

3880

2013-2014 Regular Sessions

I N A S S E M B L Y

January 29, 2013

Introduced by M. of A. TITONE, GIBSON, ROBINSON, BARRON, CASTRO, HOOPER
-- Multi-Sponsored by -- M. of A. COLTON, GABRYSZAK, LIFTON, MAGEE --
read once and referred to the Committee on Insurance

AN ACT to direct the superintendent of financial services 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 information
9 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 statistical
12 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 decisive
17 factor. It is the purpose of this act to direct the superintendent
18 of financial services to promulgate any rules and regulations necessary
19 to prohibit the use of this method of calculating risk in the formulation
20 of auto insurance premiums on policies held by residents of New
21 York.
22 S 2. The superintendent of financial services shall review the actuarial
23 methods and formulas currently utilized to determine auto insurance

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

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

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