A BILL TO BE ENTITLED
AN ACT TO PROVIDE FOR THE REPORTING BY THE DEPARTMENT OF INSURANCE OF CERTAIN AGGREGATE PROPERTY INSURANCE CONSENT TO RATE DATA, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON REGULATORY AND RATE ISSUES IN INSURANCE, AND TO REQUIRE INSURANCE AGENTS TO INVESTIGATE A POTENTIAL POLICYHOLDER’S DMV RECORDS PRIOR TO CHARGING A PREMIUM FOR AUTOMOBILE INSURANCE COVERAGE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-36-30 is amended by adding a new subsection to read:

"(b2) Notwithstanding subsection (b1) of this section, the Commissioner shall collect annually from all insurers and publish on the Department’s Web site no later than July 1 the following data aggregated across all insurers for each geographical rate-making territory:

(1) The percentage of policies for which a consent to rate has been obtained.

(2) The average difference between the approved premium and the consented premium.

The Commissioner shall designate the format and manner to collect the data to be published. Any non-aggregated data obtained by the Commissioner, including data identifying individual insurers or insureds, under this subsection is proprietary and confidential and is not a public record under G.S. 132-1 or G.S. 58-2-100. This subsection applies only to insurance against loss to residential real property with not more than four housing units."

SECTION 2. Article 33 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-33-107. Investigation by agent for premium accuracy.

With respect to new business and as part of the rating and underwriting of nonfleet private passenger motor vehicle insurance coverage, no insurer, agent, broker, or limited representative shall charge, demand, or receive a premium for any policy of coverage for nonfleet private passenger motor vehicle insurance before investigating and giving consideration to the potential policyholder’s accident and driving records as maintained by the North Carolina Division of Motor Vehicles."

SECTION 3. This act is effective when it becomes law, and the Department of Insurance shall publish the information required by Section 1 of this act by October 1, 2017.