided, however, that effective immediate-
15 ly, the addition, amendment and/or repeal of any rules or regulations
16 necessary for the implementation of the provisions of this act on its
17 effective date is authorized and directed to be made and completed on or
18 before such effective date.