# Insurance Administration 

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June 26, 2013

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House, H-107
Annapolis, Maryland 21401

The Honorable Michael E. Busch
Speaker of the House of Delegates
State House, H-101
Annapolis, Maryland 21401

Dear President Miller and Speaker Busch:
Re: 2013 Report on the Use of Territories as a Rating Factor in Establishing Private Passenger Automobile Insurance Rates - MSAR \# 5892

Pursuant to Section 11-339 of the Insurance Article, Annotated Code of Maryland, the Maryland Insurance Administration is enclosing its 2013 Report on the Use of Territories as a Rating Factor in Establishing Private Passenger Automobile Insurance Rates.

Should you have any questions regarding this report, please do not hesitate to contact me.

Very truly yours,
signature on original

Therese M. Goldsmith Insurance Commissioner

## Enclosure

Cc: Thomas M. Middleton, Chairman, Senate Finance Committee
Dereck E. Davis, Chairman, House Economic Matters Committee
Victoria L. Gruber, Esq., Chief of Staff, Senate President
Kristin F. Jones, Chief of Staff, Speaker of the House
Tamela D. Burt, Committee Staff, Senate Finance
Robert K. Smith, Esq., Committee Counsel, House Economic Matters
Sarah T. Albert, Library \& Information Services (5 copies)


> 2013 Report on the Use of Territory as a Rating Factor in Establishing Private Passenger Automobile Insurance Rates

June, 2013

For further information concerning this document, please contact:

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Section 11-339 of the Insurance Article (Chapter 410, Laws of Maryland 2006) requires the Insurance Commissioner to submit a report to the General Assembly on or before July 1 of each year about the use of territory as a factor in establishing rates for private passenger automobile insurance by insurers and the Maryland Automobile Insurance Fund ("MAIF"). The report must contain information on (1) the number of insurers actively engaged in providing private passenger automobile insurance coverage in the State; and (2) the number of insurers that use territory as a factor in establishing private passenger automobile insurance rates.

For this report, the Maryland Insurance Administration ("the Administration") uses the National Association of Insurance Commissioners ("NAIC") definition of private passenger automobile insurance for premium-reporting purposes. Whereas an automobile may be considered to be a four-wheeled, motorized vehicle that can be operated lawfully on public highways, the NAIC definition of private passenger automobile for premium-reporting purposes is broader. That definition includes not only automobiles, but also includes recreational vehicles ("RVs"), trailers (both travel and utility), motorcycles, scooters, all terrain vehicles ("ATVs"), and antique and collector cars. Certain types of mobile homes, warranties and mechanical breakdown coverages also may be included. Thus, the NAIC definition for private passenger automobile insurance includes coverage written for all motor vehicles as defined in Maryland Code Annotated, Transportation, Sections 11-134 through 11-136. Any motor vehicles other than automobiles will be described as specialty vehicles in this report.

## Use of Territory as a Rating Factor in the 2012 Private Passenger Automobile Market

For calendar year 2012, 158 insurers reported direct premiums written for the private passenger automobile insurance lines of business. (Exhibit 1) Those lines of business are: 19.1 - Private passenger auto no-fault (personal injury protection); 19.2 - Other private passenger auto liability; and 21.1 - Private passenger auto physical damage. ${ }^{1}$ One of the 158 insurers included in Exhibit 1 reflects negative written premium for 2012.

All carriers insuring automobiles use territories for rating purposes. Additionally, territories may be used when insuring RVs, motorcycles, and scooters. For other specialty vehicle coverages, such as coverage for antique and collector vehicles, ATVs and trailers (travel and utility), the use of territories depends on the particular insurer and type of product/program that it is offering. Exhibit 2 summarizes the number of insurance companies providing coverage for automobiles and specialty vehicles. As shown in Exhibit 2, 135 carriers representing $99.69 \%$ of the Maryland automobile insurance market by premium volume insure automobiles, and all of those carriers use territory as a rating factor.

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## Certifications of Compliance

Sections 11-216 and 11-319 of the Insurance Article (Chapter 410, Laws of Maryland 2006) require any insurer using territory as a factor in establishing automobile insurance rates to submit a statement to the Insurance Commissioner certifying that: (1) the territories used by the insurer have been reviewed within the previous three years and (2) the use of the territories is actuarially justified.

In 2007, the Insurance Commissioner adopted regulations governing compliance with Sections 11-216 and 11-319. ${ }^{2}$ Among other things, those regulations contain a Certification Statement for use by MAIF and authorized insurance companies to certify that their territories have been reviewed in the past three years and that the use of those territories is actuarially justified. The Administration has developed a database to track the filing of those Certification Statements. That information is summarized in Exhibit 4. The summary includes the name of the insurer, 2012 premium written, whether a Certification Statement has been submitted within a rolling three-year period from 2010 through May 2013, and if so, when. Two insurers have been contacted for additional information regarding compliance with the certification filing requirements. All other insurers writing private passenger automobile insurance in the State appear to be in compliance with Sections 11-216 and 11-319 of the Insurance Article and COMAR 31.07.03.

## Summary

As in prior years, every company that insures automobiles in Maryland utilized territory as a rating factor in calendar year 2012. The Maryland Insurance Administration's rate guide for Private Passenger Automobiles, available at:
http://www.mdinsurance.state.md.us/sa/docs/documents/consumer/publicnew/autorategui de.pdf., shows how territorial rating is applied in certain scenarios within certain zip codes.

[^1]
## List of Exhibits

* Exhibit 1: Private Passenger Automobile Insurers 2012 Market Share and Use of Territory as a Rating Factor
* Exhibit 2: 2012 Market Share for Insurers Writing Automobile Insurance
* Exhibit 3: COMAR 31.07.03 Review of Automobile Rating Territories
* Exhibit 4: 2012 Private Passenger Automobile Insurers Filing Certifications in Accordance with COMAR 31.07.03

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The following company wrote private passenger automobile insurance in 2012 prior to being ordered into receivership. To date $\begin{array}{ccl}253 & 14168 & \text { HARLEYSVILLE MUT INS CO } \\ 212 & 23795 & \text { 21ST CENTURY PACIFIC INS CO } \\ 1281 & 24821 & \text { MERITPLAN INS CO } \\ 212 & 36587 & \text { 21ST CENTURY NATL INS CO } \\ 4254 & 40827 & \text { VIRGINIA SURETY CO INC }\end{array}$

The following 5 companies wrote private passenger automobile insurance in 2011, but not in 2012.
 These companies target a select market, and do not sell to the general public

Indicates 2012 is the first year with reported premium.
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automobile premium.



 antique autos, trailers, scooters and ATVs *Automobile Insurers also may write coverages for specialty vehicles, such as motorcycles, RVs, | Type of Insurer |
| :--- |
| Automobile* |
| Specialty Only |
| All Other** |
| TOTAL |

# 31 MARYLAND INSURANCE ADMINISTRATION 

## Subtitle 07 INSURANCE RATING LAW

## Chapter 03 Review of Automobile Rating Territories

Authority: Insurance Article, §§2-109, 11-216, 11-319, and 11-339, Annotated Code of Maryland

## . 01 Purpose.

The purpose of this chapter is to ensure that all insurers that use territory as a factor in establishing automobile insurance rates in the State, including the Maryland Automobile Insurance Fund, file statements with the Commissioner that satisfy the requirements of Insurance Article, §§11-216 and 11-319, Annotated Code of Maryland.

## . 02 Triannual Review of Territories.

Each insurer that uses territory as a factor in establishing automobile insurance rates in the State, including the Maryland Automobile Insurance Fund, shall conduct a review of its territories every 3 years.

## .03 Filing Requirements.

A. Each insurer that uses territory as a factor in establishing automobile insurance rates in the State, including the Maryland Automobile Insurance Fund, shall file with the Commissioner a certification statement.
B. The certification statement shall be on the form adopted by the Commissioner in Regulation .04 of this chapter.
C. The certification statement shall be filed:
(1) On or before June 1, 2007;
(2) Upon completion of each review required by the Commissioner pursuant to Regulation .02 of this chapter; and
(3) Contemporaneously with each rate filing that indicates a modification of territorial rating factors.

## .04 Certification Statement for Automobile Insurers.

A. Certification Statement for Insurers and Rating Organizations.
$\qquad$ , a duly authorized representative of $\qquad$ (insurer or rating organization), NAIC \# $\qquad$ (if applicable), do hereby certify that the following information is true to the best of my knowledge and belief.

1. The use of territories as a factor in rating by the above-named (insurer or rating organization) has been reviewed within the previous 3 years; and
2. Use of the territories on file, or as set forth in this filing, are actuarially justified. I understand that the Maryland Insurance Administration will rely on this certification, and if it is determined that this certification is materially false or incorrect, the insurer may be subject to administrative action, including appropriate penalties.

Date Signature of Authorized Representative
Name of Authorized Representative:

Title: $\qquad$
Address of Insurer: $\qquad$
Mail certification statement to: P \& C Rate and Form Unit, Maryland Insurance Administration, 200 St. Paul Place, Baltimore, MD 21202.

## B. Certification Statement for Insurers Adopting the Certification Statement of a Rating Organization.

## CERTIFICATION STATEMENT

REVIEW OF AUTOMOBILE RATING TERRITORIES
I, $\qquad$ , a duly authorized representative of $\qquad$ insurer), NAIC \# $\qquad$ , do hereby certify that the following information is true to the best of my knowledge and belief.
1.\#032; $\qquad$ (insurer) is a member of or subscriber to $\qquad$ (rating organization), a licensed rating organization, and has authorized the Commissioner to accept filings from $\qquad$ (rating organization) on its. behalf or has filed to adopt $\qquad$ (rating organization's) filings.
2. \#032; $\qquad$ (insurer) has filed no deviations relating to territory from the automobile rate filings submitted by $\qquad$ (rating organization).
3. \#032; $\qquad$ (rating organization) has filed with the Commissioner the certification statement required by Insurance Article, §11-216 or 11-319, Annotated Code of Maryland, and COMAR 31.07.03.03.
4. \#032; $\qquad$ (insurer) hereby adopts the statements made in the certification statement.

I understand that the Maryland Insurance Administration will rely on this.certification, and if it is determined that this certification is materially false or incorrect, the insurer may be subject to administrative action, including appropriate penalties.

[^2]Name of Authorized Representative:

Title: $\qquad$

Address of Insurer: $\qquad$
Mail certification statement to: P\&C Rate and Form Unit, Maryland Insurance Administration, 200 St. Paul Place, Baltimore, MD 21202.

## .05 Filings Made By Rating Organizations.

A. A licensed rating organization that files on behalf of its members or subscribers automobile insurance rates that use territory as a factor in establishing automobile insurance rates in the State shall comply with the provisions of Regulations .02-. 04 of this chapter.
B. An insurer that is required to file a certification statement may utilize the certification statement in Regulation . 04 B of this chapter if:
(1) The insurer is a member or subscriber of a licensed rating organization which has been authorized to make filings on the insurer's behalf or the insurer has filed to adopt the rating organization's filing; and
(2) The insurer has not filed with the Commissioner a deviation from the rates, loss costs, or both, filed by the rating organization relating to the use of territories.

## Administrative History

Effective date: January 15, 2007 (34:1 Md. R. 33)



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[^3]
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[^0]:    ${ }^{1}$ 19.1, 19.2, and 21.1 represent the actual lines on the insurer's annual statement where direct written premium is reported.

[^1]:    ${ }^{2}$ COMAR 31.07.03, Review of Automobile Rating Territories. See Exhibit 3.

[^2]:    Date Signature of Authorized Representative

[^3]:     2012 Private Passenger Automobile Insurers Filing

