

# Measure R398

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## **INSTRUCTIONS:**

Please carefully read the following description of a ballot measure that was written by a disinterested expert. Feel free to take notes or outline passages as you read.

This should take approximately 10 minutes.

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## **BALLOT MEASURE R398**

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### **BACKGROUND**

Various types of insurance are sold in California, including automobile, liability, fire, health and life. In 1987, companies collected about \$50 billion in premiums from the sale of insurance. In turn, the state received about \$1 billion from a tax on these premiums.

Motor vehicle insurance is one of the major types of insurance purchased in the state. It accounted for about \$12 billion. (24 percent) of all premiums collected during 1987. Additionally, fire and liability insurance premiums totaled about \$10 billion, or 21 percent, of all premiums.

***Rate Setting by Insurance Companies.*** Currently, insurance companies set rates for various types of insurance, using a number of factors. For motor vehicle insurance, these factors generally include the age, sex, marital status, driving record, type of vehicle and home address of the insured. The insurance companies also take into consideration other factors such as their claims experience, income and expenses. Insurance companies are not required to tell the public what relative weight they give to these factors when setting rates. In addition, insurance companies are not subject to the state's antitrust laws.

### **Role of the Department of Insurance in Reviewing**

***Rates.*** Currently, the Department of Insurance does not review and approve insurance rate changes before they take effect. Instead, the Department of Insurance can request insurance companies to justify such rates after they take effect, as part of the rate examination process or in response to complaints from consumers. Historically, the scope and frequency of rate examinations has been limited.

### **PROPOSAL**

In summary, this measure:

- Requires insurance companies to reduce rates for various types of insurance, including motor vehicle, fire and liability.
- Requires insurance companies to offer a "Good Driver Discount Plan" and makes other changes regarding automobile insurance.

- Requires the Insurance Commissioner to review and approve rate increases—for various types of insurance—before they can take effect.
- Requires that the Insurance Commissioner be elected.

This measure changes the laws that regulate insurance rates for certain types of insurance. It applies to motor vehicle, fire and liability insurance, but not to mortgage and disability insurance.

## **Rate Reductions**

1. **Rate Reduction.** This measure requires that rates for motor vehicle, fire and liability insurance issued or renewed on or after November 8, 1988, be reduced by 20 percent from their levels on November 8, 1987.

2. **Rate Freeze.** The measure requires that the rates be kept at the reduced levels until November 8, 1989.

During this period, the rates can be increased only if the Insurance Commissioner determines that the affected insurance company is threatened with insolvency.

## **Review and Approval of Insurance Rate Filings**

Beginning November 8, 1989, the measure requires the Insurance Commissioner to review and approve rate changes before they go into effect. Insurance companies are required to file information with the commissioner to justify the new rates. In general, the commissioner is required to hold a public hearing on the proposed rate change whenever it exceeds certain percentages. Additionally, the commissioner is authorized to hold a hearing when requested by a consumer.

## **Good Driver Discount Plan and Other Automobile Provisions**

1. **"Good Driver" Discount.** This measure requires insurance companies to offer motor vehicle insurance to good drivers at reduced rates. These rates would take effect November 8, 1989, (one year after the general rate reduction) and would be 20 percent below the rate which would otherwise have been paid for the same coverage.  
person who, during the last three years, has (a) held a driver's license and (b) had no more than one conviction for a moving violation.

2. **Determining Factors for Rates.** In general, the measure requires that rates and premiums for automobile insurance be determined on the basis of the insured person's driving record, miles driven and number of years of driving experience.

## **Other Insurance-Related Provisions**

1. **Antitrust Laws.** The measure makes insurance companies subject to the state's antitrust laws.

2. ***Election of Insurance Commissioner.*** The measure requires that the Insurance Commissioner be elected, the first election taking place in 1990.

3. ***Consumer Assistance.*** The measure requires the establishment of a nonprofit corporation to represent the interests of insurance consumers. Additionally, the measure requires the Insurance Commissioner to provide consumers—upon request and for a reasonable fee—with a comparison of the rates for each personal (that is, noncommercial) type of insurance offered in California. In general, this would include rates for private automobile, homeowner's and renter's insurance.

4. ***Discounts or Rebates.*** The measure permits insurance agents and brokers to give certain discounts or rebates to those who buy insurance from them. It does so, by eliminating the prohibition in current law against such discounts or rebates.



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