

6238

I N S E N A T E

January 17, 2012

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, the insurance law and the state finance law, in relation to enacting the "Comprehensive Motor Vehicle Insurance Rate Reform Act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Comprehensive Motor Vehicle Insurance Rate Reform Act".

3 S 2. The executive law is amended by adding a new article 44-A to
4 read as follows:

5 ARTICLE 44-A

6 OFFICE OF PUBLIC INSURANCE ADVOCATE

7 SECTION 945. OFFICE OF PUBLIC INSURANCE ADVOCATE.

8 946. INSURANCE CONSUMER ADVOCATE.

9 947. POWERS AND DUTIES.

10 S 945. OFFICE OF PUBLIC INSURANCE ADVOCATE. THERE IS HEREBY CREATED IN
11 THE EXECUTIVE DEPARTMENT AN INDEPENDENT OFFICE OF INSURANCE CONSUMER
12 ADVOCATE (HEREINAFTER REFERRED TO AS "OFFICE") TO REPRESENT THE INTER-
13 ESTS OF NONBUSINESS AUTOMOBILE INSURANCE CONSUMERS IN NEW YORK STATE.

14 S 946. INSURANCE CONSUMER ADVOCATE. 1. THE GOVERNOR, WITH THE ADVICE
15 AND CONSENT OF THE SENATE, SHALL APPOINT AN INSURANCE CONSUMER ADVOCATE
16 (HEREINAFTER REFERRED TO AS "ADVOCATE") WHO SHALL SERVE AS THE EXECUTIVE
17 DIRECTOR OF THE OFFICE OF INSURANCE CONSUMER ADVOCATE AND SHALL RECEIVE
18 AN ANNUAL SALARY TO BE FIXED BY THE GOVERNOR WITHIN THE AMOUNT AVAILABLE
19 THEREFOR BY APPROPRIATION.

20 2. (A) TO BE ELIGIBLE TO SERVE AS ADVOCATE, A PERSON MUST BE A RESI-
21 DENT OF NEW YORK STATE. THE ADVOCATE SHALL BE A PERSON WHO HAS DEMON-
22 STRATED A STRONG COMMITMENT AND INVOLVEMENT IN EFFORTS TO SAFEGUARD THE
23 RIGHTS OF THE PUBLIC AND WHO POSSESSES THE KNOWLEDGE AND EXPERIENCE
24 NECESSARY TO PRACTICE EFFECTIVELY IN INSURANCE PROCEEDINGS.

25 (B) A PERSON IS NOT ELIGIBLE FOR APPOINTMENT AS ADVOCATE IF THE PERSON
26 OR THE PERSON'S SPOUSE:

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

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1 (I) IS EMPLOYED BY OR PARTICIPATES IN THE MANAGEMENT OF A BUSINESS
2 ENTITY OR OTHER ORGANIZATION REGULATED BY THE INSURANCE DEPARTMENT OR
3 RECEIVING FUNDS FROM THE DEPARTMENT;

4 (II) OWNS OR CONTROLS, DIRECTLY OR INDIRECTLY, MORE THAN TEN PERCENT
5 INTEREST IN A BUSINESS ENTITY OR OTHER ORGANIZATION REGULATED BY THE
6 INSURANCE DEPARTMENT OR RECEIVING FUNDS FROM THE INSURANCE DEPARTMENT OR
7 THE OFFICE;

8 (III) USES OR RECEIVES A SUBSTANTIAL AMOUNT OF TANGIBLE GOODS,
9 SERVICES, OR FUNDS FROM THE INSURANCE DEPARTMENT OR THE OFFICE, OTHER
10 THAN COMPENSATION OR REIMBURSEMENT AUTHORIZED BY LAW FOR THE INSURANCE
11 DEPARTMENT OR OFFICE MEMBERSHIP, ATTENDANCE OR EXPENSES.

12 3. THE ADVOCATE SHALL SERVE FOR A TERM OF TWO YEARS EXPIRING ON FEBRU-
13 ARY FIRST OF EACH ODD-NUMBERED YEAR.

14 4. IT IS A GROUND FOR REMOVAL FROM OFFICE IF THE ADVOCATE:

15 (A) DOES NOT HAVE AT THE TIME OF APPOINTMENT THE QUALIFICATIONS
16 REQUIRED BY THIS SECTION;

17 (B) DOES NOT MAINTAIN DURING SERVICE AS ADVOCATE THE QUALIFICATIONS
18 REQUIRED BY THIS SECTION;

19 (C) VIOLATES A PROHIBITION ESTABLISHED BY THIS SECTION; OR

20 (D) CANNOT DISCHARGE THE ADVOCATE'S DUTIES FOR A SUBSTANTIAL PART OF
21 THE TERM FOR WHICH THE ADVOCATE IS APPOINTED BECAUSE OF ILLNESS OR DISA-
22 BILITY.

23 5. THE VALIDITY OF AN ACTION OF THE OFFICE IS NOT AFFECTED BY THE FACT
24 THAT IT IS TAKEN WHEN A GROUND FOR REMOVAL OF THE ADVOCATE EXISTS.

25 6. (A) A PERSON MAY NOT SERVE AS THE ADVOCATE OR ACT AS THE GENERAL
26 COUNSEL FOR THE OFFICE OF ADVOCATE IF THE PERSON IS REQUIRED TO REGISTER
27 AS A LOBBYIST PURSUANT TO ARTICLE ONE-A OF THE LEGISLATIVE LAW.

28 (B) A PERSON SERVING AS THE ADVOCATE MAY NOT, FOR A PERIOD OF TWO
29 YEARS AFTER THE DATE THE PERSON CEASES TO BE AN ADVOCATE, REPRESENT ANY
30 PERSON IN A PROCEEDING BEFORE THE SUPERINTENDENT OF INSURANCE OR THE
31 INSURANCE DEPARTMENT OR RECEIVE COMPENSATION FOR SERVICES RENDERED ON
32 BEHALF OF ANY PERSON REGARDING A CASE BEFORE THE SUPERINTENDENT OF
33 INSURANCE OR THE INSURANCE DEPARTMENT.

34 (C) AN OFFICER, EMPLOYEE OR PAID CONSULTANT OF A TRADE ASSOCIATION IN
35 THE FIELD OF INSURANCE MAY NOT SERVE AS THE ADVOCATE OR BE AN EMPLOYEE
36 OF THE OFFICE.

37 (D) A PERSON WHO IS THE SPOUSE OF AN OFFICER, MANAGER, OR PAID
38 CONSULTANT OF A TRADE ASSOCIATION IN THE FIELD OF INSURANCE MAY NOT
39 SERVE AS THE ADVOCATE AND MAY NOT BE AN OFFICE EMPLOYEE.

40 (E) FOR THE PURPOSES OF THIS SECTION, A TRADE ASSOCIATION IS A NONPRO-
41 FIT, COOPERATIVE, AND VOLUNTARILY JOINED ASSOCIATION OF BUSINESS OR
42 PROFESSIONAL COMPETITORS DESIGNED TO ASSIST ITS MEMBERS AND ITS INDUSTRY
43 OR PROFESSION IN DEALING WITH MUTUAL BUSINESS OR PROFESSIONAL PROBLEMS
44 AND IN PROMOTING THEIR COMMON INTEREST.

45 S 947. POWERS AND DUTIES. 1. THE ADVOCATE, AS EXECUTIVE DIRECTOR OF
46 THE OFFICE, SHALL BE CHARGED WITH THE RESPONSIBILITY OF ADMINISTERING,
47 ENFORCING AND CARRYING OUT THE PROVISIONS OF THIS ARTICLE, INCLUDING
48 PREPARATION OF A BUDGET FOR THE OFFICE, EMPLOYING ALL NECESSARY PROFES-
49 SIONAL, TECHNICAL, AND OTHER EMPLOYEES TO CARRY OUT PROVISIONS OF THIS
50 ARTICLE, APPROVAL OF EXPENDITURES FOR PROFESSIONAL SERVICES, TRAVEL, PER
51 DIEM, AND OTHER ACTUAL AND NECESSARY EXPENSES INCURRED IN ADMINISTERING
52 THE OFFICE. EXPENSES FOR THE OFFICE SHALL BE PAID FROM THE ASSESSMENT
53 IMPOSED IN SECTION NINE THOUSAND ONE HUNDRED TEN OF THE INSURANCE LAW.
54 THE COMPENSATION OF EMPLOYEES OF THE OFFICE SHALL BE FIXED BY THE ADVO-
55 CATE WITHIN THE APPROPRIATION PROVIDED THEREFOR.

1 2. THE OFFICE SHALL FILE ANNUALLY WITH THE GOVERNOR AND THE PRESIDING
2 OFFICER OF EACH HOUSE OF THE LEGISLATURE A COMPLETE AND DETAILED WRITTEN
3 REPORT ACCOUNTING FOR ALL FUNDS RECEIVED AND DISBURSED BY THE OFFICE
4 DURING THE PRECEDING FISCAL YEAR. THE ANNUAL REPORT MUST BE IN THE FORM
5 AND REPORTED AS PART OF THE EXECUTIVE BUDGET.

6 3. ALL MONEY PAID TO THE OFFICE UNDER THIS ARTICLE SHALL BE DEPOSITED
7 IN THE STATE TREASURY.

8 4. THE OFFICE MAY ASSESS THE IMPACT OF INSURANCE RATES, RULES, AND
9 REGULATIONS ON NONBUSINESS AUTOMOBILE INSURANCE CONSUMERS IN NEW YORK
10 STATE AND, IN ITS OWN NAME, MAY ADVOCATE ON BEHALF OF POSITIONS THAT ARE
11 MOST ADVANTAGEOUS TO A SUBSTANTIAL NUMBER OF INSURANCE CONSUMERS AS
12 DETERMINED BY THE ADVOCATE.

13 5. THE ADVOCATE:

14 (A) MAY APPEAR OR INTERVENE AS A MATTER OF RIGHT BEFORE THE SUPER-
15 INTENDENT OF INSURANCE OR INSURANCE DEPARTMENT AS A PARTY OR OTHERWISE
16 ON BEHALF OF INSURANCE CONSUMERS AS A CLASS IN MATTERS INVOLVING RATES,
17 RULES, AND REGULATIONS AFFECTING NONBUSINESS AUTOMOBILE INSURANCE;

18 (B) MAY INITIATE OR INTERVENE AS A MATTER OF RIGHT OR OTHERWISE APPEAR
19 IN ANY JUDICIAL PROCEEDING INVOLVING OR ARISING OUT OF ANY ACTION TAKEN
20 BY AN ADMINISTRATIVE AGENCY IN A PROCEEDING IN WHICH THE ADVOCATE PREVI-
21 OUSLY APPEARED UNDER THE AUTHORITY GRANTED BY THIS ARTICLE;

22 (C) IS ENTITLED TO ACCESS ANY RECORDS OF THE DEPARTMENT THAT ARE
23 AVAILABLE TO ANY PARTY IN A PROCEEDING BEFORE THE SUPERINTENDENT OF
24 INSURANCE OR INSURANCE DEPARTMENT UNDER THE AUTHORITY GRANTED BY THIS
25 ARTICLE;

26 (D) IS ENTITLED TO OBTAIN DISCOVERY OF ANY NON-PRIVILEGED MATTER THAT
27 IS RELEVANT TO THE SUBJECT MATTER INVOLVED IN A PROCEEDING OR SUBMISSION
28 BEFORE THE SUPERINTENDENT OF INSURANCE OR INSURANCE DEPARTMENT AS
29 AUTHORIZED BY THIS ARTICLE;

30 (E) MAY RECOMMEND LEGISLATION TO THE LEGISLATURE THAT, IN THE JUDGMENT
31 OF THE ADVOCATE, WOULD AFFECT POSITIVELY THE INTERESTS OF NONBUSINESS
32 AUTOMOBILE INSURANCE CONSUMERS;

33 (F) MAY APPEAR OR INTERVENE AS A MATTER OF RIGHT AS A PARTY OR OTHER-
34 WISE ON BEHALF OF NONBUSINESS AUTOMOBILE INSURANCE CONSUMERS AS A CLASS
35 IN ALL PROCEEDINGS IN WHICH THE ADVOCATE DETERMINES THAT SUCH CONSUMERS
36 NEED REPRESENTATION, EXCEPT THAT THE ADVOCATE MAY NOT INTERVENE IN ANY
37 ENFORCEMENT OR PARENS PATRIAE PROCEEDING BROUGHT BY THE ATTORNEY GENER-
38 AL.

39 6. (A) THE OFFICE SHALL PREPARE INFORMATION OF PUBLIC INTEREST
40 DESCRIBING THE FUNCTIONS OF THE OFFICE. THE OFFICE SHALL MAKE THE INFOR-
41 MATION AVAILABLE TO THE PUBLIC, LAWMAKERS AND APPROPRIATE STATE AGEN-
42 CIES.

43 (B) THE OFFICE SHALL PREPARE AND MAINTAIN A WRITTEN PLAN THAT
44 DESCRIBES HOW EACH PERSON WHO DOES NOT SPEAK ENGLISH CAN BE PROVIDED
45 REASONABLE ACCESS TO THE OFFICE'S PROGRAMS.

46 (C) THE OFFICE SHALL PREPARE AND DISTRIBUTE PUBLIC EDUCATION MATERIALS
47 FOR CONSUMERS, LEGISLATORS AND REGULATORS.

48 (D) THE OFFICE MAY PARTICIPATE IN TRADE ASSOCIATIONS.

49 S 3. Subsection (d) of section 2321 of the insurance law is amended to
50 read as follows:

51 (d) Proceedings pursuant to subsections (b) and (c) [hereof] OF THIS
52 SECTION may be instituted upon the initiative of the superintendent or
53 upon written application to the superintendent by any aggrieved person
54 or organization, other than a rate service organization, for a hearing,
55 if the superintendent finds that the application is made in good faith
56 and that the grounds otherwise justify holding such a hearing WHICH

1 SHALL BE HELD WITHIN FIFTEEN DAYS OF THE REQUEST; PROVIDED, HOWEVER,
2 THAT THE SUPERINTENDENT SHALL HOLD SUCH A HEARING WITHIN FIFTEEN DAYS OF
3 AN APPLICATION THEREFOR FROM THE INSURANCE CONSUMER ADVOCATE ESTABLISHED
4 UNDER ARTICLE FORTY-FOUR-A OF THE EXECUTIVE LAW. IN THE CASE OF A DENIAL
5 OF AN APPLICATION FOR A HEARING FILED BY ANY AGGRIEVED PERSON OR ANY
6 OTHER ORGANIZATION, THE SUPERINTENDENT SHALL PROVIDE THE REASONS THERE-
7 FOR IN WRITING TO THE APPLICANT WITHIN FIFTEEN DAYS OF SUCH DENIAL.

8 S 4. Subsection (c) of section 2305 of the insurance law is amended to
9 read as follows:

10 (c) Rates filed with the superintendent shall be accompanied by the
11 information upon which the insurer supports the rate as set forth in
12 subsection (b) of section two thousand three hundred four of this arti-
13 cle. WITH RESPECT TO RATES FILED FOR NONBUSINESS AUTOMOBILE POLICIES,
14 SUCH FILINGS SHALL INCLUDE ALL STATISTICAL DATA RELIED UPON TO SUPPORT
15 THE FILING AND SUCH OTHER INFORMATION AS THE SUPERINTENDENT SHALL
16 REQUIRE. SUCH FILINGS AND SUPPORTING INFORMATION SHALL CONFORM WITH
17 STANDARDS OF UNIFORMITY WHICH THE SUPERINTENDENT SHALL PRESCRIBE BY
18 REGULATION ON OR BEFORE THE JANUARY IMMEDIATELY FOLLOWING THE EFFECTIVE
19 DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TWELVE THAT AMENDED THIS
20 SUBSECTION.

21 S 5. Section 89-d of the state finance law, as amended by chapter 170
22 of the laws of 1994 and subdivision 2 as amended by section 4 of part T
23 of chapter 56 of the laws of 2009, is amended to read as follows:

24 S 89-d. Motor vehicle theft and insurance fraud prevention fund. 1.
25 There is hereby established in the custody of the comptroller, a special
26 fund to be known as the "motor vehicle theft and insurance fraud
27 prevention fund".

28 2. Such fund shall consist of all moneys received by the state pursu-
29 ant to subsection (b) of section nine thousand one hundred ten of the
30 insurance law that are transferred to the fund pursuant to paragraph one
31 of subsection (e) of section nine thousand one hundred ten of the insur-
32 ance law and all other grants, bequests or other moneys appropriated,
33 credited or transferred thereto from any other fund or source pursuant
34 to law.

35 3. Moneys in the motor vehicle theft and insurance fraud prevention
36 fund shall be kept separate and apart and shall not be commingled with
37 any other moneys in the custody of the comptroller and shall only be
38 expended herein and in such amounts as approved by the division of the
39 budget.

40 4. [The] EXCEPT AS PROVIDED IN THIS SUBDIVISION, THE moneys received
41 by such fund shall be expended pursuant to appropriation only to fund
42 provider agencies which have been awarded grants by the motor vehicle
43 theft and insurance fraud prevention board established pursuant to
44 section eight hundred forty-six-1 of the executive law. All moneys
45 expended pursuant to this subdivision shall be for the reimbursement of
46 costs incurred by provider agencies; PROVIDED, HOWEVER THAT NO LESS THAN
47 ONE MILLION TWO HUNDRED THOUSAND DOLLARS SHALL BE USED FOR THE PURPOSES
48 OF CREATING, ADMINISTERING AND OPERATING THE OFFICE OF INSURANCE CONSUM-
49 ER ADVOCATE CREATED PURSUANT TO ARTICLE FORTY-FOUR-A OF THE EXECUTIVE
50 LAW.

51 S 6. Section 2329 of the insurance law, as amended by chapter 102 of
52 the laws of 2011, is amended to read as follows:

53 S 2329. Motor vehicle insurance rates; excess profits. (A) In accord-
54 ance with regulations prescribed by the superintendent, each insurer
55 issuing policies which are subject to article fifty-one of this chapter,
56 including policies of motor vehicle personal injury liability insurance

1 or policies of motor vehicle property damage liability insurance or
2 insurance for loss or damage to a motor vehicle, shall establish a fair,
3 practicable, and nondiscriminatory plan for refunding or otherwise cred-
4 iting to those purchasing such policies their share of the insurer's
5 excess profit, if any, on such policies. An excess profit shall be a
6 profit beyond a percentage rate of return on net worth attributable to
7 such policies, computed in accordance with the regulation required by
8 section two thousand three hundred twenty-three of this article, and
9 determined by the superintendent to be so far above a reasonable average
10 profit as to amount to an excess profit, taking into consideration the
11 fact that losses or profits below a reasonable average profit will not
12 be recouped from such policyholders. Each plan shall apply to policy
13 periods for the periods January first, nineteen hundred seventy-four
14 through August second, two thousand one, and the effective date of the
15 property/casualty insurance availability act through June thirtieth, two
16 thousand fourteen. In prescribing such regulations the superintendent
17 may limit the duration of such plans, waive any requirement for refund
18 or credit which he or she determines to be de minimis or impracticable,
19 adopt forms of returns which shall be made to him or her in order to
20 establish the amount of any refund or credit due, establish periods and
21 times for the determination and distribution of refunds and credits, and
22 shall provide that insurers receive appropriate credit against any
23 refunds or credits required by any such plan for policyholder dividends
24 and for return premiums which may be due under rate credit or retrospec-
25 tive rating plans based on experience.

26 (B)(1) ON OR BEFORE NOVEMBER FIRST, TWO THOUSAND THIRTEEN, AND ANNUAL-
27 LY THEREAFTER, THE SUPERINTENDENT SHALL COMPLETE A RECALCULATION OF THE
28 POINTS FOR REASONABLE RATE OF RETURN AND EXCESS PROFITS ESTABLISHED
29 UNDER THE REGULATIONS PROMULGATED PURSUANT TO THIS SECTION, USING THE
30 MOST RECENT SIX YEAR PERIOD FOR WHICH DATA IS AVAILABLE. IF SUCH RECAL-
31 CULATION RESULTS IN A CHANGE IN SUCH POINTS, THE SUPERINTENDENT SHALL
32 IMMEDIATELY ADOPT SUCH POINTS IN REGULATION, AND, IF, UNDER SUCH RECAL-
33 CULATION, EXCESS PROFITS HAVE BEEN REALIZED, SHALL IMMEDIATELY ACTIVATE
34 PLANS FOR REFUNDING OR OTHERWISE CREDITING TO THOSE PURCHASING SUCH
35 POLICIES THEIR SHARE OF INSURERS' EXCESS PROFIT, IN ACCORDANCE WITH THE
36 REGULATIONS PROMULGATED HEREUNDER.

37 (2) ON OR BEFORE DECEMBER FIRST, TWO THOUSAND THIRTEEN, AND ANNUALLY
38 THEREAFTER, THE SUPERINTENDENT SHALL HOLD A PUBLIC HEARING ON THE
39 RESULTS OF SUCH RECALCULATION AND ANY ACTIONS INSTITUTED PURSUANT TO
40 THIS SECTION AS A RESULT OF SUCH RECALCULATION. ON OR BEFORE JANUARY
41 FIRST, TWO THOUSAND FOURTEEN, AND ANNUALLY THEREAFTER, THE SUPERINTEN-
42 DENT SHALL SEND A TRANSCRIPT OF THE HEARING TO THE LEGISLATURE AND A
43 REPORT ON THE RESULTS OF SUCH RECALCULATION AND ANY ACTIONS INSTITUTED
44 AS REQUIRED BY THIS SECTION.

45 (3) ON OR BEFORE OCTOBER FIRST, TWO THOUSAND THIRTEEN, THE SUPERINTEN-
46 DENT SHALL ISSUE A REQUEST FOR PROPOSALS TO CONDUCT AN INDEPENDENT AUDIT
47 AND EVALUATION, WITH RESPECT TO NONBUSINESS AUTOMOBILE INSURANCE, OF
48 INSURER COMPLIANCE WITH AND THE SUPERINTENDENT'S IMPLEMENTATION AND
49 ENFORCEMENT OF THE PROVISIONS OF THIS SECTION. THE SUPERINTENDENT SHALL
50 PROVIDE THE CHAIRS OF THE ASSEMBLY AND SENATE COMMITTEES ON INSURANCE
51 WITH THE RESPONSES TO THE REQUEST FOR PROPOSALS, AND SHALL CONSULT WITH
52 SUCH CHAIRS ON THE SELECTION OF THE FIRM TO CONDUCT THE AUDIT.

53 SUCH AUDIT SHALL BE COMPLETED AND A REPORT SUBMITTED BY NOVEMBER
54 FIRST, TWO THOUSAND FOURTEEN TO THE SUPERINTENDENT AND THE LEGISLATURE.
55 THE SCOPE OF THE AUDIT SHALL INCLUDE, BUT NOT BE LIMITED TO:

1 (I) AN IDENTIFICATION AND EVALUATION OF EVENTS AND CONDITIONS INFLU-
2 ENCING INSURER PROFITS, INCLUDING, BUT NOT LIMITED TO: THE BUSINESS
3 CLIMATE AND CHANGES IN ECONOMIC CONDITIONS, INCLUDING INTEREST RATES;
4 (II) AN ASSESSMENT OF THE APPROPRIATENESS OF THE METHODOLOGY FOR
5 SELECTING A REASONABLE RATE OF RETURN AND EXCESS PROFIT THRESHOLD UNDER
6 SUCH REGULATION;
7 (III) AN ASSESSMENT OF THE FEASIBILITY OF USING INDIVIDUAL INSURER
8 RESULTS RATHER THAN AGGREGATE INDUSTRY DATA FOR TESTING PROFITABILITY;
9 (IV) AN ASSESSMENT OF THE FEASIBILITY OF AVERAGING DATA OVER LESS THAN
10 A SIX YEAR PERIOD FOR MEASURING EXCESS PROFITS;
11 (V) AN ASSESSMENT OF THE DEPARTMENT'S ACTIVITIES WITH RESPECT TO
12 RECALCULATING THE POINTS FOR REASONABLE RATE OF RETURN AND EXCESS
13 PROFITS;
14 (VI) A RECALCULATION OF THE POINTS FOR REASONABLE RATE OF RETURN AND
15 EXCESS PROFITS USING THE MOST RECENT SIX YEAR PERIOD FOR WHICH DATA IS
16 AVAILABLE; AND
17 (VII) AN IDENTIFICATION AND EVALUATION OF OTHER STATES' EXCESS PROFITS
18 LAWS, REGULATIONS, IMPLEMENTATION OF SUCH LAWS AND REGULATIONS, AND
19 METHODOLOGIES FOR CALCULATING POINTS FOR REASONABLE RATE OF RETURN.
20 THE REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO: RECOMMENDATIONS FOR
21 CHANGES TO THE LAW, REGULATIONS AND IMPLEMENTATION AND ENFORCEMENT OF
22 SUCH PROVISIONS BASED ON THE FINDINGS OF SUCH AUDIT AND EVALUATION.
23 WITHIN THREE MONTHS OF THE RECEIPT OF SUCH REPORT, THE SUPERINTENDENT
24 SHALL HOLD A PUBLIC HEARING WITH REGARD TO THE DEPARTMENT'S RESPONSE TO
25 THE FINDINGS AND RECOMMENDATIONS OF THE REPORT.
26 S 7. This act shall take effect immediately, provided, however, that
27 this act shall apply to insurance contracts issued or renewed on or
28 after such effective date, and shall apply at the next required policy
29 period, commencing on or after such date, to any insurance contract
30 written prior to the effective date of this act.